



**Committee:** OVERVIEW AND SCRUTINY COMMITTEE

**Date:** WEDNESDAY, 30 JUNE 2021

**Venue:** MORECAMBE TOWN HALL

**Time:** 6.00 P.M.

Councillors are reminded that as Members of Overview and Scrutiny they may not be subjected to the Party Whip, which is prohibited under the Lancaster City Council Constitution.

## AGENDA

**1. Apologies for Absence**

**2. Appointment of Vice-Chair**

In accordance with Part 3, Section 3, Overview and Scrutiny Procedure Rules, of the Constitution, the holder of this appointment shall not be members of the largest political group, which has Councillors serving on the Cabinet.

**3. Minutes**

Minutes of the Meeting held on 28<sup>th</sup> April, 2021 (previously circulated).

**4. Items of Urgent Business authorised by the Chair**

**5. Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

**6. Climate Emergency Review of the Local Plan for Lancaster District - Progress on a Consultation Draft (Regulation 18) (Pages 3 - 9)**

Report of Service Manager - Planning and Housing Strategy.

**7. Appointments (Pages 10 - 13)**

Report of the Chief Executive.

**8. Work Programme**

To submit any further items for the Work Programme.

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Richard Austen-Baker (Chair), Alan Biddulph, Roger Dennison, Mandy King, Jack Lenox, Abi Mills, John Reynolds, Stewart Scothern and Alistair Sinclair

**(ii) Substitute Membership**

Councillors Paul Anderton, Roger Cleet, Tim Dant, Andrew Gardiner, Colin Hartley, Geoff Knight and David Whitaker

**(iii) Queries regarding this Agenda**

Please contact Jenny Kay, Democratic Services - email [jkay@lancaster.gov.uk](mailto:jkay@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

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Published on 22<sup>nd</sup> June, 2021.

**OVERVIEW & SCRUTINY****Climate Emergency Review of the Local Plan for Lancaster District – Progress on preparing a Consultation Draft (Regulation 18 Stage)****30<sup>th</sup> June 2021****Report of Service Manager - Planning and Housing Strategy****PURPOSE OF REPORT**

This report sets out progress on the preparation of the Climate Emergency Review of the Local Plan (CELPR) of plan adopted by Council on 29<sup>th</sup> July 2020 and requests that members endorse the progress to date, the highlights are summarised below, and endorse the intention of seeking a Cabinet resolution to consult on the draft of the Climate Change Review of the Local Plan.

**This report is public****RECOMMENDATIONS**

- (1) Members are requested to consider and note progress made on preparing the Climate Emergency Review of the adopted Local Plan.
- (2) That members endorse the intention to seek an imminent approval from Cabinet to commence the Regulation 18 Stage, informal consultation, on the draft revised Local Plan.

**1.0 Introduction**

1.1 The Chair and Members of the Overview and Scrutiny Group have previously expressed much interest in the progress of the development of the Local Plan for Lancaster District:

- At its meeting of 20 February 2018 members requested an update on the preparation of the Local Plan from the Director of Economic Growth and Regeneration considering the community interest expressed in achieving the completion of the documents.
- At its meeting of 12<sup>th</sup> February 2019 members requested that the Cabinet Member with responsibility for Planning be invited to a future meeting of the Committee.
- At its meeting of 11<sup>th</sup> March 2020 Councillor John Reynolds, at that time Cabinet Member with Responsibility for Planning Policy attended the meeting and discussed planning policy matters including progress on the preparation of the Local Plan and Climate Change resilience.

