

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	18 January 2022
Title	Advancing the Climate Emergency Local Plan Review		
Report of	Director for Economic Growth and Regeneration		
Purpose of Report			
<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 consultation on updated versions of both the Strategic Policies & Land Allocations Development Plan Document (DPD) and Development Management DPD in 2021 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>The report seeks the support of Cabinet for the revisions made to the both the Strategic Policies & Land Allocations DPD and Development Management DPD in response to the Regulation 18 consultation and additional evidence. Cabinet is asked to support the intention to seek a resolution from Council to formally publish both DPDs and then submit the documents, the representations received and all supporting evidence to the Secretary of State under Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>It should be noted that the Cabinet is requested to support this approach, policy making is a function of full Council. With Cabinet's endorsement it is anticipated that a recommendation to publish and submit the CELPR DPDs will presented at the next meeting of Council, prospectively on 26th January 2022.</p>			
Key Decision (Y/N)	N	Date of Notice	Exempt (Y/N)
			N

Report Summary

The Council adopted a new Local Plan for Lancaster District in July 2020, the Plan consists of Part One (Strategic Policies & Land Allocations DPD) and Part Two (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 had 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 adoption of the Local Plan, Council officers have been working on updating the Local Plan in the context of the declaration of a Climate Emergency. Consultation on the potential scope of the review took place in late 2020. On 13th July 2021 Cabinet resolved to consult on **draft** revised versions of the Local Plan documents under Regulation 18 of the Town &

Country Planning (Local Planning) (England) Regulations 2012. An eight-week long consultation was held from Friday 23rd July to Friday 17th September.

The draft CELPR documents were generally welcomed, though a wide range of responses were received that alternatively supported or challenged the revised policies. Officers have now considered these responses and have prepared revised versions of the Strategic Policies & Land Allocations DPD and the Development Management DPD.

Officers have continued to work closely with the Local Plan Review Group (LPRG) and have reported progress at wider member briefings late in 2021.

Members are advised that subject to minor amendments (to correct errors, take account of factual updates, improve grammar or presentation), the finalised versions of both DPDs are ready to advance to the formal stages of the plan making process, specifically; publication under Regulation 19 of the 2012 Regulations and submission to the Secretary of State (via the Planning Inspectorate) under Regulation 22 of the 2012 Regulations.

It is recommended that Members endorse the content of the attached DPDs and the process of onward reporting to Council, prospectively on 26th January 2022, to seek a formal **decision** on a recommendation to Council to publish and submit to government.

Recommendations of Councillor Gina Dowding

- (1) That Cabinet endorses the content of the Climate Emergency Local Plan Review DPDs and the process of onward reporting to Council to seek a formal **decision** on a recommendation to publish and submit the revised document to government. Publication will enable formal representations to be received, and subsequently submitted to the government, along with the revised DPDs and supporting evidence. This will ensure that in accordance with the relevant regulations, the representations of the community and stakeholders about the soundness of the revised DPDs and the preparation process can be considered by a government appointed Inspector through an independent Examination.

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.

The CELPR seeks to strengthen the Council's planning policies with the aim of securing better outcomes from built development for climate change mitigation and adaptation. Improved outcomes from development will support the prospect of the Council achieving its wider objectives on climate change including the target of being Net Zero by 2030.

The CELPR will assist in the delivery of many of the Council's other 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 and assist in achieving

Wellbeing & Social Value

The CELPR aims to provide greater resilience to Climate Change by securing development outcomes with wide benefits to Well-Being and Social Value.

