

England's Economic Heartland – Integrated Sustainability Appraisal

Consultation response, by Planning Oxfordshire's
Environment and Transport Sustainably (POETS)

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POETS (Planning Oxfordshire's Environment and Transport Sustainably) is a small group of senior planning, environment and transport professionals and academics focussed primarily on planning and transport in Oxfordshire.

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Summary of Key Points

POETS commend England's Economic Heartland (EEH) for carrying out an Integrated Sustainability Appraisal (ISA) for a plan which currently has no statutory footing and that is not 'required'. However we have significant concerns about the ISA. These can be summarised as follows:

- a) There seems to have been limited, if any, integration of the ISA and the Draft Transport Strategy (TS), meaning that a significant opportunity to make the TS more sustainable has been lost.
- b) The ISA has not considered the full range of reasonable alternatives, particularly given the consistent themes running through the ISA scoping responses, again losing the opportunity to make the TS more sustainable.
- c) Neither the ISA nor any other published information gives any indication that the TS will achieve net-zero carbon emissions from transport no later than 2050.
- d) The Habitats Regulations screening report (Appendix G to the ISA) has not ruled out the possibility that the TS will have significant effects on the integrity of internationally important nature conservation designations. By law, the TS cannot proceed unless such effects are ruled out.

Failure to integrate the Integrated Sustainability Appraisal (ISA) and Transport Strategy (TS)

1. Article 8 of the SEA Directive requires that the environmental report (in this case the ISA), the opinions of statutory consultees and the public on the environmental report, and any transboundary consultations "shall be taken into account during the preparation of the plan... and before its adoption". Although the ISA contains many useful recommendations for how to make the TS more sustainable, there is no indication at this point that there was any 'taking into account' by the TS team. For example:
 - The ISA makes no reference to any **meetings** between the TS team and ISA team.
 - The ISA does not give a **timeline** of the development of the TS and preparation of the ISA, showing that the ISA timeframe allowed integration of the ISA findings into the TS.
 - There is no indication that the ISA **scoping stage** informed, or led to any changes in, the TS. The ISA (para. 3.3.4) states that "A five-week consultation on the scope of the ISA was undertaken... between 04 March 2020 and 08 April 2020. The full suite of responses... is provided in Appendix H, along with a comment on how they have been accounted for in the preparation of this ISA report." (Note that this does not say 'in the preparation of the TS'). Appendix H gives no indication that the TS was amended at all as a result of the scoping exercise, stating at best "Recommendations made for TS".
 - There is no indication that the ISA **alternatives stage** informed, or led to any changes in, the TS. The ISA assesses no alternatives to any ISA policy. Appendix C of the ISA assesses 19 transport corridors, but states only that "EEH will be using this assessment to help determine their future programme of corridor studies" (App. C para. 1.2.5).

- There is no indication that the ISA **assessment and mitigation stage** informed, or led to any changes in the TS. The ISA presents a table of useful mitigation and enhancement measures but introduces it by stating only that “The mitigation measures proposed in Table 5.5 *are designed to avoid or reduce the effects* [of the TS]”. Table 5.5 gives as ‘mechanism’ that the mitigation should be “Embedded into TS policies and narratives”, but gives no indication that this has actually been done. For instance, the table suggests that “All development must be protected from the effects of flooding... Embedded into TS policies and narratives”, but the words ‘flood’ and ‘flooding’ make no appearance in the TS.
2. All in all, this suggests that the authors of the TS have paid scant, if any, attention to the findings of the ISA. This is a shame because the ISA proposes many useful measures for improving the TS and the implementation of any projects flowing from the TS, particularly at Table 5.5. We hope that the final TS will, for instance, include an appendix of measures that any project listed in the TS should achieve. This could include favouring behavioural change and reallocation of existing space before identifying new land take; new development being resilient to climate change impacts including flooding; and requiring the use of tools/processes such as circular economy and CEEQUAL.

Limited consideration of reasonable alternatives

3. The SEA Directive states that the environmental report/ISA must identify, describe and evaluate the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives, and must also provide an outline of the reasons for selecting the alternative dealt with (Article 5.1 and Annex 1h). Generally these requirements are interpreted as meaning that the report must
 - identify reasonable alternatives,
 - assess and compare them on an equal footing, and
 - explain the reasons for selecting the preferred alternatives.

The ISA has done none of these.

4. This ISA states that it has assessed policy alternatives in the form of iterations to the TS policies; and spatial alternatives through 19 corridor studies. However it provides no evidence of policy alternatives (it only shows the assessment of the current TS policies); and the description of corridors in the main report and at Appendix C is riddled with qualifiers (the geographies, naming and scoping of the corridors are likely to change, corridors are indicative, they follow general transport patterns etc.), suggesting that these are symbolic rather than actual alternatives.
5. The ISA does not identify or assess the impacts of other reasonable alternatives, for instance alternatives suggested by consultation responses to the ISA scoping report. These include road pricing and other ‘sticks’, car sharing, giving greater emphasis to reducing the need to travel, rejecting the development of new transport infrastructure, or a faster and stronger push towards reducing carbon emissions.
6. The ISA does assess the impacts of the 19 corridors and nicely summarises this at Table 5.3. However it makes no attempt to compare them. For instance Table 5.3 suggests that the Peterborough-Northampton-Oxford corridor seems to have many more constraints than, say, the Watford-Aylesbury-Bicester-M40 corridor. Is this correct? Does the assessment suggest that any corridors should be brought forward first or ruled out?
7. Finally, the assessment does not explain what the preferred alternatives are and why they have been chosen.