- At its meeting of 20<sup>th</sup> January 2021 Councillor Hanson attended to provide the Committee with a presentation giving an overview of her then current portfolio including progress on the Local Plan, and Climate Change resilience.
- 1.2 Members will know that Council made the significant decision to adopt its Local Plan on 29<sup>th</sup> July 2020. The preparation and maintenance of an up-to-date Local plan is an obligation on local planning authorities. The adopted Local Plan established how much development is needed to meet local needs and requirements for homes and jobs in the period to 2031. It also identifies the land and opportunities for that quantity of development and updates the policies that are used in the determination of planning applications. Significantly the Local Plan identifies a broad location for growth at south Lancaster. The Local Plan established that this would be the location for a new settlement; the Bailrigg Garden Village, that would be commenced within the period of the current local plan (to 2031) with development continuing over the subsequent decades providing a location for future development needs. The plan committed the Council to preparing a further document, an Area Action Plan, that will formally allocate specific areas of land for development within this Broad Location for Growth.
- 1.3 Members will also recall that the meeting of Council that formally adopted the Local Plan also approved an updated Local Development Scheme (LDS) – the local plan project 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 declared by the Council in January 2019.
- 1.4 On 15 September 2020 Cabinet considered a report from the Director for Economic Growth & Regeneration seeking endorsement for the formal commencement of the Climate Emergency Review of the Local Plan and advising members of the review stages and processes, including the launch of the Scoping Consultation (Friday 25 September to Friday 20 November 2020).
- 1.5 At a pace appropriate to addressing an emergency, work to review the Local Plan has been appropriately resourced by the City Council and undertaken rapidly by officers of the Planning and Place Service with support from external consultancies. This report sets out progress on the preparation of the CELPR, presents, for information a summary of highlights from the emerging plan documents, and requests that, on the basis that the content of the documents have been advanced in stages via discussion with the relevant Portfolio Holder and Local Plan Review Group members, endorse the intention to seek an imminent approval from Cabinet to commence the Regulation 18 Stage, the informal consultation, of the draft revised Local Plan.

## **2.0 Process of Preparing a Local Plan**

- 2.1 The City Council's constitution of June 2021 states that the plans and strategies which are relevant to the Council's functions are required by law to be decided by the full Council, usually on the recommendation of the Cabinet. The constitution lists the plans and strategies that constitute the Council's policy framework; this includes the Local Development Plan and Development Plan Documents. Whilst a decision of Council is required to adopt the development plan, Cabinet has a role to play in the development of draft policy. It is anticipated that a recommendation will be made to Cabinet that it considers the documentation prepared and resolves to publish, for informal consultation purposes, draft versions of the revised (i) Strategic Policies and Land Allocations Development Plan Document and (ii) the Development Management (Policies) Development Plan Document. This will enable a proposed eight-week consultation period to commence as soon as practicable, potentially well within the

month of July.

- 2.2 This Regulation 18 Stage is a genuine consultation, it is an open invitation to the community, stakeholders, agencies with statutory responsibilities, developers, and amenity groups to help shape the emerging plan by providing the opportunity to see the revised documents and the evidence that has informed them. The Council engages the community in accordance with a specific consultation engagement plan that conforms with its own Statement of Community Involvement (SCI). Consideration is then taken of the feedback received and the draft documents are likely to be edited to reflect that consideration. Subsequently Cabinet would be asked to recommend to Council that Council should resolve to; formally publish the revised documents and evidence base and invite statutory representations (from any party), then submit the plan, the evidence base and the representations received to the Government and enable the Service Manager - Planning and Housing Strategy to engage with the Planning Inspectorate in the process of the independent Examination of the submitted documents by a government appointed Planning Inspector.
- 2.3 Should the planning Inspector ultimately conclude in a report that the revised documents have been properly prepared (found “sound”) then the Council can adopt the revised documents in place of the Local Plan documents that it formally adopted on 29<sup>th</sup> July 2020.
- 2.4 To date, the revised local plan documents have been discussed in much detail and accordingly shaped through frequent discussions with the relevant Portfolio Holder, assisted by members of the non-decision making Local Plan Review Group.
- 2.5 Following the Cabinet resolution of 15 September 2020 to formally commence the review the process began with a successful remote scoping consultation held between Friday 25 September and Friday 20 November 2020. In the absence of the opportunity of in-person meetings or drop-in events the consultation included an overall introductory video presentation explaining the reasons for the Climate Emergency Review followed by the release of five further videos presented by members of the Planning and Housing Strategy team (at intervals in the first part of the consultation period) on the themes;
  - Heritage and Climate Change
  - Energy Efficiency in New Housing
  - Blue-Green Infrastructure (the natural environment)
  - Sustainable Transport and
  - Water Management
- 2.6 The videos, and other scoping events including a formal launch event for duty to cooperate partners, were very well received and officers have received positive feedback on the effectiveness of the approaches used during the pandemic. The outcome of the scoping stage established which policy areas would be re-explored during the Climate Emergency Review. Importantly, the Scoping Stage sought to clarify that this is a partial review of the Local Plan, with the express objective of seeking better development outcomes for climate change mitigation and adaptation following the Council’s declaration of a Climate Emergency and any updated national guidance or local evidence. Specifically, the CELPR does not revisit the amount of development required to meet the needs of the community and economy, nor does it re-visit specific land allocations. These strategic matters were not easily established during the preparation of the just-adopted Local Plan over a plan 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.

