

## Lancaster City Council | Report Cover Sheet

<b>Meeting</b>	Cabinet	<b>Date</b>	13 July 2021
<b>Title</b>	Climate Emergency Review of the Local Plan for Lancaster District - Preparation of a Consultation Draft (Regulation 18)		
<b>Report of</b>	Director for Economic Growth and Regeneration		
<b>Purpose of Report</b>			
<p>The purpose of the report is to set out progress on the preparation of the Climate Emergency Review of the Local Plan (CELPR) following its adoption by Council on the 29<sup>th</sup> July 2020.</p> <p>The report seeks the endorsement of Cabinet for progress made to date in the process of reviewing the content of the Local Plan documents and seeks approval for the publication of the draft documents for a period of consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.</p>			
<b>Key Decision (Y/N)</b>	<b>N</b>	<b>Date of Notice</b>	<b>Exempt (Y/N)</b> <b>N</b>

### Report Summary

The Council adopted a new Local Plan for Lancaster District in July 2020, the Plan consists of Part A (Strategic Policies & Land Allocations DPD) and Part B (a Reviewed Development Management DPD). The Plan provides a formal planning framework for Lancaster District in terms of providing strategic direction on future growth and identifying land which should be protected for its social, environmental, and economic value.

The Council declared a Climate Emergency in January 2019. This was accompanied by a series of actions and ambitions on addressing Climate Change. The Council's declaration came too late in the Local Plan process to take account of the Climate Emergency Declaration (the Plan has been submitted to Government in May 2018).

Consequently, in adopting the Local Plan in July 2020, the Council resolved to undertake an immediate review of the Local Plan, specifically to further consider Climate Change, following the Council's declaration of a Climate Emergency.

Since the adoption of the Local Plan, Council officers have been working on updating the Local Plan in the context of the Climate Emergency. Informal consultation on the potential scope of the Review took place in late 2020 which established the areas of the Local which would be the focus of any update.

Over the early part of 2021 officers have been re-drafting policies that fall within the scope of the review with the objective of improving the outcomes for development in terms of climate change mitigation and adaption. The changes have been focused on several key themes which have included Water Management, Blue/Green Infrastructure, Heritage, Transport, Design & Construction, Energy Efficiency and Renewable Energy.

As part of the re-drafting process, officers have worked closely with members of the Local Plan Review Group (LPRG). The draft revisions to the policies have now been completed and the documents intended for consultation accompany this report.

Members are advised that subject to minor amendments to improve clarity and consistency or presentational issues, the draft revised Plan (both Part A and Part B) is now ready for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is recommended that approval is given to undertake the necessary consultation on the CELPR to ensure compliance with an ambitious timescale for the Review.

### **Recommendations of Councillor Gina Dowding**

- (1) That the Council undertakes public consultation on the draft revised versions of the Local Plan documents; specifically, Part A: Strategic Policies & Land Allocations DPD and Part B: Development Management DPD; and,
- (2) That the Council publishes the background evidence and supporting material which have informed the Local Plan Review process to date, including Sustainability Appraisal and Habitats Regulation Assessment.

### **Relationship to Policy Framework**

The purpose of the CELPR is to ensure greater alignment with the Council's ambitions around Climate Change in recognition of the Council's Climate Emergency Declaration of January 2019.

Draft Policies in the CELPR seeks to strengthen the Council's approach to a range of planning policy matters which will assist in it achieving its ambitions, for instance around energy efficiency and sustainable energy.

The CELPR will assist with the delivery of many of the Council's corporate priorities, including the creation of a more sustainable district, the provision of an inclusive and prosperous local economy and support for developing healthy and happy communities.

### **Conclusion of Impact Assessment(s) where applicable**

#### **Climate**

The CELPR will support the adaptation to, and mitigation of, Climate Change seek to assist with the actions and ambitions of the Council's Climate Emergency Declaration of January 2019.

#### **Wellbeing & Social Value**

The CELPR will seek to provide greater resilience to Climate Change through new development proposals which should have wider benefits to Well-Being and Social Value.

