

Thames Strategy East -Public Consultation draft (February 2005)
Comments by CPRE Thames Gateway
June 2005

Introduction

1. CPRE Thames Gateway is a consortium of CPRE London, Kent and National Office. We are grateful for the opportunity to contribute further to the development of *Thames Strategy East*. CPRE is generally strongly supportive of the Government's plans to help meet the housing and employment needs of south-eastern England through urban regeneration in the Thames Gateway. We have contributed actively to the public policy debate over the past 2 years in particular, focusing on the delivery of the Government's Sustainable Communities Plan. In June 2004 we published *Thames Gateway: making progress*, which addressed a range of issues affecting the ability of local planning authorities (LPAs) to promote the re-use and most efficient use of urban brownfield land, and we are currently engaged in the reviews of regional planning guidance in the South East and Eastern Regions.

2. Our aspirations for the Thames Gateway include the creation of a high quality urban environment with a flourishing local economy set within a high quality landscape. This is entirely consistent with the aspirations set out in the draft *Thames Strategy East* ('the draft'). Indeed, we find almost nothing in the draft with which we would wish to take issue. The scope of the document and its target audience (which includes national Government) are appropriate and well thought through and we do not wish to suggest any expansion of either.

3. The comments below essentially comprise a number of specific suggestions as to how the aspirations and objectives set out in the draft may be taken forward by the target audience of *Thames Strategy East*. They also provide an analysis of the current policy background. This analysis is given in order to support our recommendations and also to highlight various issues that could usefully be noted in the final *Thames Strategy East* document.

Design quality

4. The draft clearly promotes high quality in the design of housing and the urban environment and we see this as a crucial element of creating a socially and economically successful place. In particular, to work well and be acceptable to the local community, high density residential and mixed use developments require careful attention being paid to design quality, both in respect of individual buildings and the layout of developments. Good design will be important if higher income earners and higher skilled individuals are to be attracted to live in the Thames Gateway, and is therefore crucial for the economic prospects of the area.

5. PPS1 '*Delivering Sustainable Communities*' requires LPAs to reject applications for poorly designed developments and CPRE has strongly welcomed this. We also welcome the Government promoting the Design Champion model among public agencies and LPAs. PPG3 '*Housing*' places a considerable emphasis on securing well designed residential developments of the highest standard.

6. We welcome the fact that achieving good quality design - and rejecting poor quality - is becoming increasingly 'hard-wired' into the planning system such that procedures that favour good design become the default option. This approach would be greatly enhanced by some mechanism that ensures that poorly designed developments can be rejected by planning

authorities and – crucially – ensures that those decisions can survive the appeal process. We therefore greatly welcome the fact that ODPM has indicated its interest in establishing some form of ‘quality threshold’ for the Thames Gateway.

7. The ODPM Select Committee has recognised the importance of the quality of new build in the Thames Gateway being carefully monitored by central Government. It recommends that CABE is tasked to take on this role:

‘The design quality of the new housing in the Growth Areas in the South East will be crucial to the long term success of the programme. With the Government’s urgency to boost housing development and the use of offsite manufacturing, there is a danger that design quality will suffer. CABE should be monitoring very carefully the design quality of the new housing, particularly those built using offsite manufacturing.’¹

8. CABE itself has also identified excessive priority being given to highway design and car-parking as a major factor in poorly designed residential developments. Likewise, the ODPM Select Committee noted that:

‘Rigid highway standards and design guidance are inhibiting the implementation of the aspirations in PPG3 to create well designed neighbourhoods. New highway standards and guidance are urgently required which are more flexible to allow architects and planners to draw up designs to fit a particular locality.’²

9. These issues may be addressed in the forthcoming revised guidance on highway design.

Home Zones

10. Home Zones make an enormous contribution to the quality of life and therefore, potentially, to the attractiveness of the Thames Gateway as a place to live. There is a need to consider incorporating the principles of Home Zones into residential developments at the masterplanning stage. Retro-fitting Home Zones into established residential areas can sometimes be too costly to be an attractive option for local authorities.

