

From: <janet.mackinnon@tiscali.co.uk>
To: <pin.gregory@communities.gsi.gov.uk>
Date: 30/10/2006 15:32:01
Subject: TGB - Need for SEA (& Sea) Changes

Dear Mr Gregory

Re : Thames Gateway Bridge - Post Inquiry Submissions

I have been given your contact details by Ms Jenny Bates of Friends of the Earth for matters relating to the Thames Gateway Bridge Public Inquiry, which have arisen since this closed.

In my evidence to the TGB Public Inquiry about this time last year, I argued that Transport for London (TfL) should have provided a Strategic Environmental Assessment (SEA) for their proposal in order to demonstrate, amongst other things, that a full "Options Appraisal" (including appropriate public consultations) had been undertaken.

The best explanation that I've found of how the European Union Strategic Environmental Assessment Directive takes effect in member states is in an article in the August 2004 edition of the Journal of Planning Law (JPL). The article is TGB inquiry document 4237/7. I mention this because, although the British government has produced its own guidance on the implementation of the SEA Directive, it seems that use of SEA to date has been somewhat "optional".

Thus TfL, for instance, have incorporated SEA into their work on behalf of the Mayor of London into the proposed introduction of a "Low Emissions Zone" for the Greater London area (published in July 2006), but not in relation to a road-based river crossing in East London which, on their own evidence, would add significantly to local air pollution.

Returning to the JPL article, this excellent account of "The Environmental Assessment of Plans and Programmes" by Jonathan Robinson and David Elvin QC states in its opening paragraph that SEA :

"...fills the gap not covered by the environmental impact directive 85/337/EEC in requiring the transparent assessment of the likely environmental effects of the hierarchy of plans and programmes which have a strategic role in directing not only development but other interventions in the environment".

The potential application of SEA is therefore very wide indeed. Moreover, just because SEA has been conducted at one level of plan development, does not preclude its use at a "lower" level of specificity.

With regard to the TGB, SEA is a statutory requirement for the East London Sub-Regional Development Framework, the planning context most relevant to the assessment of options for improving cross-river transport access. However, at the time of the TGB Public Inquiry, progress on the development framework (not yet subject to SEA) lagged behind that of the proposal before the inquiry

: one reason for arguing that promotion of the TGB is premature.

In this type of situation, it is usual for the promoter of a particular scheme to argue that this cannot be delayed because the planning context is evolving, and this is what happened. Equally, it could be argued that TfL's case for the TGB was also evolving : one of the main reasons an inquiry predicted to last 4-6 weeks went on for nearly a year.

I understand that the TGB Inquiry Planning Inspectors are to submit their report to the Department for Communities and Local Government (DCLG) very soon. DCLG is now the "custodian" of planning and, therefore, the use of Strategic Environmental Assessment. My recommendation, which I put to the Inquiry, is that TfL return to the "Options Stage" in considering additional cross-river transport access in East London. In other words, I'm looking for a SEA change.

A "sea change", as regards reduction of emissions contributing to global warming, also seems to be called for in the report published today by Sir Nicholas Sterne on behalf of the Government. Appropriate transport planning will, I'm sure all will agree, have a key role to play in any set of measures to reduce such emissions.

In addition to this email, I am in the process of writing to the Treasury (economic development review) and that part of DCLG responsible for the review of "Housing and Regeneration", so I shall be copying you my submissions as these will have make reference to the TGB as an example of unsustainable development and regeneration "planning".

Your sincerely

Janet Mackinnon

Studio 208
79 Friar Street
Worcester
WR1 2NT UK

Tiscali Unlimited Broadband with FREE weekend calls only 12.99:
<http://www.tiscali.co.uk/products/broadband/>

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit www.cctmark.gov.uk

From: <janet.mackinnon@tiscali.co.uk>
To: "economicdevelopmentreview"
<economicdevelopmentreview@hm-treasury.x.gsi.gov.uk>
Date: 03/11/2006 11:18:50
Subject: RE: Regeneration & Economic Development Reviews

To Ms Helen Griffiths, Review of Sub-National Development and Regeneration,
H M Treasury

cc. Mr Peter Bloomfield, DCLG & Mr Pim Gregory, DCLG

Please find attached my submission to the H M Treasury Review.