#### **Digital**

The CELPR will support in the Council's ambitions set out in their Digital Strategy, particularly around the installation of

#### **Health & Safety N/A**

necessary infrastructure within new development.	
<b>Equality N/A</b>	<b>Community Safety N/A</b>
<b>Details of Consultation</b>	
<p>The scope of the CELPR was subject to public consultation during late 2020. This provided direction on the issues which should be addressed. Member input in the drafting of policies for the CELPR has been enabled through discussion with members of the Local Plan Review Group.</p> <p>Now that updated evidence and consideration have shaped potential revisions to the plan's policies the Council is at the stage where consultation is required on the draft CELPR policies under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Responses to the consultation from all parties will help refine the draft policies and enable progression onto the next stage of the plan review, the formal Publication for Representations, and the Submission of the Plan under Regulations 19 and 22 of the same legislation.</p> <p>The arrangements for Regulation 18 Consultation will be discussed in more detail with Members via the Local Plan Review Group.</p>	
<b>Legal Implications</b>	
<p>Regulation 18 consultation stage is a necessary part of the plan-making process, it provides the opportunity for interested parties (including the local community and other key stakeholders) to comment on the evolving content of the proposed revised Plan.</p> <p>Following Regulation 18 the Council will take account of the comments made and prepare the CELPR publication version which the Council will intend to advance to the next stage. The revised CELPR documents will then be published (under Regulation 19) and submitted to Government for Public Examination (under Regulation 22) along with; representations received at the Regulation 19 stage, and background papers and evidence base documents.</p>	
<b>Financial Implications</b>	
<p>It is not expected that there will be any additional financial implications arising from the preparation of the CELPR as costs connected with the preparation of these documents, public consultation, publication, submission, public examination, and adoption have already been anticipated within the Local Plan budget.</p> <p>The recommendation here relates only to enabling a consultation. There is the prospect of additional unanticipated costs arising, potentially from legal challenges to the adoption of a DPD, usually because of the action of affected parties, but that would arise only at the end of the plan review process. It is difficult to pre-empt whether such challenges will arise. The development industry may well have issues with the additional policy requirements placed on development that might arise from more climate change sensitive policies in an adopted CELPR.</p>	
<b>Other Resource or Risk Implications</b>	
<p>The policies of development plan documents are used in the determination of development proposals; there are no other direct resource implications or risks</p>	

arising from the content of the revised documents or from a decision to consult on the draft documents.

### **Section 151 Officer's Comments**

The Section 151 Officer has no further comments to add to those already provided within the Financial Implications.

### **Monitoring Officer's Comments**

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

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### **Development Plan Documents**

- Draft Part One: Climate Change review of Strategic Policies & Land Allocation Development Plan Document
- Draft Part Two: Climate Change review of Development Management Development Plan Document

### **[Links to background papers](#)**

- Topic Paper 1 – Water Management
- Topic Paper 2 – Green & Blue Infrastructure
- Topic Paper 3 – Strategic Transport
- Topic Paper 4 – Heritage
- Topic Paper 5 – Sustainable Design, Energy Efficiency & Renewable Energy
- Topic Paper 6 – Miscellaneous Policies
- Sustainability Assessment Scoping Report
- HRA Screening Report for Lancaster Local Plan Topic Papers
- Lancaster District Equalities Impact Assessment
- Rapid Health Impact Assessment (rHIA)
- Air Quality Position Statement Addendum
- Exploring opportunities for a low carbon district
- Heritage and Carbon Zero Paper
- Transport Assessment: Addendum
- Infrastructure Delivery Plan
- Infrastructure Delivery Schedule
- Energy Efficiency Background Paper
- District Heating & Cooling Opportunities Study
- Climate Change Local Plan Review - Viability Assessment – Main Report
- Climate Change Local Plan Review - Viability Assessment – Appendix 1
- Climate Change Local Plan Review - Viability Assessment – Appendix 2
- Investigation into the promotion of macro and micro-renewable energy generation
- Green & Blue Infrastructure Strategy
- Cycling & Walking Planning Advisory Note (update)

## 1.0 Introduction

- 1.1 Cabinet Members will be aware that the Council made the significant decision to adopt a new Local Plan in July 2020. The adopted Plan establishes how much development is required to meet local needs up to 2031, and it protects land for its environmental, economic, and social value. The Local Plan is a formal Council document and the application of its policies in the determination of planning proposals means that it has significant influence on development outcomes in the district.
- 1.2 Along with adopting the Local Plan in July 2020, Council also approved an updated Local Development Scheme (LDS) [the Local Plan timetable] which sets out the Council's intention to proceed with an immediate review of the just-adopted Local Plan in the context of the Climate Emergency Declaration, as made by the Council in January 2019.
- 1.3 In September 2020, Cabinet Members considered a report from the Direction for Economic Growth and Regeneration seeking endorsement for the formal commencement of the Climate Emergency Local Plan Review (CELPR) and advising Members of the plan-making stages and processes involved, this included the launch of the Scoping Consultation between September and November 2020.
- 1.4 Given the context of the Climate Emergency, the timescales for preparing the Review have been ambitious, and work to undertake the CELPR has been appropriately resourced by the City Council and has been undertaken rapidly by officers of the Planning and Place Service with support from external consultants.
- 1.5 This report sets out the progress on the CELPR, provides a summary of the key changes made as part of the Review process (the detail is in the DPDs which accompany this report and the reasoning for the proposed changes is discussed within the themed Topic Papers) and requests approval for these documents (and supporting documentation) to be published for public consultation as part of the Regulation 18 stage of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 2.0 Current Position