Consultation

11. Better and more pro-active consultation with local communities can be an effective way of encouraging good design. *Enquiry by Design, Planning for Real* and the preparation of Village Design Statements, for example, are procedures that have been shown to produce a beneficial outcome.

12. **Recommendations (Design quality)**

Thames Strategy East should urge ODPM to pursue the notion of a design ‘quality threshold’ for the Thames Gateway. The CABE-sponsored Building for Life award

¹ House of Commons ODPM Housing, Planning, Local Government and the Regions Committee. The Role and Effectiveness of CABE. Fifth Report of Session 2004–05. March 2005. Paragraph 68.

² ODPM Housing, Planning, Local Government and the Regions Committee. *Planning for Sustainable Housing and Communities: Sustainable Communities in the South East*. Eighth Report of Session 2002-03. Recommendation (r).

criteria may provide the basis of such a test. An appropriate standard would encompass consideration of the local context, and standards of construction, attractiveness of design and layout, access to amenities, incorporation of green open space, and managing the impact of electricity distribution systems.

RPBs and the Mayor of London should emphasise the significance of ensuring good design in helping to deliver regeneration objectives by confirming that the following initiatives should be adopted in respect of development in the Thames Gateway, including through appropriate policies in RSS and LDFs:

- Design coding
- Development briefs
- Concept Statements
- Village or Town Design Statements
- CABE's Design Quality Indicator (DQI) assessment
- *Planning for Real and Enquiry by Design*
- Home Zones

The Government should:

- confirm that all public sector funding bodies agencies (for example, the RDAs and UDCs) will make their contribution conditional on the highest standards of design;
- commit to overseeing an audit of the design skills available among local authorities in the Thames Gateway and encourage the regional centres of excellence to address any shortcomings that are identified;
- encourage LPAs - possibly in collaboration with each other - to create a 'design advisory panel' which would have statutory consultee status and which would be required to offer an opinion on the design quality of every significant development proposal, including at the early stages of plans being drawn up;
- confirm that it will give LPAs additional incentives to put design frameworks in place through the Planning Delivery Grant; and
- require CABE to undertake systematic monitoring of the quality of all significant new development in the Thames Gateway and publish results of that monitoring on an annual basis.

The River Thames and its tributaries

13. The river is the most significant distinguishing feature of the Thames Estuary, defining the landscape and historical/industrial character of much of the area, providing an important recreational resource, and contributing to a 'sense of place'. Within urban areas, the river environment also has value as a public transport corridor (including walking along the riverside) and as a key element in achieving attractive redevelopments in urban areas. These functions are under threat from inappropriate development that is too close to the water's edge, causes the loss of wharves or unnecessarily restricts public access.

14. The Government's strategy for the Thames Gateway - *Sustainable Communities: Delivering the Thames Gateway*³ - states that the Government aims to:

'ensure that access to the rivers is extended so that many more people have the opportunity to use the river for leisure and transport'

15. **Recommendations (The River Thames and its tributaries)**

The Mayor of London, RPBs and LPAs should:

- **include in development plans policies that strongly discourage any development within 50 metres of the edge of the River Thames that does not require a riverside location; and**
- **undertake to publish and keep updated a map indicating where public access to the water's edge is currently possible and currently not possible and where, they believe, public access could and should be improved.**

Flood defence

16. The increasing risk of severe tidal flooding associated with storm surge in the Thames Gateway has received a great deal of media attention and has generated a great deal of public concern. Concern has also been expressed by the Environment Agency about the increasing risk of fluvial flooding, exacerbated by an increase in the area of land covered by impermeable surface. Large areas of the defences in Kent and Essex may be in need of renewal and enhancement. The Association of British Insurers (ABI) has been particularly vocal, making it clear that the issue is real and that it could undermine the delivery of new housing in the Thames Gateway on the scale that the Government intends⁴. It also indicates that the true condition of some flood defences may be unknown and the poor condition of some 5% of tidal defences is such that they require urgent attention.