the actions and ambitions of the Council's Climate Emergency Declaration of January 2019.	
Digital The CELPR will support the Council's ambitions set out in its Digital Strategy, particularly around the installation of communications infrastructure in new development.	Health & Safety N/A
Equality N/A	Community Safety N/A
Details of Consultation	
<p>The scope of the CELPR was subject to public consultation during late 2020. Subsequently an eight-week period of consultation on revised policies was held during summer 2021 under Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012. Member input to the consideration and drafting of revised policies has been enabled through discussion with members of the Local Plan Review Group.</p> <p>Following the extensive engagement on the CELPR over the course of 2020 and 2021 versions of both the Strategic Policies & Land Allocations DPD and Development Management DPD are ready to be advanced under Regulation 19 of the 2012 Regulations. This requires a formal six-week period of publication, supported by evidence and other relevant documentation, to ensure that interested parties can make formal representations on the soundness of the documents and the plan preparation process.</p> <p>The DPDs, the evidence and other documentation, and the representations made in the six-week period will be submitted to the government (via the Planning Inspectorate) under Regulation 22 of the 2012 Regulations. Once the documentation is received by the Inspectorate an Inspector will be appointed and the Council will be advised of the Inspector's intentions to hold an independent Examination. The Inspector will consider all the submitted material and, in most cases, will chair hearing sessions series at which he or she will invite people from amongst those who made representations to assist with his or her consideration of issues of soundness.</p>	
Legal Implications	
<p>Regulations 19 and 22 are necessary stages of the plan-making process. Regulation 19 provides the opportunity for representations to be made in relation to the soundness of the Plan, including accordance with national planning policy, and its preparation process, including compliance with legal requirements.</p> <p>Regulation 22 is the formal process of submitting the Plan, its supporting documentation and the representations received under Regulation 19 to the Government for independent Examination.</p>	
Financial Implications	
<p>There are no direct financial implications arising from this report. The process of preparing the Climate Emergency Local Plan Review is currently fully funded and resourced from within existing budgets. There is the potential for additional costs such as consultancy support for challenges, greater inspector costs for detailed examinations, and legal challenges.</p> <p>Any future decisions or variations that result in further costs must be reported and approved as appropriate prior to their commencement.</p>	
Other Resource or Risk Implications	
<p>The policies of development plan documents are used in the determination of development proposals; however, there are no other direct resource or risk implications arising from a positive resolution to a recommendation to forward the documents to Council for formal publication and submission or consult on the draft documents.</p>	

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 comments to add. The Local Development Plan and Development Plan Documents form part of the Policy Framework of the Council, adoption of which must be by Full Council.	
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Links to Background Papers, click here	
<ul style="list-style-type: none"> • Climate Emergency Review of the Strategic Policies and Land Allocations Development Plan Document [P_01.1] • Climate Emergency Review of the Development Management (Policies) Development Plan Document [P_02.1] • Sustainability Appraisal Report (SA) by AECOM [P_03] • Habitats Regulation Assessment Screening Report (HRA) by AECOM [P_04] • Equality Impact Assessment (EIA) [P_05] • Rapid Health Impact Assessment (rHIA) [P_06] • Regulation 18 Statement of Consultation Report [P_07] <p>Other Supporting Material (Evidence Base Documents)</p> <ul style="list-style-type: none"> • Evidence Base documents 	

1.0 Introduction

- 1.1 Cabinet Members will be aware that the Council made a 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 production of a Local Plan is a legal requirement for the Council (as local planning authority) and the application of its policies in the determination of planning proposals means it has significant influence on development in the district.
- 1.2 Along with adopting the Local Plan in July 2020, the 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 endorsed the formal commencement of the Climate Emergency Local Plan Review (CELPR) which set out the proposed timetable for preparation and the regulatory plan-making processes.
- 1.4 Given the context of the Climate Emergency, the timescales for preparing the CELPR 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 of the CELPR to date, a summary of the key changes which have occurred within the CELPR documents between consultation on the draft versions earlier this year and the finalised versions (these can be read in more detail through the full, tracked-changed, version of both DPDs which accompany this report).
- 1.6 The report sets out a recommendation for Cabinet Members to endorse the content and direction of both DPDs prior to a formal decision being taken on its Publication and Submission of the documents for the Secretary of State (via the Planning Inspectorate) under Regulations 19 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2.0 Progressing the Review