2.7 Following the conclusion of the scoping stage, officers grouped the 32 policies proposed to be revised into five themed topic areas, with a sixth category for miscellaneous policies. A series of Topic Papers describes for each of these subject-themed areas:

- The outcomes of the scoping consultation
- The exploration of alternative approaches to reviewing policy
- An explanation of how revision of the policies can ensure better outcomes in relation to Climate Change
- Proposed revisions to policies presented in strike-through format
- Proposed revisions to the supporting text presented in strike-through format.

2.8 The Topic Paper themes were as follows:

- 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

2.9 An overview of the main policy amendments proposed in the Local Plan is set out below.

2.10 **Water Management:** Flooding has been a significant issue in Lancaster District. Whilst the adopted Local Plan does incorporate the SuDS mitigation hierarchy, and ensures development takes place in areas that are less susceptible to flooding, the Local Plan Review enhances the policy to recognise the multi-functional benefits that Sustainable Urban Drainage Systems can provide. A SuDS attenuation pond can not only act as both a storage basin for floodwater, but also potentially a new habitat for wildlife, whilst also enhancing the visual amenity and local landscape for residents, which in turn provides opportunities to aid people's health and wellbeing. The proposed amendments to the Local Plan policies in relation to this issue ensure that surface water drainage systems are adequately designed to make the best use of above ground techniques to reduce and mitigate flooding, support biodiversity enhancements, and provide urban cooling and pollution control. The review also amends existing policy to ensure that it remains adequate in ensuring such systems are maintained in the long term. The review is informed by updated evidence.

2.11 **Green & Blue Infrastructure:** The Local Plan already seeks to protect and enhance the natural environment but in promoting a more-joined up approach, the Planning and Housing Strategy team has produced a Green and Blue Infrastructure (GBI) Strategy as one of the key pieces of evidence to support the review. This is a predominantly map-based (GIS) exercise which identifies the existing network of green and blue infrastructure, acknowledging the multi-functional nature of many of these features. The purpose of the strategy is to identify opportunities where the network could be improved and enhanced to increase the connectivity and functionality of the network, ultimately to provide greater benefits for both nature and residents.

- 2.12 The outcomes of the strategy have led to amendments to the Local Plan policies including an emphasis on the importance of connectivity of blue (water) as well as green (open space) infrastructure and identified corridors and chains of GBI right across the district, reducing fragmentation, which can lead to the degradation of habitats and species loss, and ultimately make the network more resilient to climate change.
- 2.13 **Strategic Transport:** The focus of proposed changes within this topic area relate to modal shift and the need to alleviate our current reliance on the private car for getting around, and instead focus on making more sustainable modes of transport, like walking, cycling, buses, and trains, more accessible, more convenient, and therefore the community's perception of these modes of travel as a realistic alternative to the private car will be enhanced.
- 2.14 Promoting these measures can encourage more active lifestyles, help improve the quality of the air along the District's busiest roads, relieve pressure along the key transport corridors (like the M6) and open capacity for more sustainable forms of transport, such as cycle and bus lanes. The proposed revised Local Plan policies have increased the emphasis on active travel, and it also introduces a significant new requirement in the form of LTN1/20 which now means that higher standards will be required in terms of cycling infrastructure than previously, which could positively influence the design of routes, junction layouts, pedestrian and cycle crossings and the provision of cycle parking.
- 2.15 The Plan review also focuses on air quality management and the promotion of ultra-low emission vehicles and increased deployment of electric vehicle charging points across the District. Officers will continue to work on transport matters alongside colleagues within the County Council which is the highways and transport authority.
- 2.16 **Heritage:** Gains on climate change performance must be sensitive to the management of built heritage. Historic buildings have been constructed and adapted over many centuries using traditional materials and techniques that have withstood the test of time. Caution is needed as standard approaches to retrofitting buildings may not be compatible with the Council's statutory obligations to protect heritage. Inappropriate interventions to heritage buildings, for example attempting to conserve heat by reducing ventilation can be harmful to historic building fabric, occupant health and heritage value. Therefore, two new policies are being proposed to be added to the Local Plan as part of the review: one on retrofitting buildings of traditional construction and another relating to micro-renewables in the setting or curtilage of heritage assets.
- 2.17 **Sustainable Design, Energy Efficiency & Renewable Energy:** This is the most significant area of proposed change in the Local Plan, the policies having been completely re-written. The review will propose an ambitious approach to addressing the climate emergency, going beyond the Government's Future Homes Standard consultation outputs, and setting the Council's own energy efficiency targets via a stepped approach over short period of time. The revised policy on energy efficiency proposes a 31% reduction in carbon dioxide emissions on current levels in 2022, a 75% reduction in carbon dioxide emissions in 2025, and a requirement for all new build housings to be net zero carbon by 2028. This goes beyond simply regulated energy use, which is what the Government approach does, by specifying a Fabric First approach to ensure that the carbon reduction potential of each building is considered rather than relying on decarbonisation being achieved by improvements in the carbon performance of electricity in the national grid. Potentially grid decarbonisation might mean that houses built to current standards could potentially be zero carbon already;

