LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Committee: **CABINET**

Date: **TUESDAY, 12 APRIL 2022**

Venue: **MORECAMBE TOWN HALL**

Time: **6.00 P.M.**

A G E N D A

1. Apologies

2. Minutes

   To receive as a correct record the minutes of Cabinet held on Tuesday, 1 March 2022 (previously circulated).

3. Items of Urgent Business Authorised by the Leader

   To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

4. 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.

5. Public Speaking

   To consider any such requests received in accordance with the approved procedure.

   Reports

   Reports from Overview and Scrutiny

   None

6. Hackney Carriage Fare Review 2022 (Pages 4 - 42)

(Cabinet Member with Special Responsibility Councillor Brookes)

Referral report from the Licensing Committee. The report was marked 'to follow' when the agenda was published on 1 April 2022 and was published on 11 April 2022.

7. Supplementary Planning Documents to Support the Climate Emergency Local Plan Review (Pages 43 - 159)

(Cabinet Member with Special Responsibility Councillor Dowding)

Report of Director of Economic Growth & Regeneration

8. The Council Tax Energy Rebate Scheme (Pages 160 - 169)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Report of Head of Shared Service (report published on 6.4.22)

9. Morecambe Vision Cabinet Advisory Group (Pages 170 - 174)

(Cabinet Member with Special Responsibility Councillor Heath)

Report of Director for Economic Growth & Regeneration

10. Gateway, White Lund, Morecambe: Fire Damage Reinstatement and Insurance Matters (Pages 175 - 236)

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Report of Director of Economic Growth & Regeneration (report published on 6.4.22)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Caroline Jackson (Chair), Kevin Frea (Vice-Chair), Dave Brookes, Gina Dowding, Tim Hamilton-Cox, Tricia Heath, Erica Lewis, Cary Matthews, Sandra Thornberry and Anne Whitehead

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk.

(iii) Apologies

Please contact Democratic Support, telephone 582170, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,

TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 1 April 2022.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	12 April 2022
Title	Hackney Carriage Fare Review 2022		
Report of	Licensing Manager		

Purpose of Report:
Cabinet members are asked to approve the recommendation from Licensing Committee to set a new Hackney Carriage Fare Tariff.

Key Decision (Y/N)	N	Date of Notice		Exempt(Y/N)	N

Report Summary

At a previous meeting of the Licensing Committee (6th January 2022), members of that Committee proposed an amended tariff to Cabinet for decision, with the subsequent advertisement and adoption process to follow.

In considering the proposals at Cabinet on 8th February 2022 they made the following recommendation.

1. That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.

2. That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.

3. That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.

4. That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision.

5. The Licensing Committee is not the decision-making body so must refer this to Cabinet for their approval.

Officers have followed the recommendation form Cabinet in undertaking an immediate informal consultation with the local licensed trade. In addition to the specified hackney carriage drivers, private hire drivers and operators were included in the consultation as decisions taken may inadvertently affect the wider trade.

The response received, in comparison with other consultation exercises facilitated by the licensing service has been exceptional. With 485 individual licence holders in the district (Drivers and Operators) the number of responses equates to under a third of licensees completing the survey.

The responses from the survey would suggest that option 2 is the preferred tariff of the licensed trade. This tariff would result in an increase to flag fall, rolling rate and amend yardage applied. Additionally, the soiling charge would be raised to a maximum of £100. In

monetary terms, the costs of smaller journeys would be subject to a minor uplift with journeys over 5 miles being subject to a 10-15% increase.
The time and a half/double time rates on this tariff would see fares raised between 10-24%.

As this is an Executive decision the Licensing Committee is not the decision-making body so must refer this to Cabinet for their approval

Recommendations of Licensing Committee

1. That Option 2 be adopted as the Hackney Carriage Fare Tariff 2022/23
2. Hackney Carriage fare reviews will be undertaken annually, by applying retail price index (RPI) across the tariff, to both flag-fall and rolling rate.
3. Any calculation resulting in pence will be round down to the nearest 5p.
4. Consultation with the local licensed trade be carried out via the taxi working group prior to the annual review, and;
5. Approve the Licensing Manager to advertise the adjusted table of fares as required by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Relationship to Policy Framework

This method of reviewing fares was first adopted by this Council in February 2014 when the proposal to use the RPI model was reported to the then Licensing Regulatory Committee.

Conclusion of Impact Assessment(s) where applicable

Climate	**Wellbeing & Social Value**
Digital	**Health & Safety**
Equality	**Community Safety**

Having regard to duties under s149 Equality Act 2010, no identified individual with protected characteristics will be positively or negatively affected by this increase to Hackney Carriage fares.

Details of Consultation

The approved Hackney Carriage tariff will be subject to public consultation and responses considered prior to adoption.

Pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the advertising requirements are as follows:-

1. Putting a notice in the local paper
2. Notice must specify a date, not less than 14 days from the date that the notice is published to allow for objections and is the date, if no objections are made, that the revised fare will come into force.
3. If objections are made, and not withdrawn the Council must consider those objections and the fares then will come into effect (modified or unmodified) within 2 months of the original date.

Legal Implications
Legal have been consulted and have no comments to add.
Financial Implications
There are no direct financial implications to the Council as a result of this report.
Other Resource or Risk Implications
There are no other resource or risk implications arising as a result of this report.
Section 151 Officer's Comments
The Section 151 Officer has been consulted an has no further comments.
Deputy Monitoring Officer's Comments
The Deputy Monitoring Officer has been consulted and has no further comments.

Contact Officer	Jennifer Curtis
Tel	01524 582732
Email	jcurtis@lancaster.gov.uk
Links to Background Papers	
Licensing Committee Thursday 6 January 2022 Cabinet Tuesday 8 February 2022	

1.0 Report

1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares within the district for time, distance and all other charges in connection with the hire of a hackney carriage. The table of fares is attached to the inside of a hackney carriage; this allows members of the public to view all charges when hiring a vehicle

1.2 The current table of fares is attached at **Appendix 1**.

1.3 The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee are required to refer any decision to Cabinet for approval.

2.0 Background

2.1 At a meeting of the Licensing Committee (6th January 2022), members of that Committee proposed an amended tariff to Cabinet for decision, with the subsequent advertisement and adoption process to follow.

2.2 The recommendation considered by Cabinet at its meeting on 8th February 2022 was to apply an uplift to flag fall across 3 tariffs, by a suggested amount of 50p and apply 10p uplift to waiting charges.

2.3 A copy of the report considered and minutes relating to the Cabinet meeting are attached at **Appendix 2**.

2.4 In considering the proposals Cabinet made the following recommendation.

(1) That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.

(2) That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.

(3) That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.

(4) That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision.

2.4 The reasoning for the decision and recommendation was given as follows.

The pandemic has brought about many challenges for the licensed trade, with many choosing not to renew licenses and seek alternative employment. The licensing service are working with internal and external partners to support the trade and encourage new applicants into the profession through funding. It is therefore important the fares represent the living wage locally. In addition, any uplift would need to be balanced in terms of public expectation, anything too great would face criticism and potentially result in less work for the hackney carriage trade. The decision enables officers to undertake an immediate consultation exercise to ensure the fare review is fair and sustainable.

3.0 Consultation

3.1 Following the Cabinet recommendation Licensing Officers set out a 3–step plan to ensure the views of the wider trade could be considered as part of the consultation process.

Step 1 involved compiling an online survey for the licensed trade to complete. An email was sent to all hackney carriage/private hire licence holders (department mailing list).

Step 2 provided support from the covid safety team, who attended hackney carriage stands, encouraged completion of the online survey and asked for general feedback. The licensing team also attended the offices of the 3 largest private hire operations to discuss fares, receive trade insight and again encourage completion of the survey.

Step 3 was not undertaken, as uptake was high from steps 1 and 2. The intention was to facilitate an open session for licensees to attend to provide their views on the tariff options.

3.2 The licensing service often hear from a small minority of drivers, historically consultation and engagement from the trade has been low. It was the intention of the online survey to reach the wider licensed trade and obtain views of the majority.

Attached at **Appendix 3** are the survey questions, they could be summarised as follows.

- Should there be an increase to the tariff at this time
- What any potential increase should be applied to
- Frequency of future fare reviews
- Retail price index (RPI) as methodology
- How we apply marginal increases, rounding up/down etc
- Future engagement

In addition to the questions, 3 tariff options were presented with a brief overview of how that option would represent 1,2,3,4,5,10 and 20-mile journeys in terms of cost and % increase against the current fare.

The tariff options and cost analysis are attached at **Appendix 4**

3.3 A total number of 149 responses were received to the survey.

3.4 Following a discussion with the Cabinet member with the responsibility for Licensing Cllr Dave Brookes and the then Director of Service, Mark Davies some clarity was provided in terms of interpretation of the recommendation from Cabinet. As the approved methodology to apply retail price index (RPI) was adopted in November 2014, it was decided that a baseline RPI calculation should be undertaken, and a tariff 4 option be introduced. Option 4 presents what the tariff would be if RPI had been applied since the policy introduction in 2014.

It was therefore necessary to present the 4th Option to the trade as a follow-up survey.

3.5 From the initial survey responses it was identified that tariff 2 was the trade preferred option, the questions in the follow-up survey asked for a direct preference between the options 2 and 4.

The follow-up survey questions are attached at **Appendix 5**.

3.6 A total of 92 responses were received to the follow-up survey.

3.7 Full consultation responses are attached at **Appendix 6 and 7.**

3.8 The consultation survey was made available online from 15th February 2022 - 8th March 2022.
Responses were received from a cross section of the licensed private hire and hackney carriage trade, with the majority (145) being licensed drivers. 31 Private hire operators responded to the consultation; it was important to include all sectors of the trade in the consultation exercise as operators align their fares with the Council approved hackney fare tariff. (Many hackney carriage work for private hire operators)

3.9 96.6% of the 149 respondents want an increase to the current tariff with 90.6% wanting

any increase to apply to both flag-fall and the rolling rate.
Please note – Flag-fall is the amount the passenger pays upon starting a journey, rolling rate is the incremental charge in relation to distance travelled.

3.10 63.2% felt a review of the tariff should be undertaken annually and 23.6% felt every 2 years was most appropriate. 69% believed that retail price index (RPI) should be used in future years when calculating any tariff increases. 86.6% thought that future increases should be in line with this years review and apply to flag-fall and rolling rate.

3.11 In previous years when RPI has been used to calculate increases to the hackney carriage tariff it has resulted in pence being added to the flag-fall and rolling rate, something that the trade has opposed. This is due to the need to carry loose change/pennies. 80% of respondents said that any increase should be rounded up to the nearest 10p. Members could consider setting any increase to what the amount applies too, this would then be for each driver to determine whether to carry the loose change and determine whether to round-down any fare to the nearest 5/10p.
Please note – Drivers could not round-up a fare, it is illegal to charge more than a metred fare for a journey.

3.12 The tariff options set out in **Appendix 4** can be described as follow.

Tariff 1 – Uplift of 50p to flag-fall across 3 tariffs and apply 10p uplift to waiting charges
Tariff 2 – Increase to flag fall, rolling rate and amend yardage applied
Tariff 3 – Applying Retail Price Index (RPI) at the current rate 7.8%

82.3% of respondents preferred option 2.

3.13 As referenced at 3.4, a further tariff option was compiled, and further consultation introduced. This survey was made available from 1st March 2022 – 8th March 2022.

Tariff 4 – Applying baseline Retail Price Index (RPI) at 22.25%

84.8% of the 92 respondents preferred option 2.

3.14 **Appendix** 8 is a table of the cost of 2-mile journeys, across Lancashire and Cumbrian Authorities. It is important to note the comparisons with neighbouring authorities.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: **Uplift of 50p to flagfall across 3 tariffs and apply 10p uplift to waiting charges as set out in Appendix 4**	**Option 2:** **Increase to flag fall, rolling rate and amend yardage applied as proposed by the licencing trade and set out in Appendix 4**	**Option 3:** **Applying Retail Price Index (RPI) at the current rate 7.8% as set out in Appendix 4**	**Option 4:** **Applying baseline Retail Price Index (RPI) at 22.25% as set out in Appendix 4**
Advantages	Passengers are aware of the maximum increase to journey	Represents rising fuel/insurance costs Widely supported by the trade (82%)	Minimal uplift for public across the tariff.	Represents baseline position, sets out what the tariff would look like if policy to apply RPI had been applied since adoption of the policy in Nov 2104.

Disadvantages	No increase to rolling rate – minimal uplift for trade Trade unsupportive of this tariff	Increase for public too great, uplifting flag-fall, rolling rate and waiting times. Amending yardage may confuse or alarm passengers as metre will change every 1/10 mile	Applying 7.8% does not represent true RPI rate as changes monthly; consistent approach needed. eg, use Nov RPI rate. Drivers need to carry pennies or round down fares	Increase for public too great uplifting flag-fall, rolling rate and waiting times Drivers need to carry pennies or round down fares Most expensive for first 2-mile when comparing with Lancashire/Cumbrian authorities
Risks	Tariff does not represent rising fuel/insurance costs Drivers may leave the trade to find alternative employment	Public use alternative public transport	Tariff does not represent rising fuel/insurance costs	Public use alternative public transport

4.1 Members of Licensing Committee considered the 4 tariff options, the advantages, disadvantages and risks associated with each both in terms of public perception and how it would affect the licensed trade at a time of increased fuel costs and rising cost of living.

4.2 Members considered the consultation responses and preferred tariff of the licensed trade and recommend that option 2 is approved as the Hackney Carriage Fare Tariff for the year, along with commitment to an annual review of the tariff by way of application of retail price index (RPI) to both flag fall and rolling rate, rounding down figures to the nearest 5p.

4.3 Future reviews should be considered by the taxi working party before any amended tariff is presented to Licensing Committee. This will allow for consultation with representatives of the licensed trade.

5. Trade engagement

5.1 There has been an exceptional response to the survey, it has proved useful to gauge the opinion of the majority of licence holders. Feedback from the survey suggests that any future engagement should be via email with 89% of respondents stating that was their preferred contact method. Internal mailing lists have been updated with data collected from the survey.

5.2 The taxi working party remains the proactive group tasked with discussing/finding resolutions to matters affecting the local trade. It was identified as important to update the working party cohort and approach the trade for representative to attend and represent the views of the hackney carriage and private hire trades. The Chairman of Licensing Committee requested a report be prepared for the next Licensing Committee with a view to updating the membership of the Taxi Working Party. Additionally, areas of focus for the group will be reviewed.