### Scoping Exercise (Autumn – Winter 2020)

- 2.1 Consultation was held in late 2020 to help establish the scope, or remit, of the Review. This consultation process was held in virtually due to the COVID-19 pandemic restrictions, however in the absence of in-person meetings or drop-in events the consultation included an introductory video presentation, the release of five information videos on a series of key themes including; heritage and climate change, energy efficiency, blue/green infrastructure, sustainable transport, and water management.

- 2.2 The receipt of positive comments on the scoping exercise suggest that it was well-received by the local community and key stakeholders and provided a firm basis for officers of the Planning and Place Service to move forward with the drafting amendment to policies.
- 2.3 Importantly, the Scoping stage sought to clarify and confirm that the CELPR is a Partial Review of the Local Plan, with the express objective of seeking better development outcomes for climate change mitigation and adaption in recognition of the Council's Climate Emergency Declaration of January 2019.
- 2.4 Specifically, the CELPR does not revisit the amount of development required to meet the needs of the community or economy, nor does it re-visit specific land allocations made within the adopted Local Plan. These strategic matters were not easily established during the preparation of the adopted Local Plan over a preparation period totalling around eight years. In effect the CELPR seeks development outcomes that better address climate change from the same quantum of development at the same locations described in the just-adopted local plan.

#### Draft CELPR (Summer 2020)

- 2.5 Following the Scoping Stage, officers focused on 32 Local Plan policies which offered the potential to improve development outcomes. These policies were grouped together into six topics (topic papers accompany this report). The topic papers; describe the outcomes of the scoping consultation, the exploration of alternative approaches to reviewing policies, provide an explanation of how policy changes could achieve better climate change outcomes, and provide the proposed revisions to policy (highlighted in strike-through text).
- 2.6 The topic papers provided the basis for discussion with members of Local Plan Review Group. The proposed revisions in the draft CELPR reflect the content and direction of the topic papers produced.
- 2.7 The draft CELPR accompanies this report and some of the key changes which have been proposed are summarised in Section 3.
- 2.8 On 30<sup>th</sup> June 2021 the Council's Overview and Scrutiny Committee received a report from the Service Manager – Planning and Housing Strategy describing the progress made on preparing the draft CELPR documents, along with a short summary of the highlights of the draft review. Members were requested to consider and note progress and to endorse the intention to seek an imminent approval from Cabinet to commence the Regulation 18 Stage, informal consultation, on the draft revised Local Plan. Members noted the progress made and made no objection to a decision on consultation being taken to Cabinet.

### **3.0 Proposal Details**

- 3.1 The proposed changes as part of the CELPR can be summarised into a series of themes which are set out below.

Water Management: Proposed amendments within the CELPR seek to ensure that surface water drainage systems are adequately designed to make the best

use of above ground techniques and mitigate flooding, support biodiversity enhancements, and provide urban cooling and pollution control. The review amends existing policy to ensure it remains adequate in ensuring that such systems are maintained in the long term. The CELPR is informed by updated evidence in this regard.

Green / Blue Infrastructure: As part of the CELPR, officers of the Planning and Housing Strategic Team have produced a Green and Blue Infrastructure Strategy as one of the key pieces of evidence to support the review. This has been a predominantly map-based (GIS) exercise which identifies the existing network of green and blue infrastructure, acknowledging the multi-functional nature of many of those features. The purpose of the strategy is to identify opportunities where the network could be improved and enhanced to increase connectivity and functionality of the network, providing greater benefits for both nature and residents. The strategy has sought to inform the CELPR, providing greater emphasis on the importance of connectivity across networks and the identification of corridors and chains across the district, reducing fragmentation.

Strategic Transport: The focus of the proposed amendments in the CELPR relate to further promotion of modal shift and the need to alleviate our current reliance on private cars, provide more realistic and approach alternatives, such as cycling, walking and public transport. The CELPR also looks to increase the emphasis on active travel and introduces higher standards and requirements for new cycling infrastructure. The proposed revisions also focus on air quality management and the promotion of ultra-low emission vehicles and the increased deployment of electric vehicle charging points.