Achievement of net-zero carbon emissions by 2050

8. Given that the first of only four key principles for the TS is achievement of net-zero carbon emissions from transport no later than 2050, it is surprising that neither the ISA nor any other study seems to have assessed whether the TS will, or even can, actually achieve this.
9. Neither the TS nor the ISA clarifies whether the net-zero includes aviation. The TS supports 'physical global connectivity' and improved surface access to the region's airports, so one could expect that it does. However even optimistic analyses¹ suggest that aviation will struggle to significantly reduce its carbon emissions by 2050, much less achieve significant cuts.
10. The TS and ISA seem to assume that electric vehicles have no carbon emissions. They do, but not where the transport activity takes place. The manufacture of electric vehicles (and particularly their batteries) has significant carbon impacts², as does the production of electricity if it is not from renewables (and even then the production of the renewable technologies may well have carbon impacts).
11. Neither the TS nor the ISA makes any attempt to back-cast: to take the 'net-zero emissions' as an aim for 2050, and determine what is needed (and when) to achieve that aim. Given the urgency of climate change, and the difficulty that we are having in achieving the requisite cuts to carbon emissions to reduce climate change, **arguably the TS/ISA's greatest 'value added' to transport planning in the EEH region would have been to model carbon emissions under various scenarios, or carry out back-casting, to determine what is needed and possible.**
12. Certainly the TS seems to support its third and fourth principles – connecting people and businesses to markets and opportunities, and enabling efficient movement of people and goods – much more strongly than its first principle.

The Transport Strategy may well breach Habitats Regulations

13. Our submission about the ISA scoping report already identified this as an issue. Articles 6.3 and 6.4 of the Habitats Directive process are very precautionary, rightly so, since they protect internationally important sites of nature conservation importance. As Appendix G to the ISA correctly notes, European guidance divides the requirements of Article 6.3 into Stage 1 screening and State 2 appropriate assessment. If Stage 1 screening cannot show that significant effects on SPAs, SACs and Ramsar sites ('European sites') are unlikely, then the assessment must proceed to Stage 2. There is no exception for a plan's 'regional nature' or 'strategic nature'. We note from Appendix H to the ISA that "recommendations [were] made to the TS" about this matter in response to our earlier submission.
14. Appendix G of the ISA concludes that "given the regional nature of the Transport Strategy, it has not been possible to rule out likely significant effects. It will only be possible to undertake this level of assessment once specific projects are proposed" (para. 5.1.2). However many aspects of the TS are perfectly specific and thus assessable, for example:
 - Policy 7: "...delivery of the East West Rail project (including its Eastern Section), with the expectation that Phase 2 of the Western Section is open from Oxford-Bedford by 2024..."

¹ E.g. <https://www.mckinsey.com/industries/travel-logistics-and-transport-infrastructure/our-insights/how-airlines-can-chart-a-path-to-zero-carbon-flying#>

² E.g. <https://www.carbonbrief.org/factcheck-how-electric-vehicles-help-to-tackle-climate-change>

- Policy 18: “... develop a long-term solution to the challenges of the A1 (East of England) corridor”
 - Policy 24: “... support the development and delivery of high-quality, segregated mass transit systems [in] Cambridge (the Cam), Milton Keynes, the A414 corridor in Hertfordshire”
 - Policy 28: “... improved interchange and connectivity [to Heathrow Airport] via the Old Oak Common transport hub, and through delivery of Western Rail Access to Heathrow”
15. Appendix B of Appendix G is also perfectly specific about the likely impacts to European sites, for example:
- “The North-South connections (A1 region), London – Stevenage – Cambridge – Ely is located within the [Wormley – Hoddesdon park Woods SAC]... there may be impacts through acidification and deposition as a result of increased road traffic and/or development of transport infrastructure”
 - “The London – Stevenage – Cambridge – Ely corridor and Hemel Hempstead – Hatfield – Harlow is located within the [Lee Valley Ramsar site]. There may [be] direct impacts / disturbance of key species [and] impacts through acidification and deposition as a result of increased road traffic”³
16. And Table 5.3 shows that 15 of the 19 corridors run within 2km of an SPA, SAC or Ramsar sites, suggesting that the appraisal (and TS?) team have a good idea of possible locations of future projects.
17. The whole point of carrying out HRA at the plan level is to ensure that plans do not include projects that will subsequently not be able to be developed because of their impacts on European sites. Where the screening stage identifies possible significant impacts, the appropriate assessment stage needs to show that it is possible to proceed at the project level without significant impacts, given adequate avoidance and mitigation measures. In this case, the ISA has shown that there is the possibility of significant negative impacts on European sites, and has not done a subsequent appropriate assessment to determine whether the plan could manage to proceed without ‘in combination’ impacts. This is not in accordance with Article 6.3 of the Habitats Directive.

³ n.b. The assessment seems to have missed out the Oxford Meadows SAC which would be affected by any changes to the A34 and A40 (Policy 33).