Hackney carriage number -

LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

HACKNEY CARRIAGE TABLE OF FARES

(with effect from 01/11/2019)

Tariff 1

For hirings commenced between 07:01hrs and 23:59hrs	
If the distance does not exceed 660 yards for the whole distance:	**£2.80**
For each of the subsequent 310 yards or uncompleted part thereof:	**30p**
Waiting Time: For each period of **40 seconds** or uncompleted part thereof	**10p**

Tariff 2

For hirings commenced between: midnight and 07:00hrs **For hirings commenced between: 19:00hrs and midnight on the 24th December** **For hirings commenced between: 19:00hrs and midnight on the 31st December** **For hirings commencing on any Bank Holiday or Public Holiday**	
If the distance does not exceed 660 yards for the whole distance:	**£4.00**
For each subsequent 220 yards or uncompleted part thereof:	**30p**
Waiting time: For each period of **40 seconds** or uncompleted part thereof	**10p**

Tariff 3

For hirings commenced between: 00:01hrs 25th December and 07:00 27th December **For hirings commenced between 00.01 1st January and 07.00 2nd January**	
If the distance does not exceed 880 yards for the whole distance:	**£5.20**
For each subsequent 220 yards or uncompleted part thereof:	**40p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**10p**

Additional Charges

For each passenger in excess of one (for the purpose two children aged 11 or under to count as one passenger for the whole distance)	**20p**
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	**20p**
SOILING CHARGE: A charge may be requested if the passenger(s) soils the vehicle.	**Maximum Charge: £75.00**

The driver may ask **if agreed by the customer**, an agreed amount in advance of the journey.
The driver if paid, must give a receipt for this. The amount must be proportionate to the metered fare.

A booking fee up to a maximum of £4.00 maybe charged where:

a) The Hackney carriage is booked in advance; and

b)

I. The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and

II. The customer shall be told that the booking fee is in addition to the fare for the journey; and

c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick-up point.

Any complaints regarding the vehicle and / or driver must be made in writing to:

Lancaster City Council - Licensing Section
Morecambe Town Hall, Marine Road East, LA4 5AF
E-mail: licensing@lancaster.gov.uk
Telephone: 01524 582033

Please try to note; the vehicle registration, plate number, driver name and number in all communications with

EXTRACT FROM CABINET MINUTES 8 FEBRUARY 2022 -MINUTE 75

HACKNEY CARRIAGE FARE REVIEW 2022

(Cabinet Member with Special Responsibility Councillor Brookes)

Cabinet received a report from the Director for Communities & the Environment to approve the recommendation from the Licensing Committee with regard to a new Hackney Carriage Fare Tariff. Councillor Hartley, the Chair of the Licensing Committee had been invited to the meeting to hear the discussions and participate in the meeting and with the agreement of the meeting, the Chair suspended standing orders (Rule 18) to enable Councillor Hartley to respond to any questions from Cabinet members.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows: Officers have calculated average 1-, 5- and 10-mile journeys using a variety of uplift options, including increasing rolling charges. (A rolling charge is a charge that is applied for distance travelled, eg, for every 330yards 20p is applied to the fare) By increasing the rolling charges by a marginal amount (10p) over these distances creates a significant raise in fare costs between 20-30% for the travelling public, this option is therefore not proposed.

It is thought more appropriate to increase waiting times, by increasing this to 20p per 40 seconds or uncompleted part thereof. There is no suggestion that the maximum soiling charge (£75.00) need adjustment, as it is comparable with neighbouring authorities and would reflect the cost of a valet/time spent off the road through a soiling incident. The additional passenger and luggage costs should remain at 20p, respectfully.

Option 1: Maintain current table of fares approved in 2019.

Advantages: Public are aware of expected fares when hiring a hackney carriage.

Disadvantages: The current table of fares does not represent rising fuel and insurance costs.

Risks: Drivers may decide to leave the trade, if they decide that the profit is marginal.

Option 2: Apply retail price index (RPI) to current flag fall.

Advantages: This seems to be a general approach across County and Country, although not a common approach to all.

Disadvantages: Allows for a minimal increase.

Risks: Drivers may decide to leave the trade, if they decide that the profit is marginal.

Option 3: Apply uplift to flagfall across 3 tariffs. Suggested 50p and apply 10p uplift to waiting charges

Advantages: Trade receives an uplift, proportionate to current climate

Disadvantages: The increase is not supported by an agreed or common methodology that reflects the cost of owning and operating a hackney carriage in the district.

Risks: Decrease in business for hackney carriages due to fare adjustments.

Option 4: Deregulate fare setting

Advantages: Allows licensed trade to calculate their own fares, they may be best placed to calculate costs.

Disadvantages: Licensing Authority has no control on charges passed to the public. May create confusion as fares could vary across the trade.

Risks: Lack of public confidence in use of Hackney Carriages due to unknown charges. Varying charges between proprietors creating confusion.

The officer preferred option is Option 3: Apply uplift to flag fall across 3 tariffs, suggested 50p and apply 10p uplift to waiting charges. Applying the tariff increase as proposed in option 3, would seem appropriate so as to help ensure that hackney carriage proprietors receive a reasonable increase in fare income. The increase reflects necessary and proportionate adjustments, given that there has been no increases in fares since 2019 and the increase was marginal, based on the annual RPI.

Any concerns from members of the public or licensed trade would be addressed through the consultation process by placing a notice in the local press proposing the revised tariff. An amended table of fares that reflects Option 3 was attached at Appendix 2 to the report.

Councillor Brookes proposed, seconded by Councillor Hamilton-Cox:-

"(1) That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.

(2) That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.

(3) That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.

(4) That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision."

Councillors then voted:-

Resolved unanimously:

(1) That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.

(2) That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.

(3) That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.

(4) That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision.

Officer responsible for effecting the decision:

Director for Communities & the Environment

Reasons for making the decision:

The pandemic has brought about many challenges for the licensed trade, with many choosing not to renew licenses and seek alternative employment. The licensing service are working with internal and external partners to support the trade and encourage new applicants into the profession through funding. It is therefore important the fares represent the living wage locally. In addition, any uplift would need to be balanced in terms of public expectation, anything too great would face criticism and potentially result in less work for the hackney carriage trade. The decision enables officers to undertake an immediate consultation exercise to ensure the fare review is fair and sustainable.

When is a fare fair?

KeepConnected

Taxi Fare Review

Section 1: Tell us about yourself

Which of these best describes you?

(Choose all that apply) (Required)

- [ ] Hackney Carriage licence holder only
- [ ] Private Hire licence holder only
- [ ] Dual Licence holder
- [ ] Operator
- [ ] Driver / Operator

What is your name?

Section 2: Reviewing the current tariff

Do you want to increase the current tariff at this time?

(Choose any one option)

- [ ] Yes
- [ ] No

If yes please select from the drop down list below which of the following should we increase

(Choose any one option)

- [ ] Flag fall only
- [ ] Rolling Rate only
- [ ] Flag fall and rolling rate

How often should there be a review of the of tariffs?

(Choose any one option)

- [ ] When there is a request for a review from the trade
- [ ] Annually
- [ ] Every 2 Years
- [ ] Every 3 Years
- [ ] Every 4 Years
- [ ] Every 5 Years

Section 3: How to review the table of fares

Are you happy for RPI (Retail Price index/ Inflation) to be used as the approved method for future tariff increases?

(Choose any one option)

- [ ] Yes
- [ ] No

Section 3: If RPI (Retail Price index/ Inflation) is approved as the method for calculation of future tariff increases:

When is a fare fair?

KeepConnected

Please select from the drop down list below which of the options this should be applied to

(Choose any one option)

- [ ] Flag fall only
- [ ] Rolling Rate only
- [ ] Flag fall and rolling rate

If RPI is applied should it be applied at:

(Choose any one option)

- [ ] The amount it calculates to
- [ ] Rounded up to the nearest 5p
- [ ] Rounded up to the nearest 10p

Section 4: This years tariffs

Please select which of the following tariffs you would like to see applied this year - April 22 to March 23

Option 1: Licensing Committee recommended - to apply 50pence onto the flag fall and 10p uplift on waiting times but not to adjust rolling rate

Option 2: Proposed by a hackney driver - increase the flag fall, rolling rate and amend yardage

Option 3: Cabinet recommended - applying RPI across the rolling rates and flag fall

(Choose any one option)

- [ ] Option 1
- [ ] Option 2
- [ ] Option 3

Section 5: Further conversations

Would you like to join the council and other drivers/ operators at a local meeting to discuss this matter further?

(Choose any one option)

- [ ] Yes
- [ ] No

Please add any additional comments about how you would like us to consult with you in the future:

If you have answered yes to question 10 please indicate which part of the day would be best for you (meetings will take place Monday - Friday)

(Choose any one option)

- [ ] Morning
- [ ] Afternoon
- [ ] Evening

Would it help if we arranged the meeting over Zoom or Teams (video conferencing style meeting)

(Choose any one option)

- [ ] Yes
- [ ] No

Section 6: Please provide your email address and contact number should you wish to receive updates and details on future consultations.

What is the best way to contact you in the future?

(Choose any one option)

- [ ] E-mail
- [ ] Text
- [ ] Letter

Please provide your e-mail address

Please provide your mobile/telephone number

Thank you for taking part in this survey

Proposed tariff options for consultation

Option 1 – Recommended by Licensing Committee Jan 2022

Note :- Uplift of 50p to flagfall across 3 tariffs and apply 10p uplift to waiting charges

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	**£3.30**
For each of the subsequent 310 yards or uncompleted part thereof:	**30p**
Waiting Time: For each period of 40 seconds or uncompleted part thereof	**20p**

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24th December For hirings commenced between 19.00 and midnight on the 31st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	**£4.50**
For each subsequent 220 yards or uncompleted part thereof:	**30p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**20p**

Tariff 3

For hirings commenced between 00.01 25th December and 07.00 27th December For hirings commenced between 00.01 1st January and 07.00 2nd January	
If the distance does not exceed 880 yards for the whole distance:	**£5.70**
For each subsequent 220 yards or uncompleted part thereof:	**40p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**20p**

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	**20p**
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	**20p**
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	**This will not exceed £75.00**

Option 2 – Updated Tariff charges proposed by Hackney driver and backed by several drivers

Note:- Increase to flag fall, rolling rate and amend yardage applied

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed **880 yards** for the whole distance:	**£3.00**
For each of the subsequent **176 yards** or uncompleted part thereof:	**20p**
Waiting Time: For each period of 40 seconds or uncompleted part thereof	**20p**

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24th December For hirings commenced between 19.00 and midnight on the 31st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed **880 yards** for the whole distance:	**£4.50**
For each subsequent **176 yards** or uncompleted part thereof:	**30p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**30p**

Tariff 3

For hirings commenced between 00.01 25th December and 07.00 27th December For hirings commenced between 00.01 1st January and 07.00 2nd January	
If the distance does not exceed **880 yards** for the whole distance:	**£6.00**
For each subsequent **176 yards** or uncompleted part thereof:	**40p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**40p**

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	**20p**
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	**20p**
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	**This will not exceed £100.00**

Option 3 – applying Retail Price Index (RPI) at the current rate (7.8%)

Note – Based on this consultation if RPI is agreed, the Tariff maybe rounded up or down to the nearest 5p or 10p

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	**£3.01**
For each of the subsequent 310 yards or uncompleted part thereof:	**32p**
Waiting Time: For each period of 40 seconds or uncompleted part thereof	**10p**

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24th December For hirings commenced between 19.00 and midnight on the 31st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	**£4.31**
For each subsequent 220 yards or uncompleted part thereof:	**32p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**10p**

Tariff 3

For hirings commenced between 00.01 25th December and 07.00 27th December For hirings commenced between 00.01 1st January and 07.00 2nd January	
If the distance does not exceed 880 yards for the whole distance:	**£5.60**
For each subsequent 220 yards or uncompleted part thereof:	**43p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**10p**

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	**20p**
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	**20p**
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	**This will not exceed £80.00**

Option 4 – applying baseline Retail Price Index (RPI) at 22.25%

Note – Based on this consultation if RPI is agreed, the Tariff maybe rounded up or down to the nearest 5p or 10p

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	**£2.93**
For each of the subsequent 310 yards or uncompleted part thereof:	**37p**
Waiting Time: For each period of 40 seconds or uncompleted part thereof	**12p**

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24th December For hirings commenced between 19.00 and midnight on the 31st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	**£4.40**
For each subsequent 220 yards or uncompleted part thereof:	**37p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**12p**

Tariff 3

For hirings commenced between 00.01 25th December and 07.00 27th December For hirings commenced between 00.01 1st January and 07.00 2nd January	
If the distance does not exceed 880 yards for the whole distance:	**£5.87**
For each subsequent 220 yards or uncompleted part thereof:	**49p**
Waiting time: For each period of 40 seconds or uncompleted part thereof	**12p**

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	**24p**
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	**24p**
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	**This will not exceed £92.00**

Summary of fare changes based on the 4 options

Option 1 Licensing Committee Proposed						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4.50	12.50%	£6.00	9.09%	£7.30	7.35%
2	£6.30	8.62%	£8.40	6.33%	£10.50	5.00%
3	£7.80	6.85%	£10.80	4.85%	£13.70	3.79%
4	£9.60	5.49%	£13.20	3.94%	£16.90	3.05%
5	£11.40	4.59%	£15.60	3.31%	£20.10	2.55%
10	£19.80	2.59%	£27.60	1.85%	£36.10	1.40%
20	£36.90	1.37%	£51.60	0.98%	£68.10	0.74%
Option 2 Trade Proposal						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4	0.00%	£6	9.09%	£8	17.65%
2	£6	3.45%	£9	13.92%	£12	20.00%
3	£8	9.59%	£12	16.50%	£16	21.21%
4	£10	9.89%	£15	18.11%	£20	21.95%
5	£12	10.09%	£18	19.21%	£24	22.45%
10	£22	13.99%	£33	21.77%	£44	23.60%
20	£42	15.38%	£63	23.29%	£84	24.26%
Option 3 applying RPI at 7.8%						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4.29	7.25%	£5.91	7.45%	£7.32	7.65%
2	£6.21	7.07%	£8.47	7.22%	£10.76	7.60%
3	£7.81	6.99%	£11.03	7.09%	£14.20	7.58%
4	£9.73	6.92%	£13.59	7.01%	£17.64	7.56%
5	£11.65	6.88%	£16.15	6.95%	£21.08	7.55%
10	£20.61	6.79%	£28.95	6.83%	£38.28	7.53%
20	£38.85	6.73%	£54.55	6.75%	£72.68	7.51%
Baseline RPL at 22.25%						
Distance (Miles)	Tarrif 1 (£)	% Increase	Tarrif 2 (£)	% Increase	Tarrif 3 (£)	% Increase
1	£4.38	9.50%	£6.25	13.64%	£7.16	5.29%
2	£6.60	13.79%	£9.21	16.58%	£11.08	10.80%
3	£8.45	15.75%	£12.17	18.16%	£15.00	13.64%
4	£10.67	17.25%	£15.13	19.13%	£18.92	15.37%
5	£12.89	18.26%	£18.09	19.80%	£22.84	16.53%
10	£23.25	20.47%	£32.89	21.37%	£42.44	19.21%
20	£44.34	21.81%	£62.49	22.29%	£81.64	20.77%

Taxi Fare Follow Up

Section 1: This years tariffs

Privacy Statement

More details here

Please note: Personal Data will only be used for the purpose of this taxi review and not shared.

Please select which of the following tariffs you would like to see applied this year - April 22 to March 23

Option 2: Proposed by a hackney driver - increase the flag fall, rolling rate and amend yardage

Option 4: RPI increase applied to Tariff table baseline of November 2014

(Choose any one option) (Required)

- ☐ Option 2
- ☐ Option 4

At what fee should the soiling charge be set at for 2022/2023?

