

## Lancaster City Council | Report Cover Sheet

<b>Meeting</b>	Cabinet	<b>Date</b>	7 June 2022		
<b>Title</b>	Supplementary Planning Documents to Support the Climate Emergency Local Plan Review (Suite 2)				
<b>Report of</b>	Director for Economic Growth and Regeneration				
<b>Purpose of Report</b>					
<p>The purpose of this report is for Members to consider the; draft Sustainable Travel Supplementary Planning Document, the draft Incorporating Green and Blue Infrastructure into the design of development Supplementary Planning Document, and the draft Sustainable Design, Energy Efficiency and Renewable Energy Generation Supplementary Planning Document and seek authorisation for the Service Manager – Planning and Housing Strategy to proceed with informal and statutory consultation.</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 report outlines the purpose of the draft Supplementary Planning Documents (SPD). Each has been produced to provide additional guidance and advice about the planning policies which have been amended by the Climate Emergency Review of the Local Plan (CERLP). These new policies and the supporting SPDs aim to contribute to the Council's aspirations to address the climate emergency. Three SPDs in relation to other matters have also been drafted and these were reported to Cabinet in April 2022 (known as Suite 1). The Suite 2 SPD's are the subject of this report.

The draft Sustainable Travel SPD provides advice in support of policies T2, T4, DM61, DM62 and DM63.

The draft Incorporating Green and Blue Infrastructure (GBI) into the design of development SPD provides advice in support of a number of GBI related policies within the CERLP (mainly CC1, DM29, DM43, DM44 and DM57).

The draft Sustainable Design, Energy Efficiency and Renewable Energy Generation SPD provides advice in support of policies DM30a, DM30b, DM30c and DM53.

The report also explains the consultation process and recommends that delegated powers be given to the Service Manager – Planning and Housing Strategy to proceed with informal and statutory consultation and then adoption. As the SPDs support policies in the CERLP, they cannot be adopted until the plan has been adopted.

## Recommendations of Councillors

(1) It is recommended that Cabinet approve the draft SPDs and delegate authority to the Service Manager – Planning and Housing Strategy to advance the draft SPDs through informal and statutory defined consultation processes.

(2) The SPDs will then be adopted unless the consultation results in any significant changes, in which case the amended SPD will be reported back to Cabinet for final endorsement.

## Relationship to Policy Framework

The Corporate Plan and Priorities (January 2022) includes a priority to create a sustainable district by taking action to meet the challenges of the climate emergency and transitioning to a low carbon transport system and to provide for healthy and happy Communities by supporting wellbeing.

The CERLP includes policies which seek to climate change related issues such as energy efficiency, renewable energy generation, sustainable design, the incorporation of green and blue infrastructure and sustainable travel.

The draft SPDs will support the implementation of policies within the CERLP.

## Conclusion of Impact Assessment(s) where applicable

### Climate

On adoption the SPDs will support the Council's aspirations to address the climate emergency, mitigate risks to our community from climate change and support an inclusive transition to zero carbon living.

### Wellbeing & Social Value

On adoption the SPDs will support new development to address sustainable travel and the provision of green and blue spaces and therefore wellbeing.

### Digital

There are no digital impacts arising from a commitment to progress the draft SPD through the informal and statutory consultation processes and then to adoption.

### Health & Safety

There are no Health & Safety, Equality and Diversity, Human Rights, Community Safety, HR implications arising from a commitment to progress the draft SPD through the informal and statutory consultation processes.

### Equality

There are no equality impacts arising from a commitment to progress the draft SPD through the informal and statutory consultation processes and then to adoption.

### Community Safety

There are no community safety impacts arising from a commitment to progress the draft SPD through the informal and statutory consultation processes.

The impacts of the policies within the CERLP will be assessed during the statutory Local Plan process. As the draft SPDs provide guidance upon the implementation of policies within the CERLP, they will not have an impact on these matters.

## Details of Consultation

The draft SPDs have been advanced through discussion at the Local Plan Review Group.

