

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	15 September 2020		
Title	Local Plan for Lancaster District Climate Emergency Review: Formal Commencement of Review process and Launch of Scoping Consultation				
Report of	Director for Economic Growth and Regeneration				
Purpose of the Report					
To inform Cabinet of the recently adopted Local Plan for Lancaster District and to seek endorsement for the formal commencement of the Climate Emergency Review of the Local Plan, and, advise members of the review stages and processes, including the launch of the Scoping Consultation.					
Key Decision - (Y/N)	N	Date of Notice		Exempt (Y/N)	N

Report Summary

A “Local Plan for Lancaster District”, specifically, the Strategic Policies & Land Allocations Development Plan Document and the Review of the Development Management Development Plan Document (DPD), was adopted by Council on 29 July 2020. At the same meeting Council also approved a new Local Development Scheme (the Local Plan preparation timetable) describing the intention to expeditiously review the just-adopted documents to provide the opportunity to give further consideration to the efficacy of policies in responding to climate change following the Council’s declaration of a Climate Emergency on 30 January 2019.

This report seeks Cabinet endorsement to formally start that review process and to launch that process with a scoping consultation. Cabinet will continue to be involved in the review process as the reviewed documents are developed and advanced towards a Council resolution to publish and submit the revised documents to Government. Cabinet is strongly advised to approve the recommendations such that the review of the plan can be commenced promptly.

A scoping consultation, between 25 September to 20 November 2020, is proposed. As the Council has just committed to the principle of reviewing the Local Plan and has published a timetable for the review it would seem sensible to follow the path suggested by the actions described in this report. Commencing the review and engaging the community on the scope of the review should help in providing clarity on the Council’s intentions for re-visiting the Local Plan in the context of the Climate Emergency declaration.

Once adopted, the reviewed documents will replace those recently adopted and become part of the approved Development Plan for Lancaster District.

Recommendations of Councillor Janice Hanson

- (1) That Cabinet formally endorses the commencement of the “Climate Emergency” Review of the Local Plan for Lancaster District in accordance with the commitment made at Council on 29 July 2020 and to the

<p>timetable described in Local Development Scheme (LDS) also approved by Council on 29 July 2020.</p> <p>(2) That Cabinet endorses the launch of the first stage of the review process; the scoping consultation, to run for the eight-week period from Friday 25 September to Friday 20 November 2020.</p>	
<p>Relationship to Policy Framework</p> <p>The Local Development Plan and Development Plan Documents are part of the Council's Policy Framework (See Section 2.3 (c) of the Council's Constitution). The Council is obliged to prepare and maintain the Development Plan for Lancaster District as described by Section 19 of the Planning and Compulsory Purchase Act 2004. A "Local Plan for Lancaster District", specifically, the Strategic Policies & Land Allocations Development Plan Document and the Review of the Development Management Development Plan Document, was adopted by Council on 29 July 2020. It is proposed that these Development Plan Documents are reviewed to ensure that their policies are re-considered in respect of the Climate Emergency declared by the City Council on 30 January 2019. Once adopted, the reviewed documents will replace those recently adopted and become part of the approved Development Plan for Lancaster District.</p>	
<p>Conclusion of Impact Assessment(s), where applicable</p>	
<p>Climate There are no direct implications on the climate arising from the recommendations of this report, however, the intention of the implementation of the recommendations is to explore the opportunity for the enhancement of the performance of planning policies on mitigation and adaptation to Climate Change.</p>	<p>Wellbeing & Social Value There are no direct implications on Wellbeing & Social Value arising from the recommendations of this report, however, the intention of the implementation of the recommendations is to explore the opportunity to enhance the performance of recently implemented planning policies within the adopted development plan documents, with the potential for improved outcomes for wellbeing.</p>
<p>Digital n/a</p>	<p>Health & Safety n/a</p>
<p>Equality n/a</p>	<p>Community Safety n/a</p>
<p>Details of Consultation</p> <p>On 29 July 2020, Council committed to reviewing the local plan documents that it adopted at the same meeting. Approaches and principles for reviewing Local Plan Documents have already been discussed by the Local Plan Review Group.</p> <p>This report seeks endorsement for the formal commencement of the review process, which will involve initiating engagement with the community and stakeholders on a scoping stage consultation. Given the current public health crisis it is recognised that consultation will need to be conducted by virtual means utilising digital platforms. The Council will endeavour to provide sufficient opportunity for all sections of the community to be informed of the review, engage with the process and comment. The process will also be supported by a new Sustainability Appraisal, Habitat Regulations Assessment, Health Impact Assessment and Equalities Impact Assessment, the outcomes of which will be used to refine the content and direction of the Plan.</p>	
<p>Legal Implications</p> <p>There are no legal implications associated with this consultation.</p>	
<p>Financial Implications</p>	

It is not expected that there will be any additional financial implications arising from this report as costs connected with the preparation of both DPDs and associated public consultation, publication and submission, public examination and DPD adoption have already been accounted for within the overarching Local Plan revenue budget. There can, on occasion, be additional unanticipated costs arising from legal challenges to the adoption of a DPD, usually as a result of actions from affected parties. It is difficult to pre-empt whether there will be any future legal challenges arising. However, if they did, then the associated costs and implications will be reported and dealt with as appropriate through the normal monitoring processes which the Council has in place.