Heritage: The CELPR recognises the importance of striking the correct balance between providing gains on climate change performance and the sensitive management of built heritage. Therefore, the Review provides two new policies in relation to the retro-fitting of buildings of traditional construction and another relation to micro-renewables in the setting / curtilage of heritage assets.

Sustainable Design, Energy Efficiency & Renewable Energy: This has been the most significant area of change within the CELPR. The Review will propose an ambitious approach to addressing the climate emergency, going beyond the Government's Future Home Standard consultation outputs and setting the Council's own energy efficiency targets via a stepped approach. The revised policies on energy efficiency proposes a 31% reduction in CO2 in 2022, a 75% reduction in CO2 emissions in 2025, and a requirement for all new built development to be zero carbon by 2028. This goes beyond simply beyond the regulated energy use, which is what the Government approach does, by specifying a Fabric First approach.

The reviewed CELPR significantly pushes the use of renewables and outlines a variety of renewable energy technologies such as solar and biomass which can contribute to reaching the net zero target. The CELPR also proposes a requirement that development provides space for food growing and composting and that all major development should connect to existing heating/cooling

networks or contribute to providing them. Amended policies also require modern construction methods to be used where possible and low carbon technologies or other sustainability measures to be offered at the point of sale. Water efficiency measures must also be included within the construction of new buildings and the use and management of materials and waste must also be considered.

Other Amendments Proposed: Other amendments have been proposed to the CELPR to highlight the importance of promoting the green industry and economic sectors, providing greater support to green economy recovery, particularly in the context of the COVID-19 Pandemic.

#### 4.0 Next Steps

- 4.1 It is anticipated that should Cabinet approve consultation on the draft CELPR, officers will commence the process as soon as possible. It is expected that consultation will take place over an eight-week period potentially as soon as between the end of July and then into mid-September. It is important to note that further time has been given to this consultation (eight weeks opposed to the standard six) due to the engagement taking place over the summer months.
- 4.2 Consultation arrangements will seek to mix virtual approaches, with potentially some face-to-face engagement should COVID-19 restrictions permit. Officers will also run a series of engagement events.
- 4.3 Moving forward, the comments received as part of the Regulation 18 process will be used to inform and refine the content of the CELPR. It is anticipated that a further version of the CELPR will be brought back to Cabinet in due course, potentially before the end of 2021, with a recommendation that Cabinet endorses the process of a report to Council that would seek authority to; formally publish the intended revised documents then subsequently submit the revised documents and the background and evidence documents, and the representations received to government to enable the process of independent Examination to commence.

#### 3.0 Options and Options Analysis (including risk assessment)

<p><b>Option 1:</b> Publish and consult on the draft policies contained in the CELPR.</p>
<p><b>Advantages:</b> By publishing the draft revised CELPR documents for consultation under Regulation 18 the Council can make progress with its ambitious timetable for the Local Plan Review and help ensure that better outcomes from development for climate change mitigation and adaptation are achieved as promptly as plan preparation processes permit.</p>
<p><b>Disadvantages:</b> None apparent.</p>
<p><b>Risks:</b> None</p>
<p><b>Option 2:</b> Do not publish and consult on the draft policies contained in the CELPR.</p>



**Advantages:** None apparent.

**Disadvantages:** This option would be contrary to the Council's published timetable for preparing the CELPR as set out in the published Local Development Scheme as approved by Council in July 2020 (and subsequently kept up to date). The Council will not make progress on the objective of helping to address the Climate Emergency Declaration promptly by promptly reviewing the adopted Local Plan. Resources, including significant officer time spent on the review to date would not have been usefully deployed.

**Risks:** This option would present several risks including:

- Delays in eventually adopting a revised plan means that development proposals will continue to be determined in the context of the existing adopted policies rather than in the context of policies that take better account of the challenge of climate Change.
- Reputational damage to the Council from not following through with a consultation on a Draft Plan that it has made prior public commitment to undertake.
- Delay in advancing the process may mean that the externally procured evidence may become out of date and will need to be refreshed again; incurring further costs and delays.

#### **4. Officer Preferred Option**

- 4.1 The officer preferred option is Option 1. After considering the scope of the CELPR during late 2020, officers have now prepared drafts of both Part A: Strategic Policies & Land Allocations DPD and Part B: Development Management DPD which now better align with the actions and ambitions of the Council in relation to the 2019 Climate Emergency Declaration.
- 4.2 Moving forward the plan-making process in a proactive and efficient manner will ensure that the planning weight which can be attached to the new approaches in the CELPR can become effective quicker and the Council are able to implement these new approaches as soon as possible.