Your sincerely

Janet Mackinnon

Studio 208
79 Friar Street
Worcester WR1 2NT

>-- Original Message --

>Subject: RE: Regeneration & Economic Development Reviews
>Date: Tue, 17 Oct 2006 09:20:46 +0100
>From: "economicdevelopmentreview"
> <economicdevelopmentreview@hm-treasury.x.gsi.gov.uk>
>To: <janet.mackinnon@tiscali.co.uk>,
> <Peter.Bloomfield@communities.gsi.gov.uk>
>Cc: "economicdevelopmentreview"
> <economicdevelopmentreview@hm-treasury.x.gsi.gov.uk>

>Dear Ms Mackinnon,

>Many thanks for you e-mail. It would be helpful if you could submit any
>comments

>to the sub-national economic development and regeneration review within
>the

>next 3 weeks. There will also be further opportunities to comment following
>the Treasury's Pre-Budget Report this autumn.

>Many thanks,

>Helen Griffiths

>Review of sub-national economic development and regeneration
>HM Treasury

>-----Original Message-----

>From: janet.mackinnon@tiscali.co.uk
>[mailto:janet.mackinnon@tiscali.co.uk]
>Sent: 16 October 2006 15:40

>To: Peter.Bloomfield@communities.gsi.gov.uk
>Cc: economicdevelopmentreview
>Subject: Regeneration & Economic Development Reviews

>
>
>Dear Madams/Sirs

>
>As I understand, 2 government reviews are underway :

>
>Housing and Regeneration Review (by DCLG)
>Economic Review (by Treasury)

>
>Please could I submit the following extract from Boris Johnson's website
>to these, and could you let me know how much longer I have to submit
>comments.

>A reply would be very much appreciated.

>
>Kind Regards

>
>Janet Mackinnon

>
>Ed Balls and Yvette Cooper - Boundary Commission
>September 14, 2006 | 309 comments | Print this page
>This archived post, made by Boris Johnson's Office, is filed under the
>articles
>category. Currently the post has three hundred and nine comments.

>
>"The best thing Yvette can do is stop forcing houses on the South and let
>the market work, so that people seek cheaper accommodation in places like
>West Yorkshire"

>
>Head oop North and save the golden couple's marriage

>
>It is a tough time for Ed and Yvette, the nearest thing the Government has
>to a golden couple. You remember who I mean. He is Ed Balls, the Chancellor's
>jut-chinned henchman; she is Yvette Cooper, the elfin housing minister who
>reduces the Tories opposite to pathetic simpering croons.

>
>They are the kind of dynastic union that Hollywood used to produce - the
>closest the Yorkshire Parliamentary Labour Party has yet come to Bogart
>and

>Bacall. Apart from the ghastly, bossy, high-taxing politics they both
>espouse,

>they are as charming and fortunate a pair as you could hope to meet in
>Westminster.

>But now their union - this marriage of minds and hearts - has been struck
>by tragedy.

>
>In a touching gesture, the Labour high command gave them exactly what they
>>wanted: not matching pillow cases, not his 'n' hers electric toothbrushes;
>no, they were given two lovely safe Labour seats, side by side, his in
>Normanton

>and hers in Pontefract, and across the land all piously assented. Those
>whom

>the Labour fixers had put together, groaned the congregation, let no man
>put asunder; and no man dared, until the Boundary Commission came along.

>

>These grim mathematicians have worked out that West Yorkshire's population
>is declining by comparison with other parts of the country. The place does
>not need 23 MPs. It can manage quite happily with 22, and Ed Balls has been
>wiped off the map.

>

>Now you might have thought that this was the kind of well-deserved reverse
>he would take in his stride. Being a man of supreme confidence, and, indeed,
>balls, you would have thought that Ed would dust himself down and take
himself

>off to some other part of the country, whence to join his wife in Parliament.

>

>But the funny thing is that Ed is making a terrific fuss, and together with
>Yvette and two other Labour MPs he is taking the Boundary Commission to
court,

>to preserve Noxanton and his right to sit in a seat adjacent to his wife.

>

>Should we wish him well in this hugely romantic gesture? Should we support
>the two Ballses' bid to continue their dominion of West Yorkshire? I think
>not.

>

>In fact this legal action has all the makings of a serious scandal. As is
>well known, Labour already has far more seats than it deserves.

>

>Partly this is because people not unreasonably flee from seats represented
>by Labour MPs to seats represented by Tories, so the population of many
Labour-held

>areas is actually going down at a time of strong population growth. The
population

>of Scotland is expected to fall by

>

>10 per cent over the next 35 years; the North-East is expected to lose two
>per cent, and the same kind of attrition can be seen in the Labour heartlands
>of Merseyside and Hull.