The draft SPDs will be subject to informal and formal statutory consultation processes with stakeholders, each running for a 6-week period. This will be carried out while the CERLP is being progressed. Amendments to the SPDs may be required to address comments raised through the consultation or amendments to policies recommended by the CERLP Inspector.

### **Legal Implications**

The statutory consultation will be carried out in accordance with the process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The decision to adopt an SPD is a decision that is subject to public law considerations and accordingly could be subject to judicial review challenge (if sufficient grounds for such a claim are made out). Once adopted, the SPDs will form a material consideration in the determination of planning applications.

### **Financial Implications**

The draft SPDs are intended to provide guidance on the implementation policies in the CERLP. The financial implications arising from its progression through the statutory consultation process are accounted for within existing budget.

### **Other Resource or Risk Implications**

The main resource implication will be the staff required to support the progression of draft SPDs through informal and statutory consultation, any necessary amendment arising from consultation responses, and then adoption and subsequent review.

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

The s151 Officer has been consulted and has no comments to add

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

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

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### **[Links to Background Papers](#)**

Draft Sustainable Travel Supplementary Planning Document  
Draft Incorporating Green & Blue Infrastructure (GBI) into the design of development Supplementary Planning Document  
Draft Sustainable Design, Energy Efficiency and Renewable Energy Generation Supplementary Planning Document

## **1.0 Introduction**

- 1.1 The policies within the Climate Emergency Review of the Local Plan (CERLP) aim to improve the way in which new development addresses and contributes to minimising and mitigating the effects of climate change. It is intended to produce six SPDs which will provide additional guidance on how the policies will be interpreted and how applicants can implement the requirements within developments. As the SPDs will support policies in the CERLP, they cannot be adopted until the plan is adopted. It is however proposed to take them through the statutory consultation processes while the CERLP is progressing. This should allow them to be adopted at a similar time to the plan, providing guidance for applicants and forming a material consideration in making planning decisions at the time when it is needed.
- 1.2 The SPDs are being produced in two suites, partly for work programming reasons and partly not to overwhelm consultees. The first suite of SPD's was reported to Cabinet on 12<sup>th</sup> April and the first round of informal consultation commenced on these on 22<sup>nd</sup> April. The second suite, the draft Sustainable Travel SPD, the draft Incorporating Green & Blue Infrastructure (GBI) into the design of development SPD, and the draft Sustainable Design, Energy Efficiency and Renewable Energy Generation SPD are now available and are attached to this report.

## **2.0 The Content of the Draft SPDs**

- 2.1 The draft SPDs do not propose new policies, they explain how certain policies in the CERLP will be interpreted and provide guidance on the detail and criteria within the policies.
- 2.2 Members should be advised that the presentation and appearance of the SPDs is likely to be significantly different to what is presented today. It is the intention of officers that the SPDs will be worked up by graphic designers over the coming months, with the inclusion of more illustrations than currently included, as we move towards and through the consultation stages. Members are also advised that some amendments may be made to the content of the attached SPDs prior to the initial round of consultation; generally, to improve clarity, consistency and presentation. Additionally, given the rapidly developing nature of these topic areas, some updates may be needed to take account of changes in national guidance or legislation, though these are not presently anticipated.

### Sustainable Travel SPD

- 2.3 This SPD aims to collate existing detail set out in an existing PAN on cycling and walking at strategic housing sites and provides guidance for applicants on how to achieve the detail of the policies within the CERLP. It primarily relates to Policies T2, T4, DM61, DM62 and DM63 of the CERLP, and focusses on how new development should incorporate walking and cycling infrastructure at the earliest stages of the design process. This includes site layouts that prioritise

walking and cycling and the provision of high-quality paths and cycle parking. This SPD will supersede PAN 008 (Cycling and walking infrastructure).

#### Incorporating Green and Blue Infrastructure (GBI) into the design of development SPD

- 2.4 This SPD primarily relates to policies CC1, DM29, DM43, DM44 and DM57 of the CERLP. The aim of the SPD is to provide useful guidance to applicants that can be used from the design stage of a proposal to ensure that green infrastructure and the necessary environmental requirements are built into a scheme from the outset. This includes elements such as bee bricks, space for food growing and green roofs. Useful examples of how these can be achieved are provided and information is also provided on the Biodiversity Net Gain requirements. This SPD will supersede PAN 002 (the growing of food in new development) and PAN 004 (open space provision).