17. Flood risk should be managed responsibly so as to enable development to take place in urban areas while avoiding development outside urban areas. We accept that much of the Thames Gateway benefits from some of the highest standards of flood defence anywhere in the UK and the Government takes the view that the five 'strategic development locations' are adequately protected against tidal flood risk (i.e. capable of withstanding tidal flooding at a level likely only once in one thousand years⁵).

18. However, despite the Government's policy, there is an unfortunate history of flood risk apparently being overlooked in the Growth Areas. The House of Commons Environmental Audit Committee reported that:

'the Environment Agency has raised concerns with us about the level of development that will be at high risk of flooding in the South East as a result of the SCP [the Communities Plan]. It told us that of the 2,811 planning applications to which it objected in 2003 and

³ ODPM, March 2005.

⁴ ***Making Communities Sustainable. Managing flood risk in the Government's Growth Areas. Summary Report.*** ABI, February 2005.

⁵ *Creating Sustainable Communities - Making it Happen.* ODPM, July 2003.

*for which it knows the outcome, 323 were permitted by local planning authorities against the Agency's advice. Of these at least 21 were major developments.'*⁶

19. On the face of it, this record is likely to undermine public confidence in the Government's determination to take the risk of flooding seriously and could lead to inappropriate development outside of urban areas. The Environment Agency's flood risk management strategy⁷ will not be published before 2008 and, in the meantime, there is serious doubt - at least among the public - that the Government's housebuilding programme in the Thames Gateway is deliverable within the constraints of responsible flood risk management.

20. PPG25 - *Development and Flood Risk* requires lower flood risk areas to be prioritised above higher risk areas⁸ for development purposes. Despite the fact that this is intended to take place within the context of the sequential approach set out in PPG3, there is a risk that these policies may be undermined through areas of lower flood risk outside urban areas being prioritised for development in an attempt to avoid the need to enhance flood defences. These dangers are especially real in Kent and Essex where the choice of greenfield sites is greater than in London.

21. CPRE therefore welcomes the proposal for a Flooding Direction in cases where local authorities are minded to approve major developments despite Environment Agency objections. By providing the Secretary of State with the opportunity to intervene, the Direction should help the Government to realise its policies for countryside protection and urban regeneration by helping to stop development outside urban areas. Within urban areas, however, consistent with PPG3, it will be important that the Direction results in decisions that reflect the concept of balanced risk management, rather than seeking to avoid risk altogether by overlooking the potential of urban areas to accommodate new development.

22. Recommendations (Flood defence)

***Thames Strategy East* should urge the Government, in the forthcoming review of PPG25, to:**

- **re-emphasise and make explicit that the sequential approach set out in PPG25 is intended to be operated within the context of the sequential approach set out in PPG3;**
- **promote the concept of balanced risk management so as to enable development to take place on previously developed urban sites; and**
- **encourage RPBs and LPAs to take a strong stance against the provision or enhancement of hard flood defences that would merely facilitate the development of land beyond existing urban areas. Where additional hard flood defences outside of urban areas are proposed, the case for them should not rest on the value of any additional land made available for development. For example, any cost/benefit analysis of the scheme should not take account of**

⁶ House of Commons Environmental Audit Committee. *Housing: Building a Sustainable Future*. First Report of Session 2004–05 Volume I. Para.71.

⁷ Thames Estuary 2100.

⁸ A sequential approach is set out in paragraph 30 and Table 1 of PPG25.

resultant rises in land values arising out of increased developer interest and should not assume that developer contributions may be forthcoming in due course.