the plan review proposes that grid decarbonisation by other parties should not be the only means of reducing carbon emissions.

- 2.18 The reviewed Local Plan also significantly pushes the use of renewables further, and Policy DM53 now outlines details of a variety of renewable energy technologies such as solar and biomass, which can also help to reach the net zero target. The plan also proposes to require developments to provide space for food growing and composting and for that major developments should connect to any existing heating and cooling distribution networks or contribute to providing them. The Local Plan now requires Modern Methods of Construction to be used where possible and the opportunity for low carbon technologies or other sustainability measures to be offered to the purchaser at the point of sale. Water efficiency and consumption measures must be included within the construction of new buildings and the use and management of materials and waste must be considered. Sustainable Design Statements and Energy Statements will be required by applicants at application stage.
- 2.19 **Miscellaneous Policies:** Other areas of the local plan have been amendments to; highlight the importance of promoting green industries and economic sectors, and providing greater support for a green economic recovery, particularly in given the context of the COVID Pandemic.
- 2.20 Members are advised that the content of the plan review provides a clear message that Lancaster City Council intends to take a significant, potentially UK-leading approach to tackling climate change through ambitious planning policy. There are currently few Local Authorities addressing the climate emergency through planning policy with a similarly approach; some other authorities are preparing SPDs or planning guidance notes. It is thought that presently Lancaster City Council may be the only planning authority in England that is specifically reviewing its Local Plan to address a climate emergency.
- 2.21 Officers have been asked to speak at external events about incorporating climate change adaptation and mitigation into Local Plan policy with many other authorities contacting us directly to ask for guidance in taking their own policy forward. Key Stakeholder involvement throughout the evolution of the policy writing has been crucial and, as a result, organisations such as the Environment Agency, CPRE, Natural England and the Lead Lancashire Flood Authority are highlighting Lancaster City Council's action on addressing the climate emergency through planning policy.

### **3.0 Conclusion**

- 3.1 An iterative process of consideration and discussion with the relevant Portfolio Holder and members of the Local Plan Review Group on each of the key Climate Change themes has resulted in the draft revised local plan documents which it is proposed should now be advanced to Cabinet with a recommendation seeking a resolution to publish for a period of informal consultation.
- 3.2 Responsibility for oversight of the development of the content of the draft documents has been with the relevant Portfolio Holder. Accordingly, members of the Overview and Scrutiny Group are not asked to appraise the outcomes of that work in detail but are invited to consider, and if appropriate, provide recommendations to Cabinet, about the appropriateness and robustness of the processes which have led to the draft documents, with the review outcome headlines outlined above, in the context of addressing the Council's own declaration of a climate emergency, and the objective of speedily seeking better outcomes for climate change mitigation and adaptation from development proposed by the currently adopted Local Plan.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

There are no direct implications arising from the recommendations of this report. The impacts on all these issues are of course addressed by the preparation of the Local Plan documents. The Review of the Local Plan is accompanied by an independently prepared Sustainability Assessment (SA), Equality Impact Assessment and Rapid Health Impact Assessment.

**LEGAL IMPLICATIONS**

There are no direct legal implications arising from the recommendations of this report. The local plan consultation itself must be conducted in accordance with national legislation.

**FINANCIAL IMPLICATIONS**

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. Any future decisions or variations that result in further costs must be reported and approved as appropriate prior to their commencement.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

There are no other direct resource implications arising from this report.