(Choose any one option) (Required)

- ☐ £75.00
- ☐ £80.00
- ☐ £85.00
- ☐ £90.00
- ☐ £95.00
- ☐ £100.00

Future increases to the soiling charge should be (please select an option below)

(Choose any one option)

- ☐ The agreed uplift that is part of the Tariff review
- ☐ No change unless the trade request an uplift
- ☐ RPI increase every 3 years
- ☐ RPI increase every 5 years

If you have an alternative to the options in question 3 please give us your suggestion here

Section 2: Please provide your name, email address and contact number

What is your name?

(Required)

Taxi Fare Follow Up

KeepConnected

Please provide your e-mail address

Please provide your mobile/telephone number

Thank you for taking part in this survey

Taxi Fare Review

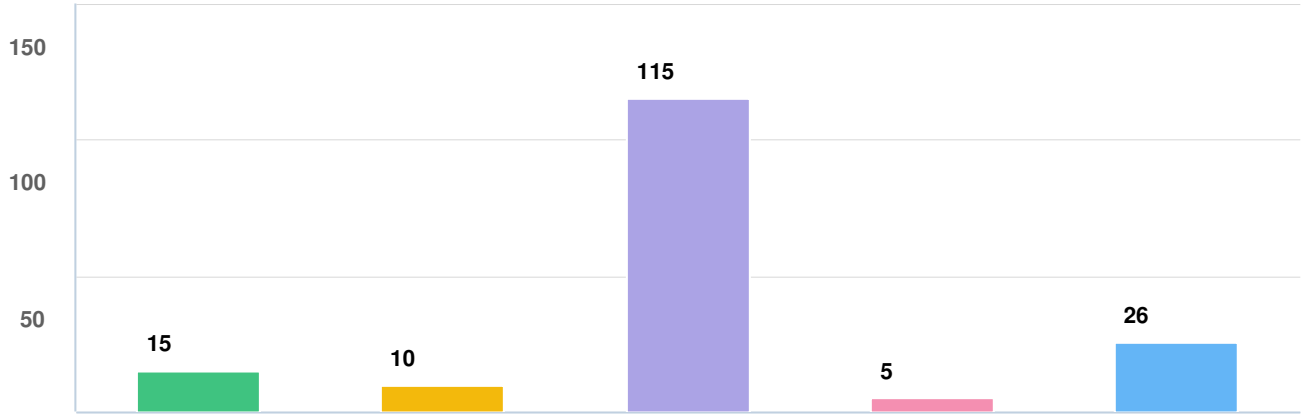
SURVEY RESPONSE REPORT

15 February 2022 - 08 March 2022

PROJECT NAME:
When is a fare fair?

SURVEY QUESTIONS

Q1 Which of these best describes you?

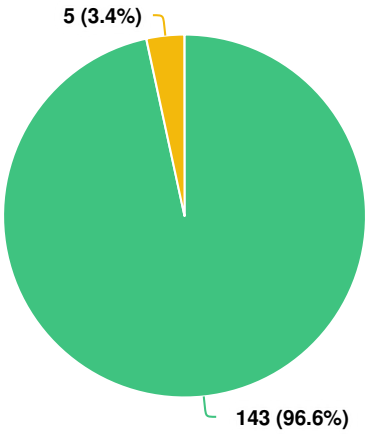


Question options

- Hackney Carriage licence holder only
- Private Hire licence holder only
- Dual Licence holder
- Operator
- Driver / Operator

Mandatory Question (149 response(s))
Question type: Checkbox Question

Q3 Do you want to increase the current tariff at this time?

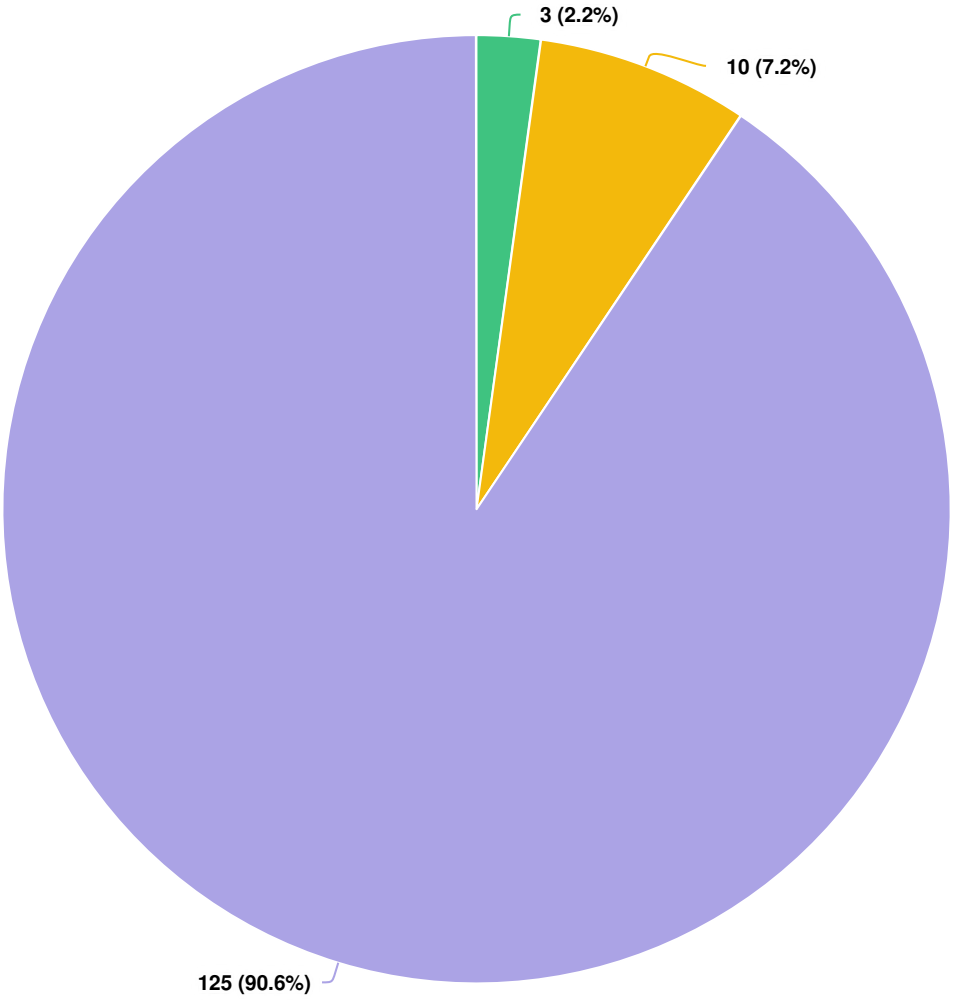


Question options

Yes No

Optional question (148 response(s), 1 skipped)
Question type: Dropdown Question

Q4 **If yes please select from the drop down list below which of the following should we increase**

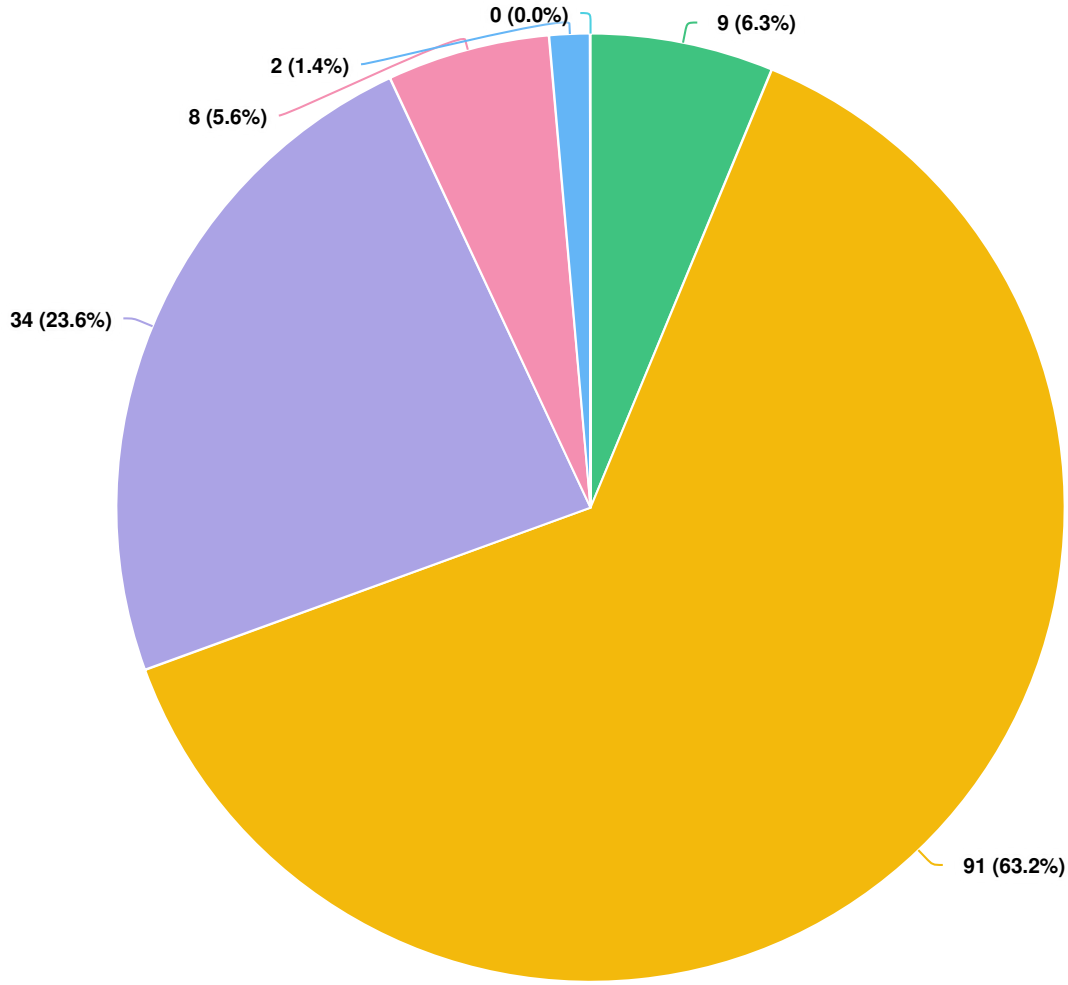


Question options

Flag fall only Rolling Rate only Flag fall and rolling rate

Optional question (138 response(s), 11 skipped)
Question type: Dropdown Question

Q5 How often should there be a review of the of tariffs?

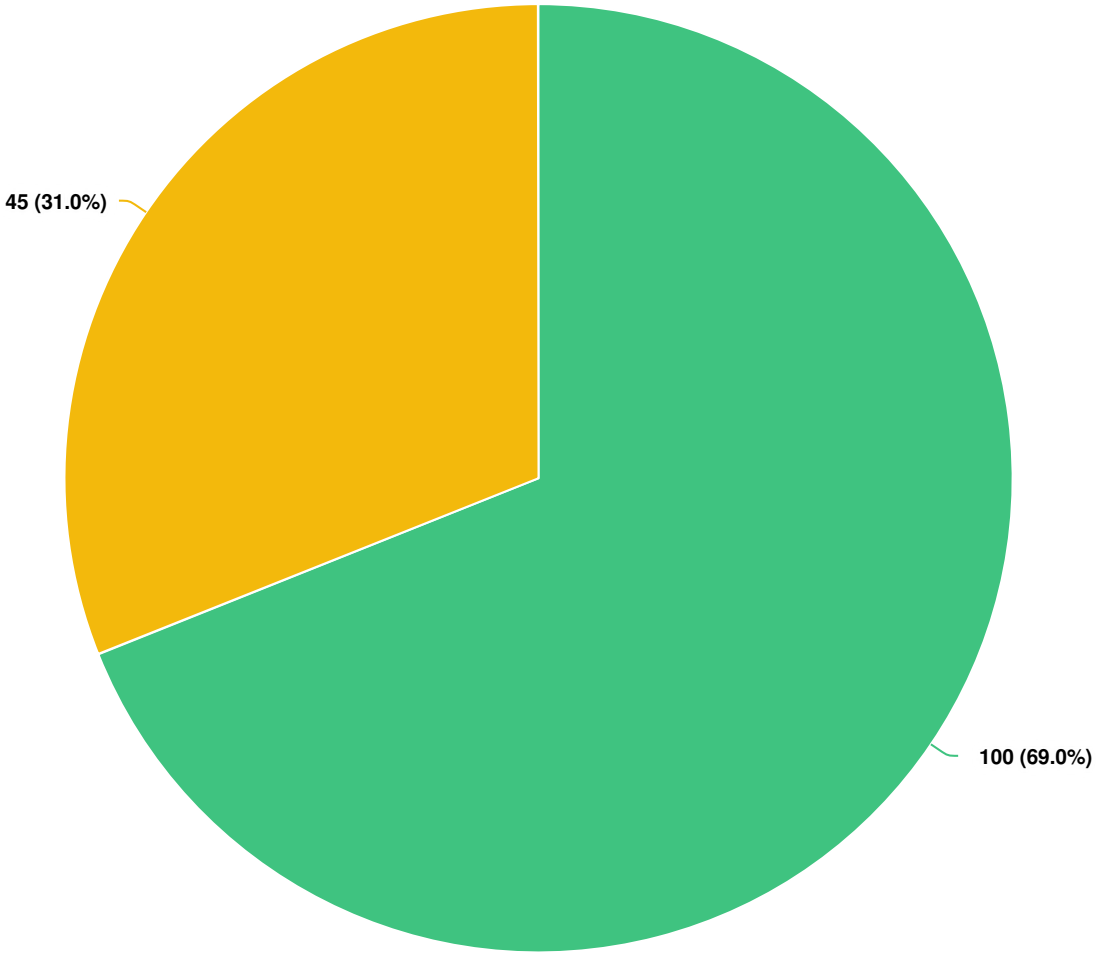


Question options

When there is a request for a review from the trade
Annually
Every 2 Years
Every 3 Years
Every 4 Years
Every 5 Years

Optional question (144 response(s), 5 skipped)
Question type: Dropdown Question

Q6 **Are you happy for RPI (Retail Price index/ Inflation) to be used as the approved method for future tariff increases?**