- 2.1 A report was presented to Members at the 13th July 2021 Cabinet which set out the progress on the CELPR to that date and with a recommendation to publish and consult on a suite of draft policies under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulation 2012.
- 2.2 Following approval, consultation took place for an eight-week period between 23rd July and 17th September 2021. A series of seven topic-based videos were produced to provide detailed summaries of the policies proposed as part of the CELPR process. These were made available on the CELPR pages of the Council's website and were well received.
- 2.3 The consultation resulted in 544 comments being received from 44 separate submissions and the topic area where most comments were received was in relation to the Green and Blue Infrastructure strategy. Second to this was comments in relation to Viability Assessments, and then energy efficiency and sustainable design and construction matters.
- 2.4 A response was received from a developer consortium comprised of eight developers/housebuilders which raised queries relating to viability and concerns over whether the new proposed policy requirements within the CELPR would make development unviable. A response of this nature is not unexpected, as development viability can be a key issue for residential development. Council officers held a Development Industry Engagement Event as part of the consultation in the summer; invitations were sent to over 350 industry representatives.
- 2.5 A Viability Assessment was undertaken, by specialist consultants Three Dragons, prior to the formulation of the new policies. Three Dragons have also further assisted council officers in considering the responses to the issues that the consortium raised.
- 2.6 Council officers are content that the viability assessment is robust, is based on realistic and transparent assumptions, and, that issues about viability during consultation have been appropriately considered.
- 2.7 The Energy Efficiency policy proposed (policy DM30a, b and c) represents a significant amendment to that contained within the current adopted Local Plan however, officers are content that in relation to the representations received on this policy, which was generally very positive from residents but less positive from the development industry, that the policy is robust.

- 2.8 The 544 representations received on the CELPR at Regulation 18 Stage have resulted in more than 140 changes to the publication version. However, only around 20% of these are material changes to the plan. The majority have been made for editorial purposes to improve clarity, such as updating references to national guidance including the National Planning Policy Framework (NPPF).
- 2.9 Of those material changes, again these are not significant, with most changes being made to further highlight Biodiversity Net Gain and nature recovery; improved clarity on the need to carefully consider the design of Electric Vehicle charging infrastructure in terms of mobility access and the impact upon the historic environment; and also improved reference to providing space for composting and the need for private gardens to be free from flood risk and to be well drained which will in turn assist in helping to provide opportunities for food growing- one of the key People's Jury recommendations.
- 2.10 Officers advise that upon adoption the revised policies have the potential to realise development that could contribute to better tackling the Climate Emergency, including through:
- The objective of ensuring that all new housing approved in the district will be net zero carbon by 2028 using a method of construction called fabric first which means not relying on decarbonisation of the grid which is the Government's proposed approach.
 - Better consideration of flood risk and water management to respond more strongly to issues of surface water run-off and water efficiency.
 - Introducing a strategic focus on habitat and ecosystem connectivity and function, which will ensure greater protection and enhancement of the district's Green (land) and Blue (water) Infrastructure.
 - Increased emphasis on the key role that renewable energy generation, distribution and storage plays in climate mitigation within new development.
 - A greater focus on active travel networks and connectivity as well improved expectations on Electric Vehicle infrastructure provision.

3.0 Details of Consultation

- 3.1 The proposed CELPR has been subject to extensive consultation in various preparation stages, the scope of the partial review has been considered during late 2020 and a suite of draft policies have been the subject of consultation during the summer of 2021.
- 3.2 If the Council resolves to publish and submit the CELPR, officers will prepare the publication editions of the documents and make them available for a six-week period in which stakeholders and the wider community can comment on the soundness of the published CELPR.
- 3.3 The CELPR documents, the comments received upon publication, and the supporting evidence, would then be submitted to the government, potentially in April 2022. The government would then appoint an Inspector to consider; whether the Plan's preparation has complied with duty-to-cooperate requirements; whether it is compliant with legal requirements; and, whether the Plan is sound. To be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The Inspector may hold local hearing sessions in which other parties are invited to assist him or her in considering these issues.