Other Resource or Risk Implications

N/a

Section 151 Officer's Comments

The Section 151 Officer has been consulted and has no further comments to add.

Deputy Monitoring Officer's Comments

The Deputy Monitoring Officer has been consulted on this report and has no further comments.

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Background Papers

1. Local Development Scheme, July 2020 edition, as approved at Council on 29 July 2020
2. Letter from the Service Manager, Planning and Housing Strategy, to the Local Plan Inspector, dated 16 July 2019, explaining the Council's intention to review the Local Plan Documents.

1.0 Introduction

1.1 On 29th July 2020 the Council adopted a new Local Plan for Lancaster District. The Strategic Policies & Land Allocations Development Plan Document (DPD) and the Review of the Development Management DPD. These documents will sit alongside the previously adopted Arnsdale and Silverdale AONB DPD, the Morecambe Area Action Plan, and the Minerals and Waste Plan prepared by Lancashire County Council, to constitute the formal Development Plan for Lancaster District. The 2014 Development Management (Policies) DPD, the 2008 Lancaster District Core Strategy and the residual saved policies of the 2004 Lancaster District Local Plan have been superseded.

1.2 At the same meeting the Council also approved a revised Local Development Scheme (LDS) which sets out the Council's intention to proceed with an immediate Review of the Local Plan in the context of the Council's declaration

of a Climate Emergency on 30 January 2019. This declaration was declared some 13 months after the Council had resolved to submit its Local Plan documents to Government for independent Examination.

2.0 Review of the Local Plan

- 2.1 Following the adoption of the plan, the Council can now formally commence the plan review process. Officers have been working with the Portfolio Holder for Planning Policy, through the Local Plan Review Group, for several months prior to the adoption decision to help define the objectives and scope of a future climate emergency review.
- 2.2 The scoping consultation engages the community in considering which policies of the plan should be reviewed. The intention is not to conduct a full review of the plan by re-visiting the development requirements that the Strategic Policies and Land Allocations DPD has just established. Plans are intended to provide certainty as to how much development is required for a lengthy period of time and describe how that development requirement will be spatially distributed. It took eight years to prepare the recently adopted documents; from commissioning consultants to advise on development requirements to adopting the documents. Development requirements and the spatial distribution of development will be re-visited through subsequent local plan reviews. An intention to wholly review such a significant development plan immediately after adoption, following a two-year long independent Examination process, would be a surprising action.
- 2.3 Therefore, the aim of this review is to take the opportunity, in the context of the declaration of a Climate *Emergency*, to promptly consider if the performance of the recently adopted and sound plan's policies on achieving climate change mitigation and adaptation can be improved so that planning outcomes can be enhanced.
- 2.4 The precise scope of the review needs to be defined. The Council needs to determine what policy areas should be explored; this will help in understanding where there is potential for addressing the climate change performance of policies. A scoping consultation has been designed to assist with this process by engaging the community and stakeholders. It is wholly anticipated that consultation will provide useful feedback from; residents, businesses, developers, agencies, services, and infrastructure providers that will help shape the re-consideration of policies.

3.0 Details of the Scoping Consultation

- 3.1 It is proposed to hold an eight-week "scoping consultation" between 25th September and 20th November 2020. A four-page colour leaflet publicising the consultation is being prepared; this will be shared with Cabinet members before the 25th September.
- 3.2 There are clear challenges associated with consultation at this time given the ongoing public health crisis. However, the Council will be seeking to maximise

the opportunity for digital engagement including through the following means of consultation.

- Publication of a consultation leaflet (this will follow) setting out ways to engage, with signposting to an online survey questionnaire
- A formal launch event of the scoping consultation using an online platform. A PowerPoint presentation will be used at this event to provide background information
- Notification of the consultation to all those on the Local Plan consultation list
- Specifically contacting young people digitally with potential engagement events for universities, colleges, and schools if practicable
- Notification of the scoping consultation in the Local Press
- Virtual consultation events with key stakeholders and duty to co-operate partners

3.3 Written responses to the consultation will be invited. These can either be provided by completing an online survey form (which the preferred method for reasons of consistency), or also by email or in writing.

3.4 Cabinet is advised of the importance of early engagement in the plan-making process. Ultimately an Inspector will need to be assured that proactive and constructive engagement with the community and stakeholders occurred in order that a plan can be determined to have been properly prepared. It is strongly advised that the Scoping consultation represents valuable, common practice, as the starting point for engaging communities and stakeholders in the Local Plan Review process.