>

>And yet the allocation of seats has notoriously failed to match the changing
>demography, so that Labour tends to have loads of small seats (Hackney South
>and Shoreditch has 57,204 electors, compared with 103,480 for the Tory Isle
>of Wight), and Tory MPs need about 4,000 more votes to get to Westminster
>than Labour MPs.

>

>That was why the Boundary Commission sucked its teeth when it came to the
>Balls family stitch-up in Yorkshire, and decided, in the name of democracy,
>that one Balls must be dropped. How can Ed, a man of dignity and principle,
>even think of contesting this essential revision? The answer, I fear, is
>that he is being encouraged by his mentor, Gordon Brown.

>

>This court case could go on for month after month. In fact, it might go
on

>for so long that - do you know what - they might just find they could not
>get it through before the next election if, as is quite possible, Gordon
>decides to call a snap one immediately on taking over.

>
>That would mean the whole Boundary Commission redesign would have to be postponed,
>and without a boundary review Gordon Brown's beleaguered Labour government
>might save as many as 20 gerrymandered seats, and with the polls the way
>they are, 20 seats could make all the difference.

>
>It is a beautiful little plot, and it is outrageous. Much as we sympathise
>with Ed and Yvette, we cannot tolerate this kind of jiggery-pokery. So let
>me suggest an alternative means by which Ed could save his seat. He should
>turn to his wife - no, not to ask her to give up her seat to a man - but
>to look at the effects of her policies on the demography of England.

>
>The other day I was using a borrowed car and a demented German satnav took
>me out of Manchester. We went through Stockport and Stalybridge and at a
>place called Tintwistle we picked up the A623 and suddenly the road was
>flying

>over the moors, the Pennines, and I had a sensation of driving over the vast

>spine of England, and I thought, stone me, look at all this room.

>
>Look at the light and the space. There were huge great fells and dells,
>or
>possibly dales, wuthering into the distance, and tiny underpopulated villages
>nestling under shoulders of purplish scree, and I thought how amazing it
>was that there should be such splendid vacancy only minutes from Manchester's
>dilapidated suburbs, and how incredible that Yvette Cooper was bullying the

>South-East to accept an intolerable 34,000 more houses per year for the next

>20 years, turning the Home Counties into a great roundabouted megalopolis.

>
>Why, when there is so much room oop North? Why, when whole Victorian terraces
>are being destroyed in Liverpool and elsewhere? Why is the Government
>collaborating

>in this terrible flight from North to South? Is it just that it sees the
>South as the motor of the economy and wants to maximise tax revenue? It
>is

>madness.

>
>The best thing Yvette can do is stop forcing houses on the South and let
>the market work, so that people seek cheaper accommodation in places like
>West Yorkshire. She would stop the South-East turning into Mexico City,
>and

>she might find that enough people went up North to justify the existence
>of her husband's constituency.

>
>
>
>
>
>
>
>
>

¹Note to HM Treasury and the Department for Communities and Local Government

"Strong, deliberate policy choices by governments are essential to motivate change"

Sir Nicholas Stern on the publication of his review of the economics of climate change
30.10.06

This short note is a response to H M Treasury's Economic Development Review (part of the 2007 Comprehensive Spending Review/CSR) and the Department for Communities and Local Government's (DCLG) Housing and Regeneration Review. Whilst "consultation" on the latter has closed, this submission is made in the interests of "joined-up" government, and will also be copied to the Department for Environment, Food and Rural Affairs (DEFRA). The focus here is sustainable (particularly with reference to the environment) development and regeneration, and, to adapt Sir Nicholas's words a little, the message is simply this:

"Strong, deliberate policy choices by government departments are essential to motivate change"

The Use of Strategic Environmental Assessment (SEA)

The Government has issued guidance on Strategic Environmental Assessment, following adoption of the European Union SEA Directive. However, an article in the August 2004 edition of the Journal of Planning Law (JPL) by Jonathan Robinson and David Elvin QC provides one of the better interpretations of the Directive. This article contains the following useful quotation from the Foreword to the European Commission's Guidance on SEA issued in 2003:

"The Strategic Environmental Assessment (SEA) Directive is an important step forward in environmental law. At the moment, major projects likely to have an impact on the environment must be assessed under Directive 85/337/EEC. However, this assessment takes place at a stage when the options for significant change are often limited. Decisions on the site of a project, or the choice of alternatives, may already have been taken in the context of plans for a whole sector or geographical area. The SEA Directive... plugs this gap by requiring the environmental effects of a broad range of plans and programmes to be assessed, so that they can be taken into account while plans are actually being developed....