**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 has no further comments to add.

**BACKGROUND PAPERS**

N/a

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**Ref:**

**OVERVIEW AND SCRUTINY COMMITTEE****APPOINTMENTS****30<sup>th</sup> June 2021****Report of Chief Executive****PURPOSE OF REPORT**

To enable Members to make a number of appointments for the current Municipal Year.

**This report is public.**

**RECOMMENDATIONS**

- (1) **The Committee is requested to consider and appoint representatives, as detailed in the report below.**

**1. INTRODUCTION****1.1 APPOINTMENT OF PRE-DECISION SCRUTINY CHAMPION****Pre-Decision Scrutiny Champion**

Regular pre-decision scrutiny meetings are arranged. The Chair and Vice-Chair of this Committee, the Budget and Performance Panel and the Pre-Scrutiny Champion are invited to attend to be briefed on forthcoming issues by officers.

This is the process by which members of the Overview and Scrutiny Committee become involved with decisions at a stage before the decision is formally taken.

This approach proves beneficial as it:

- Involves non-executive councillors at the pre-decision stage.
- Reduces the need for call-ins through developing an understanding of an issue and ensuring that reports for decision adequately reflect different options and approaches.
- Adds value to reports through wider consultation.

There are many ways in which pre-decision scrutiny can be undertaken and achieved as follows:

- Examination of the List of Forthcoming Key Decisions.

- ❑ Information obtained arising from discussions with Cabinet Members and Chief Officers.
- ❑ Examination of the Council Plan and budget information.

The role of the Pre-Scrutiny Champion is to take the lead and help develop this process. He/she can:

- ❑ Liaise with Members of Overview and Scrutiny to highlight potential areas for pre-decision scrutiny.
- ❑ Consider and review the List of Forthcoming Key Decisions.
- ❑ Assist other Councillors (including Members of the Committee) to identify pre-scrutiny issues and propose ways in which these can be approached.
- ❑ Provide comments on the structure and functioning of the List of Forthcoming Key Decisions to assist the City Council with its improvement and advancement.

The Committee is asked to note the arrangements for pre-decision scrutiny meetings and appoint a Councillor to undertake the task of Pre-Scrutiny Champion.

## 1.2 APPOINTMENTS TO OUTSIDE BODIES

The Council meeting, held on Monday, 17<sup>th</sup> May 2021, considered and approved the basis upon which appointments to various outside bodies, partnerships and boards are made.

Set out below are those which have been agreed by Council as appointments to be made by Overview and Scrutiny Committee. The Committee is asked to consider these appointments.

Organisation	Basis of appointment
Homelessness Forum	1 representative from the Overview and Scrutiny Committee.
Lancaster, Morecambe and District Fairtrade Group	1 representative from the Overview and Scrutiny Committee.

### RELATIONSHIP TO POLICY FRAMEWORK

There are no direct implications as a result of this report.

### CONCLUSION OF IMPACT ASSESSMENT

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

There are no direct implications as a result of this report.

### LEGAL IMPLICATIONS

There are no legal implications as a direct result of this report.

### FINANCIAL IMPLICATIONS

Members of outside bodies are entitled to travelling expenses, which are funded from within existing budgets.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources; Information Services; Property; Open Spaces:**

None.

**SECTION 151 OFFICER'S COMMENTS**

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

**MONITORING OFFICER'S COMMENTS**

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

**BACKGROUND PAPERS**

Report to Council dated 17<sup>th</sup> May 2021.

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**Appendix A**

<b>Organisation</b>	<b>Information regarding the organisations</b>
Homelessness Forum	<p>The Homelessness Forum meets quarterly during the day usually at 2pm virtually with the objective of meeting with partner organisations to review and deliver the action plan developed as part of the homelessness strategy. The homelessness strategy was reviewed in 2019 for the next 5 years with a refresh review completed every 12 months. The Forum normally has at least two City Council representatives.</p>
Lancaster, Morecambe and District Fairtrade Group	<p>Require one councillor to act as a liaison between the group and the City Council.</p> <p>In the last year the Group has held just 3 group meetings, on a Tuesday evening, as activities have been restricted but would expect to return to around 6 again when restrictions are lifted. The day is convenient to the group but could be flexible regarding time.</p> <p>Meetings are currently being held via Zoom, with future meeting arrangements to be discussed at the AGM on 25<sup>th</sup> May 2021.</p>