3.4 Following the Inspector’s consideration of issues, the Inspector may then ask the Council to consult on proposed modifications. Following the Inspector’s consideration of the responses to the proposed modifications the Inspector will send the Council a report which will conclude whether the plan has been properly prepared and is sound. Most often where an Inspector advises the Council that it may adopt its plan the version to be adopted will need to be modified to accommodate his or her binding recommendations. At this point the Council would be asked to decide to formally adopt its revised Local Plan.

4.0 Options and Options Analysis (including risk assessment)

<p>Option 1: That Cabinet Members support the intention to take the CELPR to Council, anticipated on 26th January 2022, with a recommendation seeking a resolution to publish the CELPR, obtain formal representations and then submit the documents to the government for independent Examination. This will ensure the relevant regulations are followed and will enable stakeholders to make their views on soundness of the plan and its preparation process. The submitted documents will then be considered by a government appointed Inspector.</p>
<p>Advantages: The Publication and Submission of the CELPR are essential stages in advancing the Council’s ambitions to review it adopted Local Plan to better address the Climate Emergency.</p> <p>The Council’s Local Development Scheme (LDS) provides the intended timetable for advancing the plan through these stages. The proposed revision of the plan is supported by evidence documents, on matters such as development viability, that are time-sensitive; delaying publication and submission would affect the applicability and relevance of evidence documents.</p> <p>The CELPR will strengthen policies in a way that can realise better outcomes from development on Climate Change mitigation and adaptation.</p>
<p>Disadvantages: None</p>
<p>Risks: The Inspector at independent Examination may conclude that the CELPR could have benefited from further work prior to submission.</p>
<p>Option 2: That Cabinet Members do not support the intention to take the CELPR to Council, anticipated on 26th January 2022, with a recommendation seeking a resolution to publish the CELPR, obtain formal representations and then submit the documents to the government for independent Examination.</p>
<p>Advantages: Further time could be spent on continuing to prepare policies before publication and submission.</p>
<p>Disadvantages: Delay to the CELPR processes will increase the time that passes until its potential formal adoption. It is only upon formal adoption that the revised policies will form the development plan that is used in the determination of development proposals. Delay in plan preparation would mean a delay in realising better outcomes from development on Climate Change mitigation and adaptation that would assist in helping to address the environmental concerns that motivated the Council’s declaration of a Climate Emergency.</p> <p>The Council’s Local Development Scheme (LDS) provides the intended timetable for advancing the plan through these stages and it is not apparent why the Council would not wish to keep to this published timetable given the resources that have been deployed to</p>

enable a prompt review of the adopted plan. The proposed revision of the plan is supported by evidence documents, on matters such as development viability, that are time-sensitive; delaying publication and submission would affect the applicability and relevance of these documents.

Risks: Delay in preparation increases the risk of the evidence being considered no longer up to date during the Examination of the submitted Local Plan.

4. Officer Preferred Option

- 4.1 Option 1. The intended publication editions of the CELPR documents are now sufficiently advanced to be formally published and submitted. Officers recommend members moving the CELPR forward to Council for a formal decision on publishing and submitting the documents in accordance with regulatory processes.
- 4.2 Officers are sufficiently content that the challenges which have been raised at the earlier stages have either been addressed through revisions to both DPDs and that these do not warrant sufficient justification for further amendments to be made.
- 4.3 Whilst the publication version of the CELPR represents the Council's intended definitive version of both DPDs, the publication process will provide the opportunity for any parties who do not consider its content to sound (i.e. not consistent with national planning policy) or legally compliant (i.e. has not met the legal requirements of plan-making) to make formal representations setting out their concerns. Those representations will be considered by the Planning Inspector through the public examination process.