....In many cases it [the Directive] will require more structured planning and consultation procedures. Proposals will have to be more systematically assessed against environmental criteria to determine their likely effects, and those of viable alternatives. There will be difficult questions of interpretation, but when properly applied, these assessments will help produce decisions that are better informed. This in turn will result in a better quality of life and a more sustainable environment, now and for generations to come".

The article also stresses the importance attached by the SEA Directive to "transparent assessment" and to public consultation (where transparency is especially important).

With regard to the current Treasury and DCLG reviews, it is the "position" here that government departments, and agencies (as well as other tiers of government and public agencies) have not yet properly adopted the SEA Directive requirements for the assessment of options and alternatives where plans (eg the Communities Plans) and programmes (eg housing) have a "strategic role in directing not only development but other interventions in the environment" (eg the reduction of greenhouse emissions), to quote again from the JPL article.

In other words, government departments need to be "strong" and "deliberate" in their own use of SEA in order to "motivate change" towards more sustainable (and less polluting) regional development and regeneration. The work of English Partnerships, "The National Regeneration Agency", is a case in point. Appropriate use of SEA should be at the heart of this agency's work, but it is probably the case that EP has yet to use SEA at all (apologies in advance if they have !) and even if they have their usage of SEA will almost certainly not be in the spirit of EU Directive in regard to "transparent assessment" and public consultation.

Tough on Qangos, Tough on the Causes of Qangos !

To continue on the subject of English Partnerships, it was widely believed that this agency – inherited from the previous Conservative administration – was to be wound up after the creation of the English Regional Development Agencies (RDAs). The view here is that, in principle, the RDAs are a good idea, albeit that these require greater integration with the work of local government, and vice versa. Some, if not all, of the RDAs have also implemented Strategic Environmental Assessment/Sustainability Appraisal with varying degrees of “transparency”, although there is no real sense that “options” and “alternatives” for regional development have been made available for public consultation.

One of the reasons for this is that the Government's ideological commitment to unsustainable growth in the South of England (including all/parts of the areas covered by the London, South East, and East of England RDAs) is now embodied in the work of English Partnerships, distorting the potential for more sustainable (in economic, social and environmental terms) regional development. EP is the “champion” of the Government's Communities Plans, although there no solid proposal for funding the “non-commercial” components of these, predominantly, housing schemes, other than through further “planning gain” mechanisms, themselves likely to require “over-development” to fulfil. A new proposal for such planning gain mechanisms apparently forms the core part of EP's CSR submission.

Given the “non-sustainability” (in financial and environmental terms) of the Communities Plans, it is proposed here that these are withdrawn, and that English Partnerships – as originally envisaged by the present administration – is wound up. There may be a more limited role for an “English Estates” to facilitate the re-development and regeneration of the government/public sector property portfolio. Alongside these measures, some further enhancement and re-structuring of the role/funding of the RDAs and local authorities may be appropriate. However, it is important that the Regions do not rely overmuch on a culture of central government “hand-outs” (particularly as European Union funding is set to decline substantially in most regions). It is the experience here that such a culture does indeed exist in the Regions, with public and private sector organisations spending too much time and, more importantly energy, positioning, and, indeed, re-positioning, themselves for central government funding programmes. These “positionings” are often accompanied by the creation of further “qangos”, particularly at the sub-regional level. Many of these qangos need to be culled (or pruned) with consequent saving of money (which might be put to better use).

They Who are Not with You are Not Necessarily Against You !

There is a very strong culture in the New Labour administration of attempting to exclude people from policy debates who are not “One of You” (or perhaps Non-You). This tendency, combined with an equally strong “clientalist” modus operandi in some quarters of the administration – ie “buying off” stakeholders through the creation of vested interest groups, such as qangos – makes for ultimately flawed policy-making. To adapt the famous quotation :

“..You can fool all people some of the time, some people all the time, but you can't fool all the people all of the time...” : and particularly after a long time in office !

Challenges such as the development of strategies and programmes to combat climate change, inter/intra-regional and social inequalities, and to sustain national economic competitiveness in an increasingly globalised economy will require greater co-operation with those non-evangelicals in the development and regeneration communities who, perhaps because of long experience (ie before the Year Zero of 1997) do not always agree with you.

A good “case-study” of the exclusion of “Non-You” perspectives, in this instance by the “reconstructed” New Labour Mayor of London, is that of Thames Gateway Bridge proposal. The Planning Inspectors report on this scheme may well be on its way to the Government.

¹ by Janet Mackinnon Website: www.epona-land.co.uk Email: janet.mackinnon@tiscali.co.uk