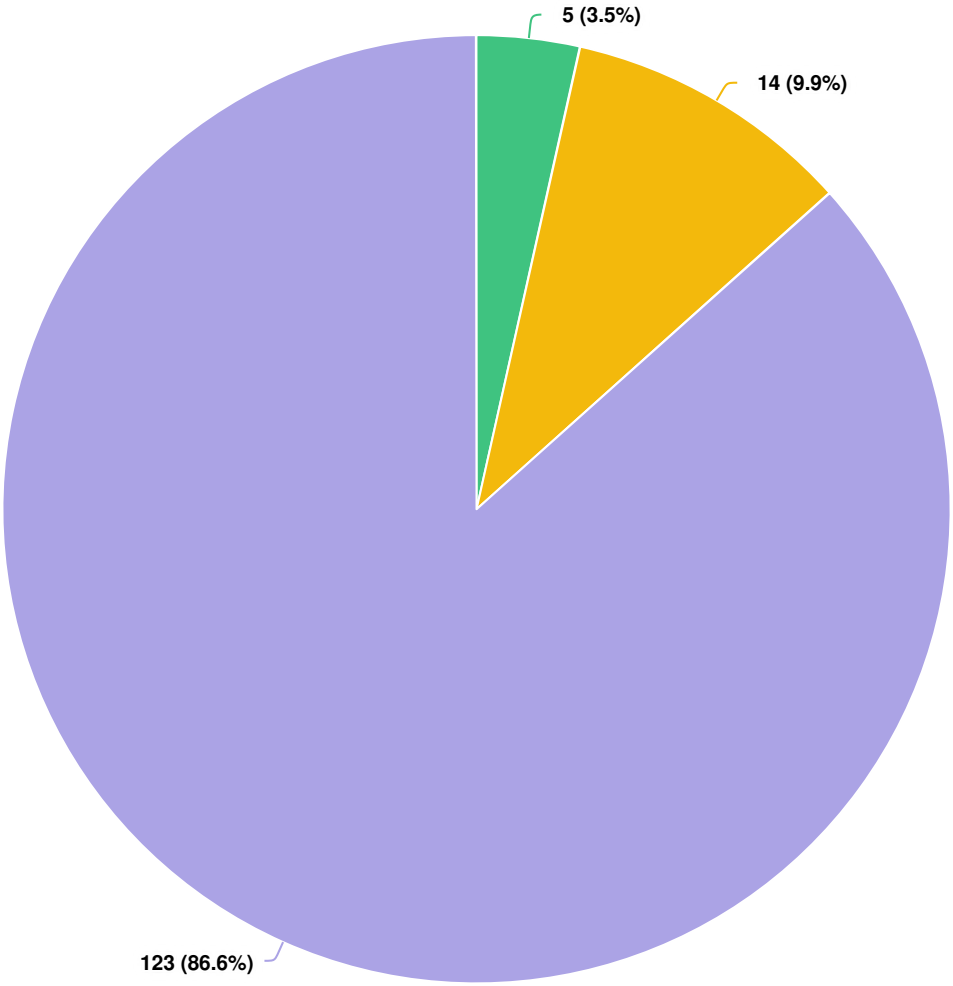


Question options

Yes No

Optional question (145 response(s), 4 skipped)
Question type: Dropdown Question

Q7 **Please select from the drop down list below which of the options this should be applied to**

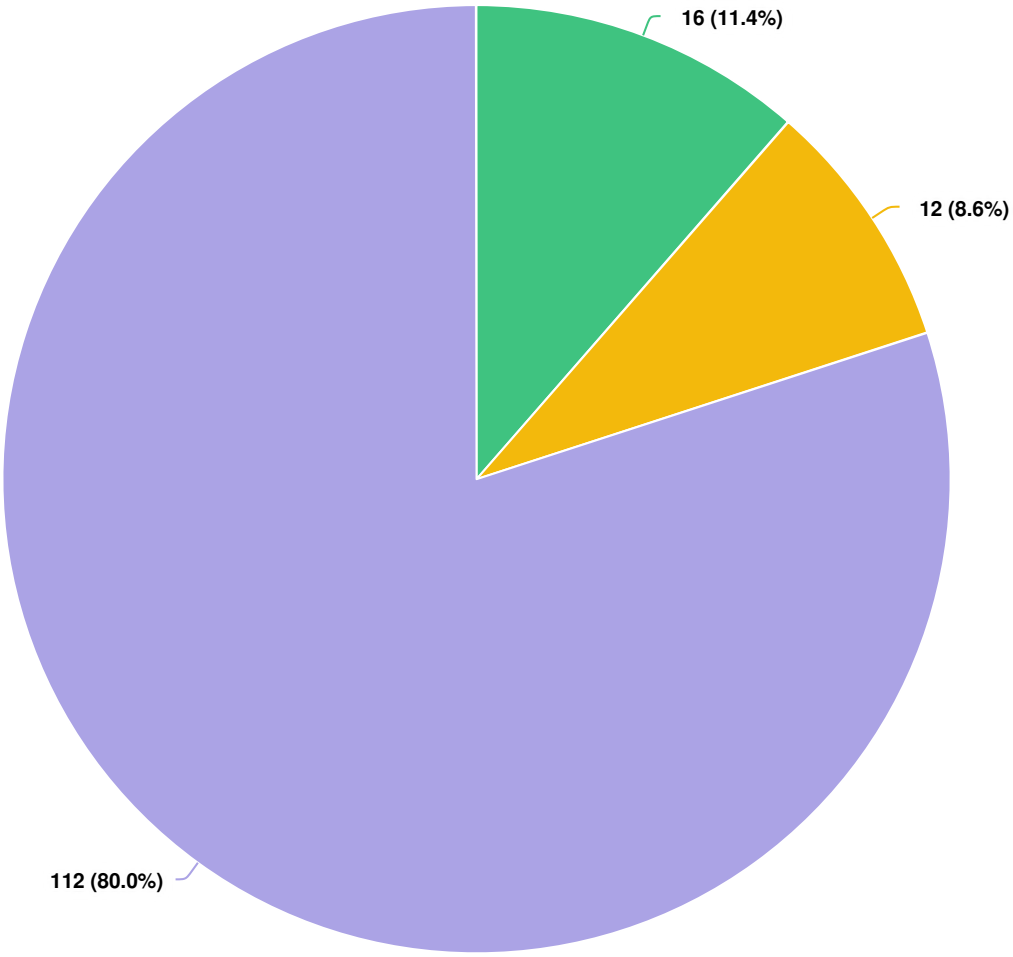


Question options

Flag fall only Rolling Rate only Flag fall and rolling rate

Optional question (142 response(s), 7 skipped)
Question type: Dropdown Question

Q8 If RPI is applied should it be applied at:

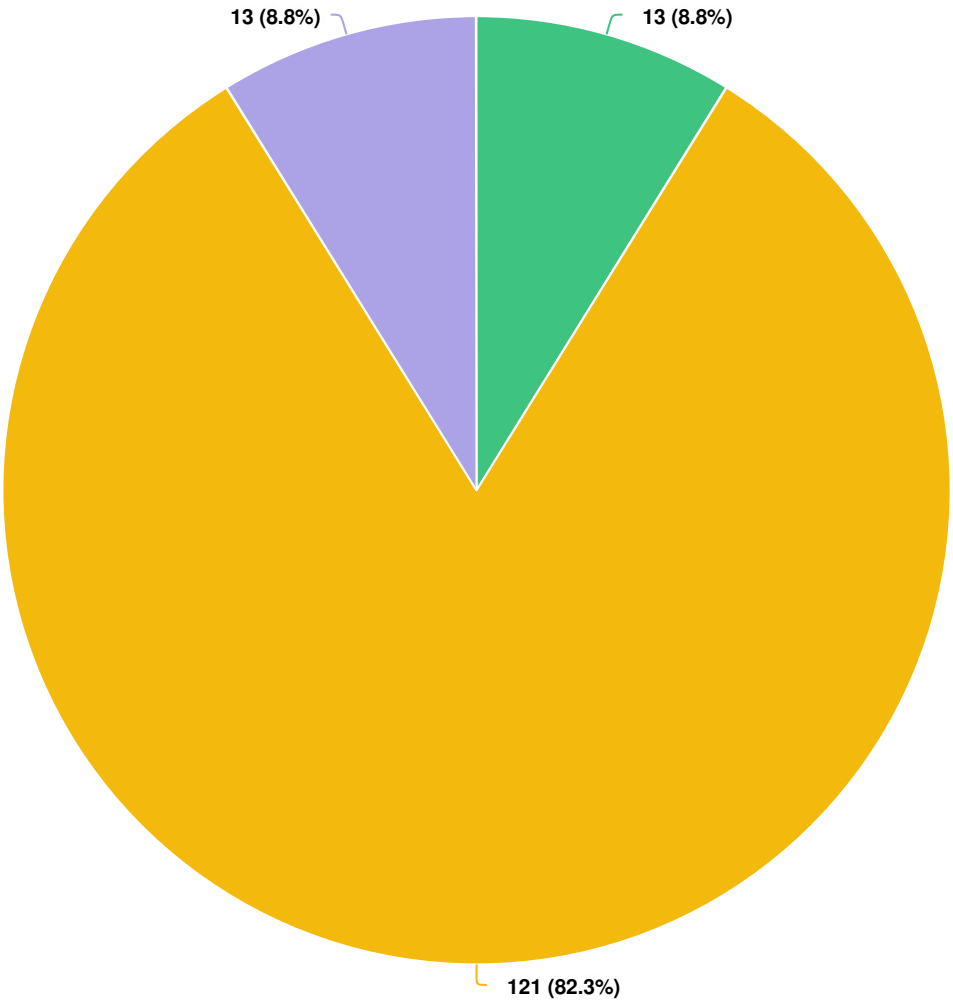


Question options

The amount it calculates to | Rounded up to the nearest 5p | Rounded up to the nearest 10p

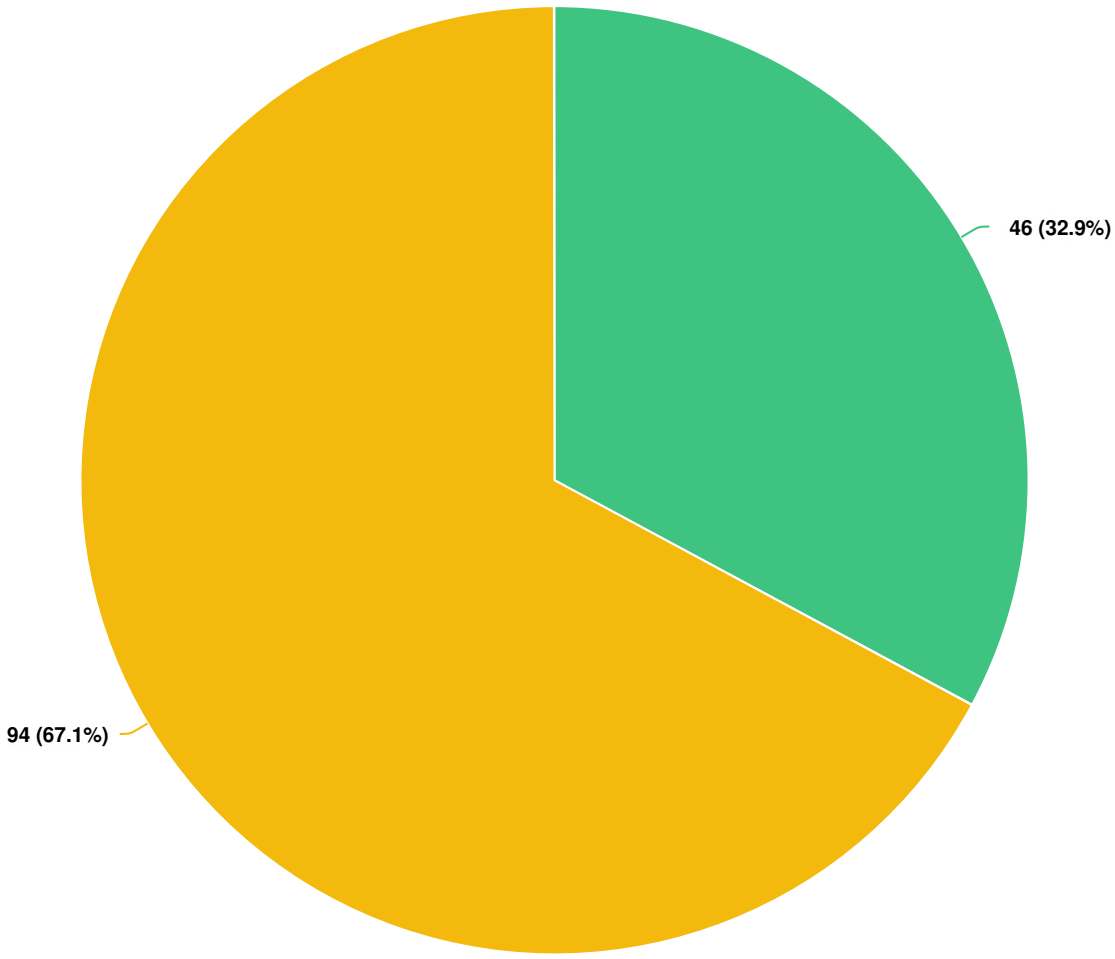
Optional question (140 response(s), 9 skipped)
Question type: Dropdown Question

Q9 **Please select which of the following tariffs you would like to see applied this year - April 22 to March 23 Option 1: Licensing Committee recommended - to apply 50pence onto the flag fall and 10p uplift on waiting times but not to adjust rolling ...**



Optional question (147 response(s), 2 skipped)
Question type: Dropdown Question

Q10 **Would you like to join the council and other drivers/ operators at a local meeting to discuss this matter further?**

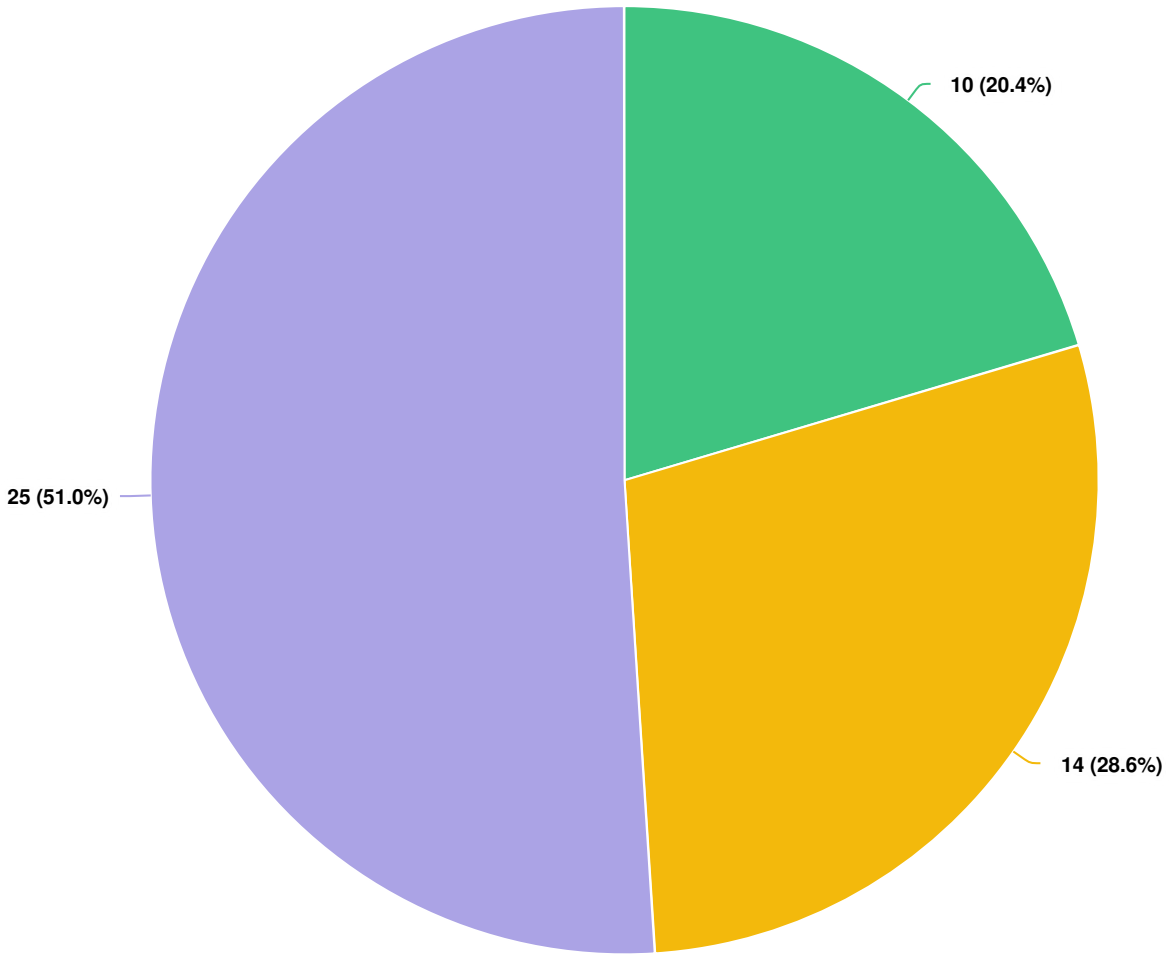


Question options

Yes No

Optional question (140 response(s), 9 skipped)
Question type: Dropdown Question

Q12 **If you have answered yes to question 10 please indicate which part of the day would be best for you (meetings will take place Monday - Friday)**