The Government should also:

- **incorporate flood resilience into the Code for Sustainable Buildings; and**
- **as recommended by the ABI, ascertain, as a matter of urgency, the true condition of flood defences where this is unknown.**

RPBs, the Mayor of London and LPAs should provide for open space throughout the Thames Gateway and beyond to incorporate water bodies such as lakes and ponds for the collection and storage of rainwater that could then be used to supply grey water systems and/or drinking water sources. Wetlands should be used to collect runoff - thereby also helping to mitigate flood risk and local authorities should ensure that this is promoted through the Green Grid initiative.

The historic environment

23. The draft clearly recognises the importance of protecting and enhancing the historic environment. The strength of character of an area promotes social and economic benefits by helping to create a sense of place, civic pride and a sense of belonging, and by attracting people and businesses. The Government's strategy recognises that culture can be a key driver in sustainable regeneration of communities and CPRE maintains that the historic environment is an important part of an area's cultural identity.

24. Recent research by English Heritage has challenged the presumption that the Thames Gateway is a barren wasteland devoid of character. The area's historic environment includes evidence of prehistoric settlements, ancient landscapes, military fortifications, historic towns, traditional agricultural practices and industrial remains. There are also numerous examples of the 'remarkable everyday' in local features such as street furniture (e.g. cattle troughs, lamp-posts and milestones), ironmongery and numerous minor architectural features, all of which contribute to local character and require protection. It is important to note that it is not only those elements of the historic environment that have received statutory designation that make a valuable contribution to the character of an area.

25. That historic environment is, however, under threat from inappropriate development. We welcome the fact that the Government is addressing the need to protect the historic environment of the Thames Gateway, but, despite the fact that the Government's strategy identifies one of the Government's key principles as being '*to preserve and enhance the Gateway's environmental and cultural heritage*', it says very little about how that heritage will be identified and protection achieved.

26. Nevertheless, the Government's current review of heritage protection legislation has identified a number of areas for improvement to the current system. It accepts that the historic environment '*is a contributor to overall quality of life*' and makes an important contribution to economic and community regeneration⁹. It accepts that its protection will be

⁹ ***The Historic Environment: A Force for the Future*. DCMS, 2001.**

a vital part of RSS, requiring authorities to make protection a key plank in their Community Strategies¹⁰. This has provided a useful basis for the idea of a ‘new kind of national park’ for the Thames Gateway promoted by architect Sir Terry Farrell, with support from Demos, English Heritage and CPRE. CPRE believes this idea might best be carried forward through the establishment of a new regional park authority. Such an authority will be able to coordinate and facilitate the delivery of the initiatives set out in *Creating sustainable communities: Greening the Gateway*¹¹.

27. Effective public engagement is necessary in order to find the best way to take forward change in an area in a way that protects that which people value. Although reaching people and facilitating communication requires specialist skills and experience, there is a large network of organisations and practitioners, many of whom work closely with local and regional arts and voluntary networks.

28. Recommendations (The historic environment)

As recommended by the Government¹², LPAs should:

- appoint champions for the historic environment within their management structures;
- ensure that elected members have access to training in respect of the historic environment; and
- use community strategies to address the role of the historic environment in promoting economic, employment and educational opportunities.

In order to help provide real protection for the historic environment through the planning system, LPAs should engage with the process of characterisation at a local level, and involve the public in so doing. The following area characterisation tools should be considered for collecting information to be used to inform the development plan policies:

- Historic Landscape Characterisation
- Landscape Character Assessment
- Natural Areas
- Conservation Area appraisals
- Town Design Statements
- Market Towns Health check
- Village Design Statements
- Neighbourhood regeneration appraisals
- Area appraisals e.g. Conservation Area Appraisals
- Development design tools e.g. *Enquiry by Design*
- Farm audits
- Community design tools e.g. *Planning for Real* and *Placecheck*

LPAs should require all draft plans and planning applications to be subject to appraisal against policies for protecting and enhancing the historic environment. Those policies

¹⁰ *Review of Heritage Protection: The Way Forward*. DCMS, June 2004.