3.5 Whilst the Council should not assume the outcome of the scoping consultation, Cabinet is advised that planning policies can help mitigate the impacts of climate change and help society adapt to these impacts by making buildings and places more efficient and more resilient. For example, areas which the review may visit include:

- The role of the plan in providing energy efficiency standards in both new and existing buildings to reduce energy consumption and fuel poverty.
- Approaches to renewable and low carbon energy schemes including solar, wind, tidal and biomass proposals.
- The achievement of more sustainable modes of transport, walking and cycling networks, and the promotion of low-emissions vehicles and infrastructure in proposed development.
- Making development in the district more resilient and adaptable to change, through, for example, approaches to water management.
- The role and connectivity of green infrastructure.
- Policies controlling development affecting heritage assets.

3.6 It is proposed to provide a briefing on the plan review to all members on the 30 September, just before the next Council meeting.

4.0 Subsequent Stages of Plan Review

4.1 Officers will continue to consider the opportunities for policy enhancement during the scoping consultation. It is therefore anticipated that it will be possible to promptly conclude on the scope of the Review so that officers of the Planning and Housing Strategy Team will be able to present an advanced draft of the reviewed documents to the Local Plan Review Group as soon as possible after the close of the scoping consultation; this will allow the review to be speedily advanced. It is further anticipated that the Chair of Overview and Scrutiny will request the opportunity to explore the emerging review documents and provide commentary that can assist the Portfolio Holder and Cabinet in their respective roles in developing draft policy documents.

4.2 It is anticipated that the Council will publish emerging advanced drafts of the reviewed documents for informal consultation (as part of Regulation 18 Stage engagement [plan development stage]). It is therefore possible that a report seeking a resolution to consult on an informal draft will be presented in early 2021.

4.3 Having taken account of the responses to the informal Regulation 18 consultation, it is anticipated that Cabinet will consider the reviewed documents and recommend that they are presented to Council to seek a resolution to formally publish and submit the reviewed plan to government. Publication, known as Regulation 19, is the formal process when Development Plan Documents are published for a statutory six-week period in order that any party can make a representation on soundness. It is possible that a report seeking such a resolution could be presented in spring 2021.

4.4 The published documents, the evidence that supports them, and the representations received following publication, would then be Submitted to Government (Regulation 22 stage).

4.5 Once the plan and other documentation is duly received and accepted by Government, the Government will appoint an Inspector from the Planning Inspectorate to independently assess the soundness of the submitted documents. It is usual, but not a requirement, for an Inspector to seek clarity on the plan and the representations received, by holding local hearing sessions and inviting along parties who they believe can assist them in determining issues of soundness.

4.6 During the Examination process an Inspector may invite the Council to consult on proposed modifications to the submitted documents. The proposed modifications usually become the basis of the Inspector's binding recommendations in circumstances where the Inspector believes that a plan is capable of being sound providing it is modified (this is the most frequent outcome). Upon receipt of a positive Inspector's report a council is then able to adopt its own submitted, but almost always, modified, plan.

5.0 Options and Options Analysis (including risk assessment)

Option 1: To formally commence the Local Plan Review and undertake a Scoping Consultation.
Advantages: This will enable the Council to begin to implement its decision to review the Local Plan documents in the context of the Climate Emergency. The scoping provides an early opportunity for the local community, stakeholders, or any interested party to put their views forward on the scope and content of the plan. Given this review is not a full review of the Local Plan, there is much value in seeking clarity on which matters will be re-visited and which will not.
Disadvantages: None known.
Risks: None known.
Option 2: To not formally commence the Local Plan Review and/or undertake a Scoping Consultation.
Advantages: None known.
Disadvantages: To not immediately commence the local plan review that the Council has just committed itself to would be a surprising decision and would send a confused message to the community and stakeholders on the Council's intentions. Alternatively, to review the plan without the early engagement offered by the practice of a scoping consultation could lead to delays and unclarity later in the process, as issues may have been overlooked or not fully explored and considered.
Risks: To not commence the Climate Emergency Review of the plan, which the Council formally resolved to undertake on 29 July; and/or to proceed to review the local plan without a scoping stage consultation would not be to the benefit of the reputation of the Council. To proceed without a scoping consultation introduces a risk, that is wholly avoidable, that an Inspector may not be content that the reviewed plan has been properly prepared due to inadequate community engagement.

6. Officer Preferred Option (and comments)

- 6.1 The officer preferred option is Option 1: To formally commence the Local Plan Review and undertake a Scoping Consultation.
- 6.2 It is recommended that early engagement takes place with all interested parties to make clear that the review process has begun and to invite comments on the scope of the review. The scoping will help clarify that this is an expeditious review of the plan's policies in the context of the Council's declaration of a Climate Emergency and not a full review.
- 6.3 Cabinet is advised that evidence of early engagement in the plan-making process is important. An Inspector will consider the robustness of engagement in determining if the plan has been properly prepared. Evidence of proactive

and constructive engagement with the local community and other key stakeholders in the process is expected. Should the Council fail to proactively engage, then this may become a significant issue later in the process and introduce an avoidable risk when it comes to examining the soundness of the plan.