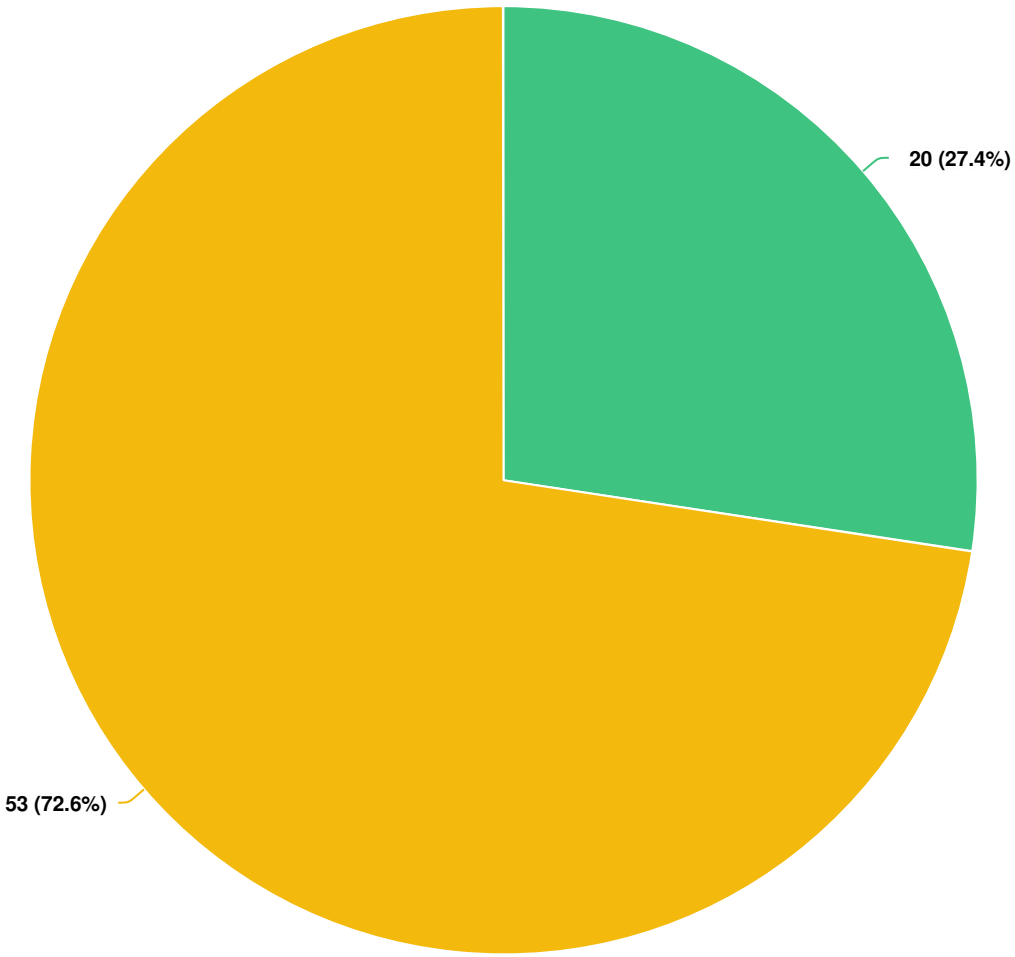


Question options

Morning Afternoon Evening

Optional question (49 response(s), 100 skipped)
Question type: Dropdown Question

Q13 **Would it help if we arranged the meeting over Zoom or Teams (video conferencing style meeting)**

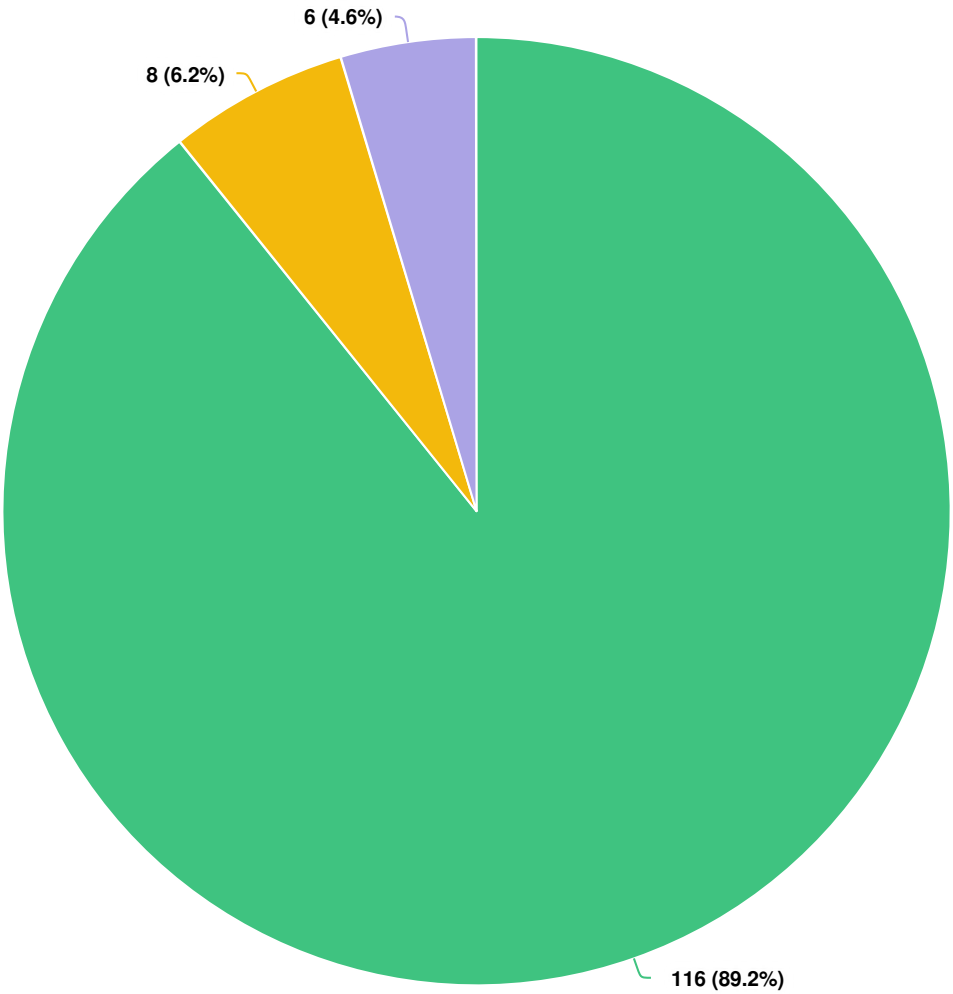


Question options

Yes No

Optional question (73 response(s), 76 skipped)
Question type: Dropdown Question

Q14 What is the best way to contact you in the future?



Question options

E-mail Text Letter

Optional question (130 response(s), 19 skipped)
Question type: Dropdown Question

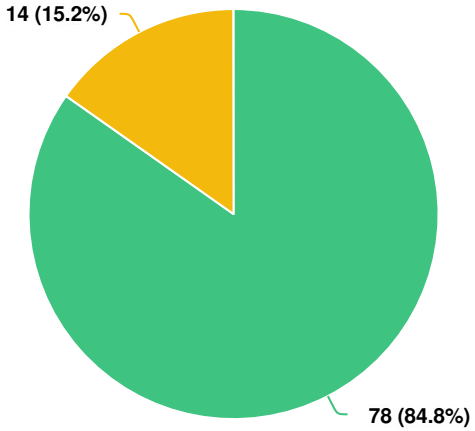
Taxi Fare Follow Up

SURVEY RESPONSE REPORT
01 March 2022 - 08 March 2022

PROJECT NAME:
Taxi Fare Follow Up

SURVEY QUESTIONS

Q1 Please select which of the following tariffs you would like to see applied this year - April 22 to March 23 Option 2: Propo...

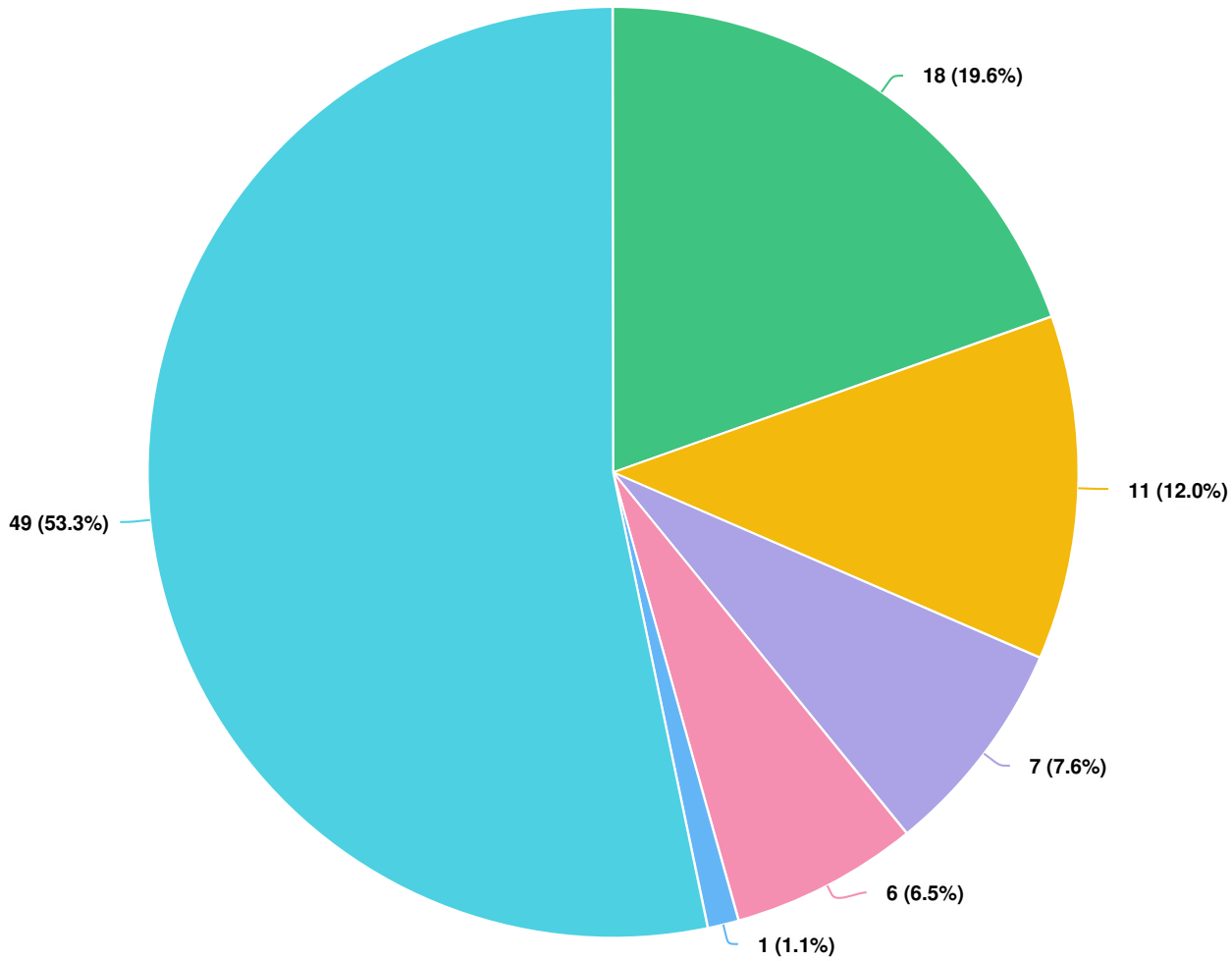


Question options

Option 2 Option 4

Mandatory Question (92 response(s))
Question type: Dropdown Question

Q2 At what fee should the soiling charge be set at for 2022/2023?

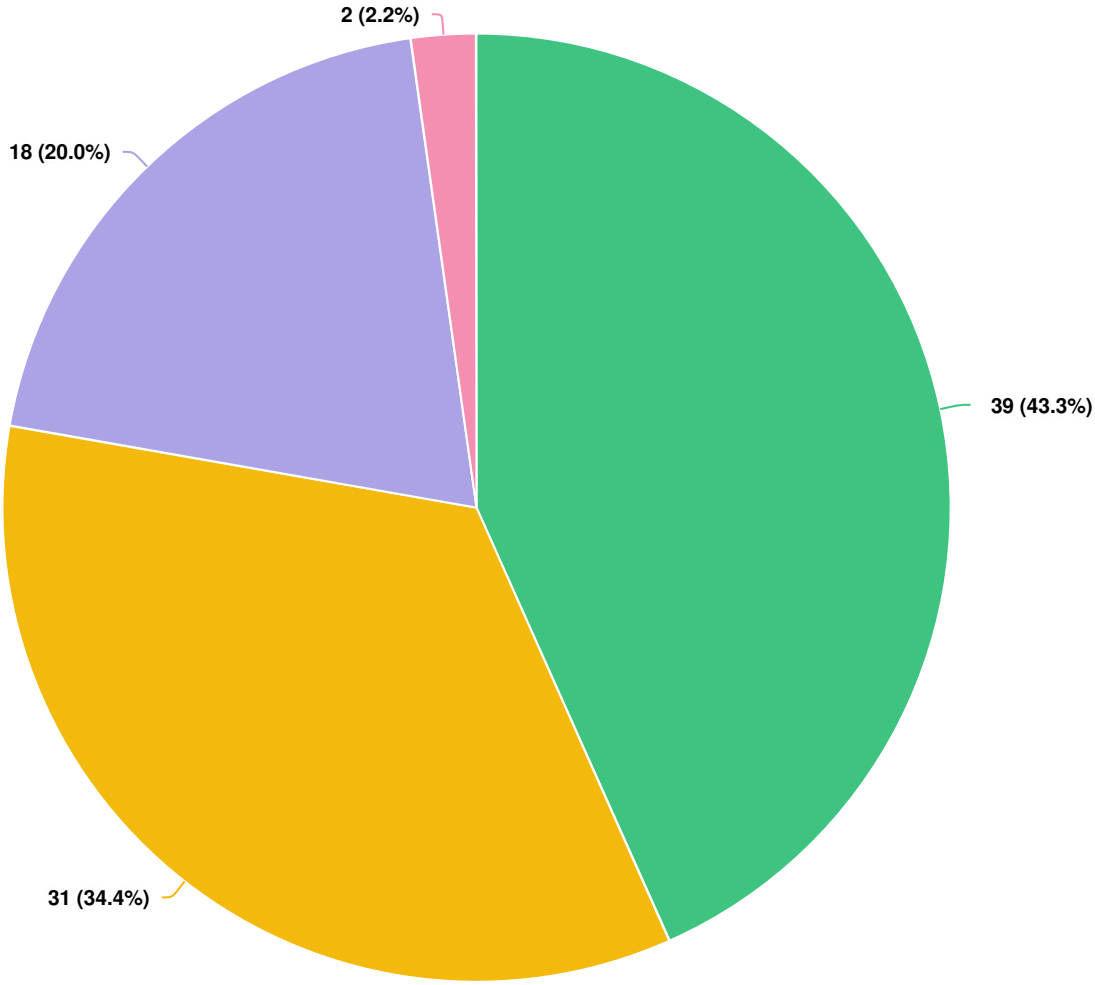


Question options

£75.00 £80.00 £85.00 £90.00 £95.00 £100.00

Mandatory Question (92 response(s))
Question type: Dropdown Question

Q3 Future increases to the soiling charge should be (please select an option below)