#### Sustainable Design, Energy Efficiency and Renewable Energy Generation SPD

- 2.5 This SPD aims to provide additional information on how the new energy efficiency policies set out on the CELPR can be achieved. It primarily relates to Policies DM30a, DM30b, DM30c and DM53. The SPD sets out useful information in relation to the fabric first approach to construction, and methods that applicants could choose to explore to meet the requirements of the policies. The SPD also contains a useful checklist for applicants to assist with their submission of the required Sustainable Design Statement, which will also need to include an Energy Statement. The SPD will supersede PAN 009 (energy efficiency in new developments).

### **3.0 Consultation**

- 3.1 The formal process for preparing and adopting SPDs is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The National Planning Policy Framework (NPPF), as updated in July 2021 defines SPDs as:

*"...documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan."*

The NPPF also states that SPDs should be used where they can help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.

- 2.2 SPDs relate to specific sites or specific planning issues. They are not subject to Independent Examination and do not have Development Plan status. However, SPDs are given due consideration within the decision-making process and must relate to a specific Development Plan policy contained within a DPD.

2.3 There is a three-stage process for the preparation of Supplementary Planning Documents, this includes:

- Evidence gathering
- The preparation and consultation of a draft SPD
- The Adoption of the SPD

2.4 The evidence in respect of the policies in the CERLP was gathered in the lead up to the drafting of the policies.

2.5 Early engagement in the preparation of SPDs is encouraged. A stage of informal consultation will allow stakeholders to comment on the content and, where necessary, provide evidence which may result in amendments to the draft SPDs.

2.6 In order to progress as an SPD, the Council must undertake a statutorily defined consultation process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 12 Public Participation.

2.7 The consultation responses must be considered, and any necessary amendments made to the SPDs. As the SPDs have been drafted to support policies in the CELPR, amendments may also be necessary to address any changes to policies required by the Inspector. A Consultation Statement will be drafted for each SPD following each consultation stage. These will summarise the comments received, the Council's response and highlight amendments made to address comments where necessary. Following the final Regulation 12 Consultation, the SPDs will be adopted and published unless significant amendments have been made to the SPDs. If significant amendments are made, the SPD subject to the amendments will be reported back to cabinet for final endorsement and adoption.

2.8 It is intended to time the consultation process to allow adoption of the SPDs at a similar time to the adoption of the CELPR. This will ensure that they are available to provide advice to applicants on the new policies and they can be given weight in decision making.

#### **4.0 Options and Options Analysis (including risk assessment)**

<b>Option 1:</b>
Progress the draft SPDs through informal and statutorily defined consultation process.
<b>Advantages:</b>
The consultation process will provide engagement with stakeholders and allow them to influence the content of the draft SPDs.
Consultation and appropriate consideration of the responses will ensure that the SPDs can be afforded weight when determining planning applications.
On adoption, the SPDs will support the Council's aspirations to address the climate emergency, mitigate risks to our community from climate change and support an inclusive transition to zero carbon living.

**Disadvantages:**

No disadvantages.

**Risks:**

No risks.

**Option 2:**

Do not progress the draft SPDs through informal and statutorily defined consultation process.

**Advantages:**

No advantages.

**Disadvantages:**

Additional guidance about the criteria within planning policies will not be available for prospective applicants or as a decision-making tool.

The SPDs will not be available to support the Council's aspirations to address the climate emergency, mitigate risks to our community from climate change and support an inclusive transition to zero carbon living.

**Risks:**

Processing the draft SPDs without the necessary consultation will mean that the SPDs cannot be made, as statutory consultation is required. To make it without consultation will be contrary to the regulations.

**4.0 Officer Preferred Option (and comments)**

4.1 The officer preferred option is Option 1 - Progress the draft SPDs through informal and statutorily defined consultation process to ensure that if adopted it can be given weight in decision making.