¹¹ *Creating sustainable communities: Greening the Gateway. Implementation Plan*. ODPM, Feb. 2005.

¹² ***The Historic Environment: A Force for the Future***. DCMS, 2001. Paragraph 1.3.

should be backed up by the recognition of its importance in creating a sense of place and a sense of cultural identity; and

LPAs should ensure that there is effective public engagement in order to protect that which people value. For example, they could consult with Association of Heritage Interpretation and national, regional and local organisations (such as the Architecture Centres Network) dedicated to promoting community involvement in discussions about the fate of their area.

Landscape

29. Low expectations have allowed a lack of good landscape management policy to harm the image of the Thames Gateway, for example as a result of the proliferation of overhead power lines, landfill sites and power generation industry. A degraded landscape is likely, in turn, to seriously harm the ability of the area to attract inward investment and therefore undermine the employment prospects of its population, exacerbating the cycle of social and environmental decline.

30. Through the Communities Plan, the Government has stated that its response to the challenge of ‘sustainable growth’ is:

‘to ensure that the built environment in new and expanded communities is of a high quality, and the surrounding countryside is protected and enhanced.’¹³

and the Government’s strategy states that:

‘The Government believes that communities are more successful and enjoy a better and healthier quality of life if they have easy access to an attractive and well designed and managed green environment which is rich in biodiversity.’

31. The Government’s principal initiative to address this issue is *Greening the Gateway*, which reveals an appreciation of the importance of protecting and enhancing the landscape and urban green space. CPRE welcomes many of the commitments contained in the implementation plan that accompanies that report. In particular, we welcome the target that all local authorities in the Thames Gateway should have greenspace strategy in place by 2008. Maintaining and improving the quality of the landscape, including through policies that enhance biodiversity, needs to become a more important consideration in planning policy. A new regional park authority for the Thames Gateway, as proposed below, would serve to promote this objective.

Overhead power lines

32. The existence of numerous overhead power lines throughout the Thames Gateway has a significant detrimental effect on the image and attractiveness of the area. Designing residential areas so as to minimise the visual intrusiveness of overhead power lines is not, in itself, an adequate solution. It is not clear that the scope for using s.106 agreements to help pay for undergrounding has been adequately explored, nor that the uplift in property values

¹³ *Sustainable Communities: building for the future*. ODPM, February 2003. Chapter 5.

arising out of the environmental improvement achieved through undergrounding has been adequately taken into consideration.

33. Recommendations (Landscape)

LPAs, RPBs and the Mayor of London should confirm that effective protection and management of the landscape is an important factor in promoting the regeneration of the Thames Gateway.

All LPAs in the Thames Gateway should, in collaboration with the Countryside Agency, undertake a Landscape Character Assessment (LCA) and produce landscape action plans in order to identify potential landscape and other environmental constraints on development. In exclusively urban areas, LCA should focus on the urban landscape ('townscape') and protecting views of the landscape within which they are set.

RPBs, LPAs, RDAs and LDVs should adopt policies to avoid a net loss of biodiversity in rural areas, to actively pursue opportunities to achieve a net gain in biodiversity across the Gateway, and to avoid damage to locally important wildlife sites, geological sites and ancient woodlands and their settings. The Government should ensure that these policies are taken forward in the operational plans of the Environment Agency and the Countryside Agency (and, in due course, the new integrated agency).

LPAs should adopt policies in LDFs that will ensure that, in cases where damage is unavoidable, planning conditions or planning obligation will provide for mitigation and compensation.

LPAs should ensure that opportunities for enhancing biodiversity are identified in LDFs.

LPAs, RPBs and the Mayor of London should ensure that, with regards to any development proposal that may harm internationally important sites, the decision-making processes set out in international and national law will be rigorously applied.

LPAs, RPBs and the Mayor of London should ensure that, as far as is feasible, all existing overhead power lines in the Thames Gateway will be 'undergrounded'. All new power lines should be undergrounded. The costs will be offset to some extent by the reduced power losses in the network as compared to overhead lines.