Question options

- The agreed uplift that is part of the Tariff review
- No change unless the trade request an uplift
- RPI increase every 3 years
- RPI increase every 5 years

Optional question (90 response(s), 2 skipped)
Question type: Dropdown Question

Comparison

Licensing Authority	2-mile Journey	Last Review
South Lakeland	£6.40	2018 (Under Review)
Blackburn	£6.30	2019
Fylde	£6.10	2018
Blackpool	£6.00	2021
Preston	£6.00	2017
Barrow	£6.00	2022
Lancaster	£5.80	2019
South Ribble	£5.80	2015
Wyre	£5.80	2018
Rotherham	£5.40	2017
Ribble Valley	£5.30	2008
Wigan	£5.30	2018
Rochdale	£5.00	2020
Rossendale	£5.00	2018
Hyndburn	£4.70	2008
West Lancs	£4.70	2011
Burnley	£4.50	2008
Pendle	£4.40	2008

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	**Date**	12 April 2022
Title	Supplementary Planning Documents to Support the Climate Emergency Local Plan Review		
Report of	Director for Economic Growth and Regeneration		

Purpose of Report

The purpose of this report is for Members to consider the draft Flood Risk and Sustainable Drainage Supplementary Planning Document, the draft Flood Risk – Sequential Test and Exception Test Supplementary Planning Document and the draft Provision of Electric Vehicles Charging Infrastructure Supplementary Planning Document and seek authorisation for the Service Manager – Planning and Housing Strategy to proceed with informal and statutory consultation.

Key Decision (Y/N)	**N**	**Date of Notice**		**Exempt (Y/N)**	**N**

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. SPDs in relation to other matters are also being drafted and will be reported separately.

The draft Flood Risk and Sustainable Drainage SPD provides advice in support of policy DM33: Development and Flood Risk and policy DM34: Surface Water Run-Off and Sustainable Drainage.

The draft Flood Risk – Sequential Test and Exception Test SPD provides advice in support of the tests required to be carried out for development in areas at flood risk.

The draft Provision of Electric Vehicle Charging Infrastructure SPD provides advice in support of the electric vehicle charging element of policy DM62: Vehicle Parking and Electric Vehicle Charging.

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 address flood risk and provide for electric vehicle charging infrastructure.

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 flood risk 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 polices 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 Section 151 Officer has been consulted and has no further comments to add.
Monitoring Officer's Comments
The Monitoring Officer has been consulted and has no further comments to add.

Contact Officer	Fiona Clark
Tel	01524 582222
Email	fjclark@lancaster.gov.uk

Links to Background Papers
Draft Flood Risk and Sustainable Drainage Supplementary Planning Document Draft Flood Risk – Sequential Test and Exception Test Supplementary Planning Document Draft Provision Electric Vehicle Charging Infrastructure Supplementary Planning Document

1.0 Introduction

1.1 The policies within the 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, proving 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 batches, partly for work programming reasons and partly not to overwhelm consultees. The first three, the draft Flood Risk and Sustainable Drainage SPD, the draft Flood Risk – Sequential Test and Exception Test SPD and the draft Provision of Electric Vehicle Charging Infrastructure Supplementary Planning Document 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.

Flood Risk and Sustainable Drainage SPD

2.2 This new SPD relates to policies DM33 and DM34 of the CELPR. It aims to provide additional information and guidance on how the requirements within these policies can be achieved. It includes sections about when flood risk assessments are required, advice about flood prevention, resilience, adaption and litigation, emergency flood plans, reducing flood risk, water courses, natural flood risk management, the sustainable drainage hierarchy which seeks the provision of above ground multi-functional sustainable drainage, the design of sustainable drainage systems, development run-off targets, the information required within the sustainable drainage strategies submitted with planning applications, management and maintenance and post certification of sustainable drainage systems.

Flood Risk – Sequential and Exception Tests SPD

2.3 This SPD provides guidance about how the sequential and exceptions tests used to determine the suitability of land at risk of flooding for development should be completed. The SPD will supersede PAN 6 (Application of the Flood Risk Sequential Test and Exception Test) providing updated and additional guidance.

Provision of Electric Vehicle Charging Infrastructure SPD

2.4 This SPD will supersede the existing Planning Advisory Note 5 (entitled: ‘Provision of Electric Charging Points for Vehicles in New Development’) and relates to policy DM62 of the CELPR. The aim of the SPD is to provide further guidance on how the electric vehicle charging infrastructure requirements set out in policy DM62 can be achieved. Recognising that the need to install EV

chargers has recently been incorporated into the revised building regulations (for residential and non-residential development), this SPD sets out the Council's position in relation to these regulations. Information is provided on the different types of EV chargers that are available, but in order to 'future-proof' the SPD (given that EV technology is rapidly evolving), it does not set out specific details on the types of chargers required. Instead, the SPD sets out a series of EV infrastructure design principles which should be carefully considered, to guide the type of charger(s) that it would be most appropriate to install (based on the technology available at the time), and how they should be delivered. For example, it is important to ensure that all EV charging facilities are accessible to those who may have mobility disabilities, and that careful consideration is given to the potential impact of EV infrastructure upon the historic environment (an issue raised through the CELPR SA process). Additionally, whilst the preference is for the delivery of EV charging infrastructure onsite, the SPD sets out the exceptional circumstances whereby offsite provision/contributions may be considered more appropriate. It also highlights the importance of management and maintenance.

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 February 2019 defines SPDs as:

"…*documents which add further detail to the policies in the Local 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 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)

Option 1: Progress the draft SPDs through informal and statutorily defined consultation process.
Advantages: 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 reduce any weight which could be attached to it in the decision making process.

4.0 Officer Preferred Option (and comments)

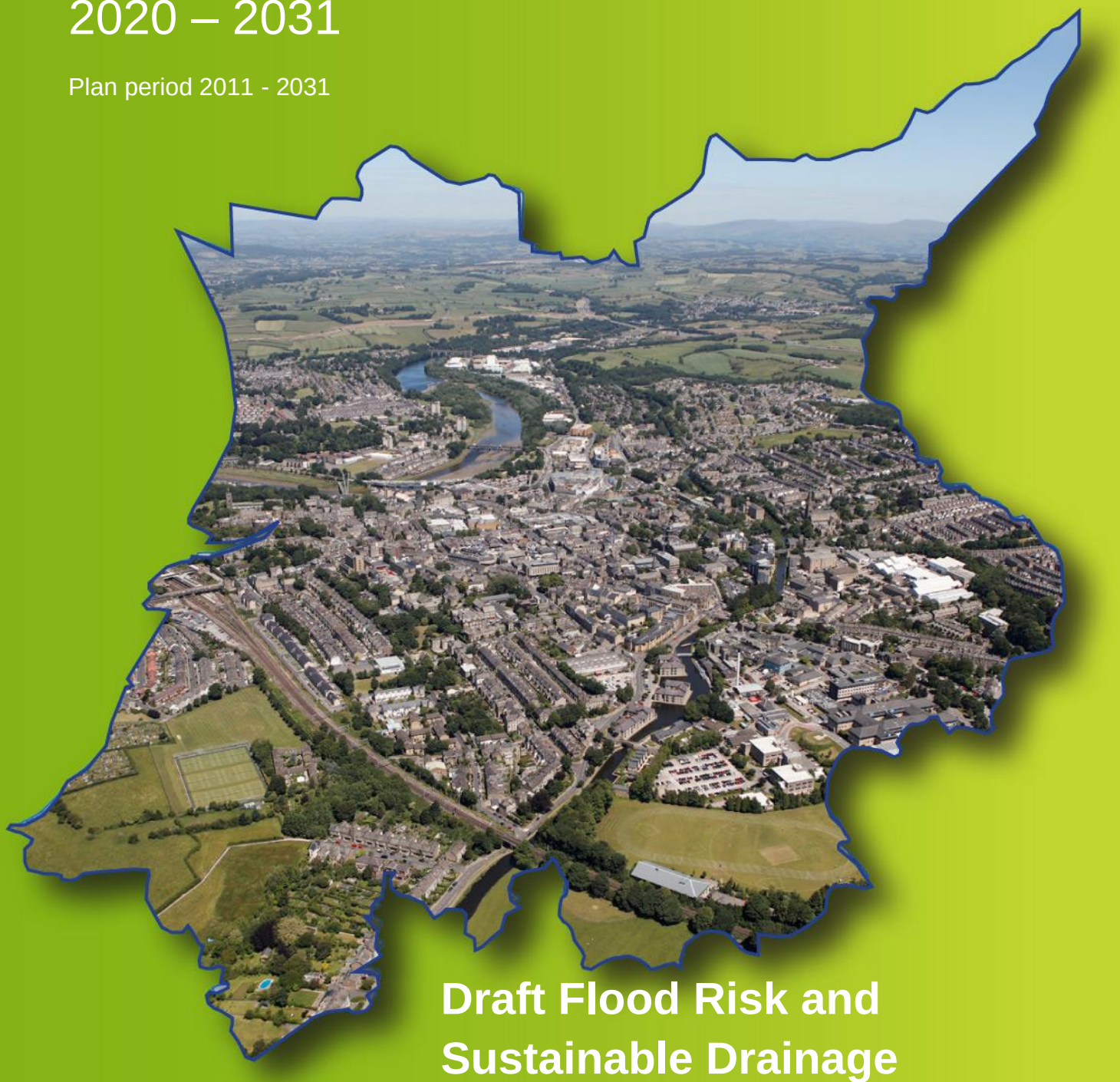
4.1 The officer preferred option is Option 1 - Progress the draft SPDs through informal and statutorily defined consultation process to ensure that if adopted it can be given weight in decision making.

A Local Plan for

Lancaster District

2020 – 2031

Plan period 2011 - 2031



Draft Flood Risk and Sustainable Drainage Supplementary Planning Document

March 2022

Shaping a better future

LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

Contents

Executive Summary

The Climate Emergency Review of the Local Plan (CERLP) follows the declaration of a climate change emergency by Lancaster City Council in January 2019. It aims to enhance the way in which the Local Plan addresses this important agenda and to improve the way in which the policies in the plan mitigate the effects of climate change and provide for resilience and adaption. To achieve these aims, the water management policies within the local plan have been amended to improve how they address flood risk, drainage, biodiversity and amenity. Our priorities are as follows:

- Reduce flood risk
- Ensure run-off from developments replicates nature
- Create multi-functional spaces to enhance the natural environment
- Improve opportunities for maintenance and reduce maintenance costs

Policies DM33 to DM36 set out the local water management requirements. These policies accord with the national policy aims in the NPPF to mitigate and adapt to climate change, ensuring development takes place in the areas at lowest flood risk, opportunities are taken to reduce flood risk and sustainable drainage systems providing multi-functional benefits are included in development.

This SPD is structured and provides guidance on the policies and how the requirements can be achieved as follows:

Section 2 Policy Context

Section 2 outlines the policy context. It sets out the Local Plan documents and highlights the relevant national and local planning policies which should be considered when submitting a planning application.

Section 3 Requirement for Flood Risk Assessments

Section 3 explains when flood risk assessments are required. It outlines the national requirements plus those arising from the recommendations of the Strategic Flood Risk Assessment Update 2021, which makes recommendations with regard to areas identified at increased risk of flooding. The section includes links to information and an interactive map showing the High Urban Catchments highlighted within policy DM33.

Section 4 Flood Prevention, Resilience, Adaption and Mitigation

Section 4 provides information about how the layout and design of a development can prevent flood risk and ensure new buildings are flood resistant. The section also provides information about the measures which should be included in development to ensure that buildings are resilient and adaptable.

Section 5 Emergency Flood Plan

Section 5 outlines the information which must be included in an Emergency Flood Plan and provides links to additional information which will be useful when drafting a plan.

Section 6 Reducing Flood Risk

Section 6 provides advice on meeting the requirement within policies DM33 and DM34 for new development to reduce flood risk on and off the site. It provides examples on where schemes will be required to contribute to reducing flood risk and the exceptional circumstances where this may not be appropriate. The section then provides some examples of how development can reduce food risk.

Section 7 Watercourses

Section 7 outlines how watercourses in sites must be treated to address the requirements in policies DM33 and DM34 for the naturalisation of watercourses within development sites.

Section 8 Natural Flood Management

Section 8 outlines the approach to natural flood management and provides links to additional information.

Section 9 Sustainable Drainage Hierarchy

Section 9 provides advice on the Sustainable Drainage Hierarchy within policy DM34 and how this must be used to comply with the policy requirements and ensure SuDS provide multifunctional benefits. The hierarchy emphasises the reuse and reduction of surface water, the use of above ground SuDS components to manage water and pollution through source control, attenuation to reduce runoff rates and volumes and infiltration. SuDS schemes must be designed to use above ground components and only in exceptional cases where this is inappropriate or impractical, may underground components be used. In these cases, it is expected that SuDS schemes will utilise as many above ground components as possible before resorting to below ground components.

Section 10 Sustainable Drainage Systems (SuDS) Design

Section 10 provides advice on the implementation of SuDS within development and how the design of SuDS should be used to meet the design requirements within policy DM34 and the four pillars of SuDS.

The section does not provide detailed guidance on the design as SuDS. The CIRIA The SuDS Manual C753 provides detailed guidance and should be used when designing a scheme. It is however, the above ground components which should be prioritized within new development.

Section 11 Post Development RunOff Rate and Runoff Volume

Section 11 highlights the minimum runoff rate and runoff volume required by policy DM34 and the requirement to reduce flood risk on and off sites. It explains that it will only be in exceptional cases where the required rates may not be met. Greenfield and large brownfield sites should be able to meet the rates and it is not anticipated that an exception will be required in these cases.

Section 12 Sustainable Drainage Strategy

Section 12 explains when and what information is required to be included within a Sustainable Drainage Strategy. The information requirements are broadly similar to those in the existing Planning Application Validation Guide.

Section 13 SuDS Pro-Forma

The SuDS pro-forma which must be completed and submitted along with the supporting evidence outlined within it for with applications.

The SuDS pro-forma can be found on the Lancaster City Council Website.