Funding mechanisms

34. The draft touches on the issue of capital and revenue funding and 'value capture'. The need for a new fiscal mechanism to extract some of the windfall gain arising out of the granting of planning permission or public investment in infrastructure has become the subject of an increasing amount of discussion recently, especially in relation to the Communities Plan. The Communities Plan identifies the wider issue of value-capture¹⁴ but is somewhat vague as to a convincing mechanism for achieving this.

¹⁴ *Making it happen: Thames Gateway and Growth Areas.* ODPM, July 2003. Paragraphs 47-50.

35. There appears to be a commonly-held belief, however, that development taxes are unlikely to work because they have been tried several times in the past and have ‘failed’. This notion has been authoritatively challenged¹⁵ and should not be allowed to undermine the Government’s determination to develop a workable development tax for appropriate sites. Nevertheless, the proposal for a ‘planning gain supplement’ put forward by Kate Barker should be treated with caution because she appears to take the view that its usefulness depends on the implementation of her proposals to radically alter the nature of the planning system from being policy-led to being market-driven¹⁶. Indeed, all such taxes which depend on the value of land increasing as planning permission is granted can potentially give LPAs a perverse incentive to grant planning permission on greenfield sites (from which the uplift in value is likely to be greatest) that would otherwise not be considered appropriate for development. If greenfield development in the Thames Gateway is to be very limited - as CPRE argues that it should be - then the potential for a tax on the uplift in land values to yield adequate revenue would also appear to be limited.

Site assembly and remediation

36. The greater the rate at which urban brownfield land can be brought back into a developable state, the quicker new housing can be provided on those sites, and the more effectively the pressure for greenfield development can be resisted. In order to maximise that rate, however, significant expenditure may be required in site acquisition and assembly (including use of CPO) and remediation. Where net profits are marginal, the private sector may be reluctant to energetically pursue development and there is therefore a role for the public sector to undertake the required investment (albeit perhaps through a joint venture with the private sector such as through a public/private partnership).

37. ‘Value capture’ can be achieved through taking land into public ownership (or undertaking a joint venture), preparing it for redevelopment (including through site assembly and remediation) and then re-selling to developers (or the private sector partner in a joint venture). Public ownership of land offers the very significant additional benefit of allowing the characteristics of the development (e.g. design quality and mix of house sizes) to be more reliably determined in accordance with Government aspirations. It should be possible for a public-sector-owned rolling fund to be maintained which grows as a result of the profits secured through the disposal of land holdings. English Partnerships is already doing this in other parts of England (such as the East Midlands coalfields) but there is no equivalent for the Thames Gateway, despite it being a national regeneration priority.

38. **Recommendations (Funding mechanisms)**

Thames Strategy East should urge the Government to:

- **develop a new tax for capturing the uplift in value created by the granting of planning permission and investment in infrastructure and for re-directing that revenue towards the additional local costs levied on the public purse created by**

¹⁵ *A review of development land taxes since 1947.* Wyndham Thomas CBE, Vice President of the Town & Country Planning Association. *Building Sustainable Communities: Capturing land development value for the public realm.* Ed. Peter Bill. Smith Institute, 2004.

¹⁶ *The political and economic case for a planning gain supplement.* Kate Barker. *Building Sustainable Communities: Capturing land development value for the public realm.* Ed. Peter Bill. Smith Institute, 2004.

population expansion in the Growth Areas. However, any such tax should be closely linked to the objectives of the policies set out in development plan documents and should not be applicable where it would act to undermine the sequential approach to development. The Government should acknowledge that the potential of such a scheme in the Thames Gateway may be limited in view of the limited potential for greenfield development; and

- **initiate an ambitious programme for capturing the increase in value created by public investment in site acquisition, assembly and remediation, and directing the funds generated into further investment of the same kind in the Thames Gateway.**

CPRE Thames Gateway

June 2005