Section 13 outlines when the SuDS pro-forma is required and provides a link to guidance information. The pro-forma has been developed at the NW regional level and there are some differences between the guidance produced to accompany it and the requirements within policies DM33 and DM34. The differences are highlighted and explained. It is the policy requirements in policies DM33 and DM34 which will take precedence.

Section 14 SuDS Adoption, Surface Water Lifetime Management & Maintenance Plan

Section 14 provides advice about adoption and long-term management and maintenance of SuDS. It outlines the information which must be included with a Surface Water Lifetime Management and Maintenance Plan.

Section 15 Post Construction Certification

Section 15 sets out when a post certification for SuDS will be required and what it must include. Post Certification will not be required for SuDS components which are to be adopted by a statutory undertaker and the information necessary to accompany the certification will be less where above ground components are proposed.

1.0 Introduction

1.1 The Climate Emergency Review of the Local Plan (CERLP) follows the declaration of a climate change emergency by Lancaster City Council in January 2019. It aims to enhance the way in which the Local Plan addresses this important agenda and to improve the way in which the policies in the plan mitigate the effects of climate change and provide for resilience and adaption.

1.2 The management of water within Lancaster District is critical. There have been a number of significant flood events which have taken place over recent years, these have had a significant impact on the district's residents. It is important that new developments consider their role in the management of water, particularly the impacts of surface water both on the development site itself but also on the surrounding area. The national Planning Practice Guidance (PPG) states:
'Local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems, through safeguarding land for flood risk management, or where appropriate, through designing off-site works required to protect and support development in ways that benefit the area more generally.'

1.3 The policies in the CERLP seek to ensure that new development takes opportunities to reduce the overall level of flood risk and to ensure sustainable drainage systems make the best possible contribution to combating climate change by including multifunctional benefits such improvements to amenity, biodiversity, heat absorption, pollution control.

1.4 This SPD provides developers / applicants with information on how the City Council will expect surface water and flood risk to be managed on development sites. It sets out in more detail about how developers can achieve the requirements within the water management policies in the CERLP. The SPD does not provide specific detail with regard to SuDS as there is a considerable amount of national guidance already available, particularly within, CIRIA The SuDS Manual C753 (or subsequent updates) and there is no need to reiterate that here.

1.5 The SPD does not include additional policies or requirements, but supplements and expands on CERLP policies DM33 and DM34 and provides local context for the interpretation of the National Planning Policy Framework (NPPF) and the PPG. The SPD is being producing in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Once adopted, this SPD will be afforded weight in decision making.

1.6 The Sequential Test and Exception Test Supplementary Planning Document provides advice with regard to how the Council will address the tests.

1.7 This SPD is intended to provide guidance to support the implementation of policies in the CERLP. It is being consulted upon in tandem with the CERLP to ensure a consistency in the approach to the policies and will not be adopted until the plan itself has progressed to adoption.

1.8 All links within this document were correct and actionable at the time of publication.

2.0 Policy Context

National Planning Policy Framework and Guidance

2.1 The National Planning Policy Framework (NPPF) promotes using new development and improvements in green and other infrastructure to reduce the risk of flooding[1] and the use of sustainable drainage systems to deliver multifunctional benefits. In areas at risk of flooding it requires flood resistance and resilience and the provision of safe access and escape routes as part of an emergency plan.[2] The NPPF requires major development to incorporate SuDS and states that they should have minimum operational standards and where possible provides multi-functional benefits[3].

2.2 The National Planning Practice Guidance (nPPG)[4] provides guidance upon the national policy in relation to flood risk and reducing its causes and impacts, and how this should be dealt with in the implementation of local plans and development. It reiterates the NPPF stating 'Local authorities and developers should seek opportunities to reduce the overall level of flood risk' and how this can be achieved through the use of 'green infrastructure and the appropriate application of sustainable drainage systems' (Paragraph: 050 Reference ID: 7-050-20140306). The nPPG provides guidance on making development safe from flooding, flood resilience and flood resistance, flood risk and flood risk assessments.

Climate Emergency Local Plan Review

2.3 The Lancaster Local Plan consists of various documents including the Climate Emergency Review of the Strategic Policies and Land Allocations DPD and the Climate Emergency Review of the Development Management DPD. On adoption that Lancaster South Area Action Plan will also form part of the plan and will contain bespoke policies in relation to water management within the area.

2.4 The CERLP sets out a range of policies which aim to improve how new development addresses the causes and consequences of climate change. It includes policies on how flood risk and water should be managed within the district and how the management of water can contribute multi-functional benefits including biodiversity and habitat enhancement, placemaking and amenity.

[1] National Planning Framework 2021 - Paragraph 161 14. Meeting the challenge of climate change, flooding and coastal change - National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk)
[2] National Planning Framework 2021 – Paragraph 167
[3] National Planning Policy Framework – Paragraph 169
[4] National Planning Practice Guidance Flood risk and coastal change - GOV.UK (www.gov.uk)

2.5 Policies DM33, DM34 and DM36 of the Climate Emergency Local Plan Development Management DPD specifically address water management.

POLICY DM33: DEVELOPMENT AND FLOOD RISK

Proposals will be required to minimise the risk of flooding to people and property by taking a sequential approach which directs development, including access/egress, play/recreation areas and gardens, to the areas at the lowest risk of flooding. Consideration must be given to all sources of flood risk.

New development will need to satisfy the requirements of the sequential test and exception test where necessary in accordance with the requirements of national planning policy and any other relevant guidance, including the Council's Flood Risk – Sequential Test and Exception Test Supplementary Planning Document. Where proposals fail to satisfy the requirement of these tests they will be refused.

The functional flood plain (flood zone 3b as identified within the Council's most up-to-date Strategic Flood Risk Assessment) will be protected from new development. New development must not impede the flow of water within flood zone 3b nor should it reduce the volume available for the storage of flood water. Proposals, other than for necessary essential infrastructure or water compatible uses, will only be permitted in the flood plain in exceptional circumstances.

Proposals for new development in areas at risk of flooding from all sources, as defined by National Planning Policy and surface water and ground water flooding will be required to meet the following criteria:

I. Proposals are supported by a Sequential Test, and where necessary Exception Test in accordance with National Planning Policy, other relevant guidance and the Council's Sequential Test and Exception Test Supplementary Planning Document;

II. An Exception Test is passed for sites allocated in the Local Plan where new data sources indicate that flood risk has increased since a site was allocated and Table 3: flood risk vulnerability and flood zone compatibility indicates it is necessary;

III. Proposals which meet the following criteria are accompanied by a Flood Risk Assessment:
   a. Where required by National Planning Policy and/or the accompanying guidance
   b. All development (apart from minor development[40]) in the High Risk Urban Catchments as identified within the Strategic Flood Risk Assessment
   c. The site is within Flood Zone 1 where any part of the site is identified by the Risk of Surface Water Flooding Maps as being at risk of surface water flooding
   d. The site is situated over or within 8 metres of a watercourse or where development will be required to control or influence the flow of any watercourse
   e. Where the site is identified as being at flood risk in the future
   f. Where the site is at risk of flooding from other sources of flooding or at residual risk
   g. Where development is subject to a change of use to a higher vulnerability classification which may be subject to other sources of flooding
   h. Where a site is situated in an area currently benefiting from defences;

IV. That they are supported by an appropriate site-specific Flood Risk Assessment (FRA) which demonstrates that the proposal meets the requirements of National Planning Policy and accompanying practice guidance and takes into account the effects of climate change;

V. That safe, suitable and appropriate flood prevention, resilience, adaptation mitigation and emergency plan measures are agreed, implemented and maintained, including through design and layout, taking Climate Change into account, to ensure that development, including access/egress, play/recreation areas and gardens, is appropriately flood resilient and resistant for its lifetime;

VI. Proposals reduce the existing causes and impacts of flooding by reducing surface water run-off and/or increasing the capacity of flood storage areas;

VII. There is no adverse effect on the operational functions of any watercourse or existing flood defence infrastructure and opportunities are taken to improve the function of watercourses, such as removing culverts and naturalisation of heavily modified channels and manage peak flows;

VIII. That opportunities are taken to introduce natural flood management techniques on and off the site to reduce flooding;

IX. Sites must be drained on a separate system with foul water draining to the public sewer (or package treatment plant where a public sewer is not available) and surface water draining in accordance with the Sustainable Drainage Hierarchy in policy DM34; and

X. All proposals for new development must take account of the Council's most up-to-date Strategic Flood Risk Assessment (or the most up-to-date Council flood risk assessment available) in combination with any other relevant evidence including that of the Lead Local Flood Authority (Lancashire County Council) and the Environment Agency and the Council's Sequential Test and Exception Test Supplementary Planning Document.

[40] Minor development in relation to flood risk as defined in the Planning Practice Guidance Paragraph: 046 Reference ID: 7-046-20140306

POLICY DM34: SURFACE WATER RUN-OFF AND SUSTAINABLE DRAINAGE

Surface water should be managed sustainably within new development. The Council expects that proposals for all new development will use Sustainable Drainage Systems (SuDS), giving priority to naturalistic solutions incorporated into the soft landscaping of the development.

Applicants must demonstrate that surface water from new development accords with the following Sustainable Drainage Hierarchy:

i. Re-use and reduce surface water run-off /rainwater harvesting/green walls/roofs,
ii. Attenuated source control such as infiltration through pervious surfaces, soakaways, swales and trenches etc.,
iii. Attenuation and conveyance using above ground water components (including ponds, swales etc.) for gradual release into infiltration components and if this is not possible to a watercourse,
iv. Treat then attenuate surface water via storage in tanks or sealed water components for gradual release into infiltration components and if this is not possible a water course,
v. In exceptional cases, controlled discharge to a sewer or other drainage system, via above ground attenuation, and if this is not possible, underground attenuation.

Surface water should be managed through the provision of above ground sustainable drainage components with multi-functional benefits as part of an integrated high-quality green and blue environment. All development must incorporate SuDS which have been designed to incorporate the following:

- Flood risk reduction measures;

- The management of surface water in stages as close to the source as possible;
- Environmental and biodiversity benefits;
- Pollution control, multi-level source control;
- Landscape and amenity enhancement;
- Where a site includes a water course, development must include measures to restore and provide natural flood management, remove and naturalise culverts, create a predictable flow, include storage, measures to manage peak flows;
- Measures of an adoptable standard; and
- Appropriate safety measures.

SuDS must be designed in accordance with 'Ciria C753 The SuDS Manual', or any subsequent replacement guidance and the Council's Flood Risk and Sustainable Drainage SPD. Below ground attenuation will only be permitted where above ground SuDS have been demonstrated to be inappropriate or impracticable and the developer has provided a robust justification for the proposal.

Applicants wishing to discharge to a public sewer or highway drain will need to submit clear evidence demonstrating why alternative options are not available.

Applicants will be expected to demonstrate that development reduces and manages flood risk by reducing the amount of run-off and discharge from the site through the use of appropriate water reuse and sustainable drainage systems techniques. As a minimum, development is required to meet the following run-off rates:

- On greenfield sites, the peak run-off rate and the run-off volume[A] must not exceed the existing greenfield rates for the same rainfall event[A]. A 40% climate change allowance or the upper end allowance for the longest term projection in Table 2, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances'[B], whichever is the higher (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10% must be applied.
- On previously developed land[C], the peak run-off rate and run-off volume[A] must not exceed greenfield rates from the development for the same rainfall event[A]. Where this cannot be achieved a 30% reduction of the existing peak run-off rates for the site must be achieved. A 40% climate change allowance or the upper end allowance for the longest term projection in Table 2, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances'[B], whichever is the higher (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10% must be applied.

All proposals for residential development of 5 of more units, other development with a site area of 1 hectare or more, or 1,000 square metres of floor space, and all development (apart from minor development[D]) within High Risk Urban Catchments identified in the SFRA, will require the submission of:

- A Sustainable Drainage Strategy. The Sustainable Drainage Strategy must show the type of sustainable drainage system and/or detailed measures proposed to control the flow of water/surface water and measures to protect from flood risk and pollution during construction and on completion of the development (depending on the type of application). For any development proposal which is part of a wider development site, it will be necessary to ensure the foul and surface water drainage proposals are part of a wider, holistic strategy which coordinates the approach to drainage between phases, between developers, and over a number of years of construction.
- The SuDS Pro-forma (included within the Flood Risk and Sustainable Drainage SPD) and the information/evidence required by the Pro-forma.

- A comprehensive Surface Water Lifetime Management and Maintenance Plan which includes clear arrangements and funding mechanisms for ongoing management and maintenance over the lifetime of the development.
- Post construction, applicants must provide to the Council certification that the sustainable drainage scheme has been implemented in accordance with the approved strategy.

Further information about the requirements can be found in the Flood Risk and Sustainable Drainage SPD.

A – Peak runoff rate, runoff volume and rainfall events as defined in the Department for Environment, Food and Rural Affairs, Sustainable Drainage Systems, Non-statutory technical standards for sustainable drainage systems, March 2015 - Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems (publishing.service.gov.uk) or any future update.

B- Table 2: peak rainfall intensity allowance in small catchment (less that 5km^2) or any urban drainage catchments (based on a 1961 to 1990 baseline) - https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

C – Previously developed land for drainage purposes is defined as, ''where a pre-developed site includes buildings or impermeable surfaces and redevelopment will reuse the existing drainage system in its entirety'.

D – Minor development in relation to flood risk as defined in the Planning Practice Guidance Paragraph: 046 Reference ID: 7-046-20140306

Policy DM36: PROTECTING WATER RESOURCES, WATER QUALITY AND INFRASTRUCTURE

New development must:

- Not have a detrimental impact on surface water and groundwater quantity and quality caused by contaminated surface water run-off into nearby waterways;
- Include multi-level source control within SuDS schemes to prevent ground and water pollution arising from water run-off;
- Not have a detrimental impact on the quality and standard of bathing water in the locality;
- Consider effective and efficient disposal of wastewater; and
- Protect and where possible, improve the quality of rivers, groundwater and the standard of any bathing waters in the locality or downstream of the development.

2.6 This SPD provides guidance about how the requirements and aims of these policies can be achieved.

2.7 The following policies are also relevant when addressing flood risk and water management:

Climate Emergency Review of the Strategic Policies and Land Allocations DPD

2.8 Policy CC1: Responding to Climate Change and Creating Environmental Sustainability states that the plan will support the Council ambition to reduce carbon emissions by: contributing positively to environmental gain by improving the connectivity and multi-functionality of the Green and Blue network in the District, protecting habitats and ecosystems, strengthening nature recovery networks, and ensuring biodiversity net gain.

2.9 Policy SP8: Protecting the Natural Environment requires new development to protect, maintain and enhance the districts green and blue spaces, corridors and chains and their multifunctional value, integrity and connectivity.

2.10 SG4: Lancaster City Centre. The City Centre Strategy will address objectives including enhancements to Green and Blue infrastructure Networks, both within and connecting to, Lancaster City Centre.

2.11 Policy SC4: Green and Blue Corridors and Chains identifies and protects a number of green and blue corridors from development which would cause inappropriate harm and damage to their value and integrity. It also expects new development to contribute to enhancing multifunctionality and connectivity within these corridors and chains.

2.12 Policies relating to specific sites also include various criteria requiring that water management and biodiversity.

Climate Emergency Review of the Development Management DPD

2.13 DM43: Green and Blue Infrastructure seeks to protect, maintain, manage and enhance green and blue spaces, corridors and chains. It requires that opportunities to extend the network of green and blue infrastructure are taken, green and blue infrastructure is integrated into development and linked to existing infrastructure. The policy also states that proposals which will result in damage to their integrity will be resisted. Blue and green management and maintenance plans are required for development proposals.

2.14 DM29: Key Design Principles provides a set of key principles for development including the incorporation of green and blue infrastructure as an integral part of the development and a requirement to deliver nets gains in green and blue infrastructure. It also requires proposals to demonstrate how they achieve sustainable development by taking into account principles including the provision of green/blue roofs to improve eater management.

2.15 Policy DM57: Health and Well-being states that development should deliver health benefit by ensuring development does not have an adverse impact on the environment such as …. water pollution.

Other Plans, Policy Documents and Guidance

2.16 The following documents will be of particular relevance when considering flood risk and sustainable drainage systems.

Lancaster City Council Strategic Flood Risk Assessment

2.17 The Strategic Flood Risk Assessment (SFRA) October 2017 (Level 1 & 2)[5] was produced to support the Local Plan adopted in 2019. It provides guidance on policy and a risk based approach to decision making, an understanding of flood risk from all sources within the district and an assessment of the flood risk of sites.

2.18 The Lancaster Strategic Flood Risk Assessment Update 2021[6] (SFRA Update) has been produced to support the CERLP. It addresses changes in policy and flood risk since the completion of the SFRA 2017 and makes recommendations for development management policies and decision making. The SFRA Update reassesses the risk to allocated sites and provides new flood risk maps taking into account updated climate change figures. The SFRA Update identifies High Risk Urban Catchments where there is a risk of development having a significant cumulative impact on flood risk. The SFRA Update makes recommendations for enhanced consideration of flood risk in these areas, including the provision of a Flood Risk Assessment for all applications.

[5] SFRA 2017 http://planningdocs.lancaster.gov.uk/AniteIM.Websearch/Results.aspx & https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information
[6] Strategic Flood Risk Assessment 2021 – add link to website

2.19 Appendix D of the SFRA Update outlines a variety of other plans and documents which relate to flood risk. The SFRA Update can be found using the following link: https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information

2.20 The Lancaster City Surface Water Management Plan should also be consulted for development in the city centre or the catchment. The plan can be found using the above link.

2.21 The following documents or any updates should also be consulted.

- DEFRA Technical Standards for Sustainable Drainage Systems (SuDS)
- CIRIA The SuDS Manual C753 (or updates or replacement guidance or legislation).
- Design and Construction Guidance (DCG)
- SuDS Pro-forma and Guidance

2.22 Further information can also be found on the NW Flood Hub https://thefloodhub.co.uk/

3.0 Requirement for Flood Risk Assessments

3.1 Information about Flood Risk Assessments (FRAs), including how to complete an assessment can be found using the following link: https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#how-to-do-an-assessment

3.2 Footnote 55 of the NPPF sets out circumstances where FRAs are required. These include where a SFRA identifies land at being at an increased risk of flooding in the future and land which may be subject to other sources of flooding, where a development would introduce a more vulnerable use. Section 4 of the SFRA Update assesses the cumulative impacts in, or affecting, local areas susceptible to flooding in accordance with paragraph 156 of the NPPF. It identifies catchments at low, medium and high risk and makes recommendations for policies. It recommends that FRAs are provided for all development (other than minor development) in the High Risk Urban Catchments. The SFRA also makes recommendations for sites subject to other sources of flooding.

3.3 Policy DM33 sets out the circumstances where a flood risk assessment will be required based upon the evidence and recommendations in the SFRA Update. The policy includes the following requirements:

a. Where required by National Planning Policy and/or the accompanying guidance

- Flood Zones 2 and 3 - all development
- Flood Zone 1 – sites over 1 hectare

Flood risk maps are available using the following link: https://check-long-term-flood-risk.service.gov.uk/map

b. All development (apart from minor development) in the High Risk Urban Catchments as identified within the Strategic Flood Risk Assessment

Figure 6-7 of the SFRA Update shows the results of the cumulative impact assessment for each catchment and rates them at low, medium and high risk. It recommends that all development (other than minor development) in the High Risk Urban Catchment are accompanied by an FRA. The High Risk Urban Catchments are shown in figure 1 below:

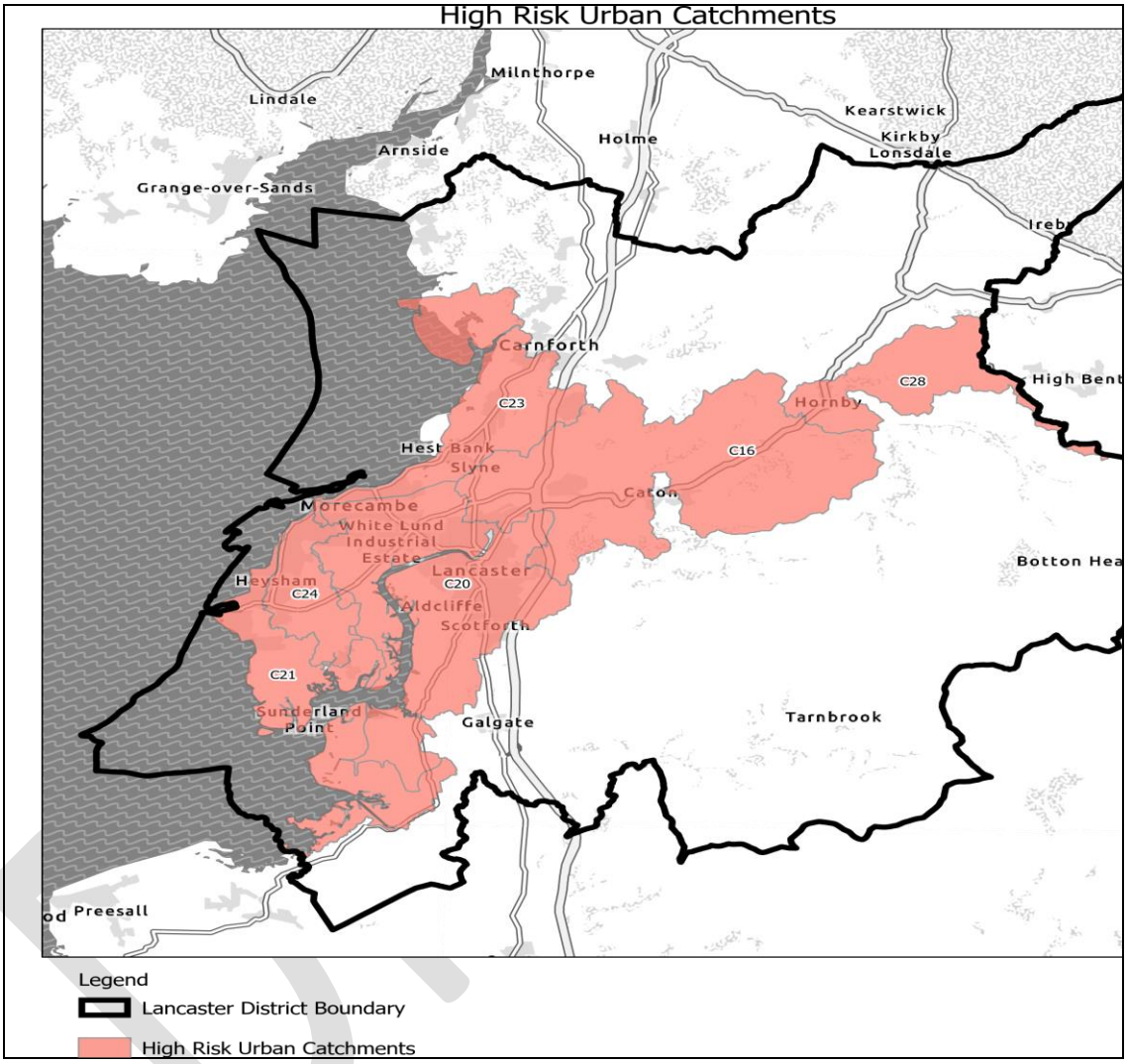


Figure 1 : High Risk Urban Catchments

An interactive map showing the High Risk Urban Catchments requiring FRAs can be found using the following link:
https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=e49db274222f476ea7045cd4295b8868

Minor development is defined as:

- minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.
- alterations: development that does not increase the size of buildings eg alterations to external appearance.
- householder development: For example; sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats.

c. The site is within Flood Zone 1 where any part of the site is identified by the Risk of Surface Water Flooding Maps as being at risk of surface water flooding

Flood risk maps are available using the following link:
Where do you want to check? - GOV.UK (check-long-term-flood-risk.service.gov.uk)

You should also check the SFRA Update maps:
https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information

Please check the flood risk from all sources. If a site is at medium or high risk of surface water flooding (depth or velocity), and/or within the extent of flooding identified from reservoirs or ground water, an FRA will be required.

d. The site is situated over or within 8 metres of a watercourse or where development will be required to control or influence the flow of any watercourse

The applicant is responsible for checking a site for all watercourses and ensuring that where they exist, a flood risk assessment is submitted where necessary.

e. Where the site is identified as being at flood risk in the future

The SFRA Update identifies sites at risk of flooding in the future.

Please check the SFRA Update maps:
https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information

f. Where the site is at risk of flooding from other sources of flooding or at residual risk

Flood risk maps are available using the following link:
https://check-long-term-flood-risk.service.gov.uk/map

You should also check the SFRA Update maps:
https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information

Please check the flood risk from all sources. If a risk of flooding from any source is identified an FRA will be required.

g. Where development is subject to a change of use to a higher vulnerability classification which may be subject to other sources of flooding

A FRA will be required where it is proposed to change the use of a building or land to a use which will be more vulnerable to flooding. The vulnerability of uses are defined in national guidance. The definitions can be found in the 'Flood Zone and Flood Risk Tables' section of the guidance using the following link:

https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification

A copy of the vulnerability classification and development/uses within them can be found at Appendix A of this SPD.

Figure 2: Flood Risk Vulnerability

h. Where a site is situated in an area currently benefiting from defenses

The Flood Risk Map for Planning identifies areas benefiting from flood defenses. The map can be found using the following link:
https://flood-map-for-planning.service.gov.uk/confirm-location?easting=347212&northing=461767&placeOrPostcode=lancaster

details can also be found here:
https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=e49db274222f476ea7045cd4295b8868

Please note that sites may fall within more than one category.

4.0 Flood Prevention, Resilience, Adaption and Mitigation

4.1 Development should be sited and designed to ensure that property and infrastructure (e.g. highway, power and rail networks) is not at risk of flooding from any source. There may be cases were planning permission is granted for property which may be at risk of flooding. Measures will need to be put in place to ensure that development is safe for its lifetime and minimise the damage caused by flooding. Measures can also be installed in existing properties to make them more resistant and resilient to flooding.

Flood Prevention/Resistance

4.2 Prevention/resistance measures are designed to prevent water entering a property. Examples include:

Layout

4.3 The way in which a development is designed and laid out can have a significant impact upon the flood risk to new and existing properties. The layout of development must ensure that buildings, infrastructure and gardens are not at flood risk from all sources at the time of development and from risks which may arise due to climate change.

4.4 The design and layout of new development should take account 'exceedance' conditions (a rainfall or flow event that exceeds, i.e. is bigger or rarer, than the sustainable drainage system design event) and the flow of water through a site under normal and heavy rain conditions where the ground is saturated. Existing flow paths through sites should maintained and designed into the SuDS to reduce flood risk and new flow paths should be directed away from development and discharged appropriately. Flow paths can be affected by the location and levels buildings, infrastructure, ground levels, landscaping and boundary treatments. The poorly thought-out position of a fence can result in flooding of an adjacent property. It is therefore important that all aspects are designed to reduce flood risk. The layout, design, ground and floor levels must ensure that water is channeled away from buildings, infrastructure, play areas and gardens into SuDS components. SuDS components should be linked to manage flows and designed and laid out to ensure that potential overflow does not introduce flood risk to existing or new properties.

4.5 Layouts must ensure that properties have safe access and egress in the event of flooding in the surrounding area. This will ensure that emergency services can access a property if necessary.

Sustainable Drainage Systems

4.6 Sustainable drainage sysytems should be designed to manage flood risk. Further information is available throughout this SPD.

Raised floor levels

4.7 Floor levels should be higher than adjacent land, highways and gardens to minimise risks of water flowing into buildings. Residents often have issues with flooding to garages, particularly where a driveway slopes towards it, and inadequate or unconnected drainage has been installed. This can be easily avoided.

4.8 In exceptional cases where planning permission is granted in areas at risk of flooding, it is recommended that floor levels are a minimum of 600mm above the estimated flood level from any source. Raising the level of living accommodation by creating a void underneath the main floor level can minimse risk. When proposing raising a floor level, the consequences with regard to accessibility, design, townscape and landscape will need to be considered.

Flood barriers and valves

4.9 These include flood gates and covers over doors, windows, service points and air bricks into a building. They are however only recommended for use in flood water up to a maximum depth of 600mm. The pressure from water above this depth may cause structural damage.

4.10 Non-return values can be installed on drainage outlets to prevent water and sewage flooding back into a property.

4.11 To be effective every potential entry point must be covered or sealed.

Floor membranes and damp-proof courses

4.12 Non-permeable membranes can be installed to prevent ground water rising through the floor and damp-proofing can be used to prevent moisture rising up walls.

Property Level Resilience/Adaption

4.13 Resilience measures aim to minimise the damage caused when a property floods. They dry out quickly without permanent damage. They can however be more expensive that standard methods but can provide a more sustainable and cost effective option in the long term.

4.14 The following list provides some examples on how properties can be made more resilient to flooding. The list is not exhaustive and while all can be incorporated into new buildings, their use will depend on the construction of existing properties.

Floors

4.15 Solid concrete floors or floors designed drainage water away via a sump or pump. Waterproof flood finishes such as waterproof laminates and skirting boards. They can be removed and reinstalled once the floor/wall is dry.

Wall finishes

4.16 Lime based plaster is a traditional finish and used in older buildings but is also appropriate for new buildings. It is more resilient to water and dry's out quicker without cracking or disintegration so it can be redecorated.

4.17 Plasterboard can be permanently damaged by water and is likely to need replacing after a flood. It is best only to use plasterboard on internal walls which cannot be plastered. The amount of plasterboard which needs replacing can be limited by running them horizontally so only the lowest levels will need to be removed.

Insultation

4.18 Insultation loses it thermal performance if wet and is likely to require replacing following flooding, this can be difficult. When insulting houses at risk of flooding, or those which may be at risk in the future, it is best to use water resistance cavity insultation or internal insultation which can be removed. Water resilient insultation will not absorb as much water and can be retained following a flood.

Raised services

4.19 By raising sockets, wires and other services above the flood level the risk of having to rewire can be minimized.

4.20 There are various sources of information available which provide guidance, these include national guidance available using the following links:

- https://www.floodguidance.co.uk/
- Improving the Flood Performance of New Buildings – Flood Resilient Construction (Communities and Local Government May 2007)

  https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf
- Six Steps to Property Level Flood Resilience – Guidance for Property Owners (SMARTesT)
  https://www.bre.co.uk/filelibrary/pdf/projects/flooding/Property_owners_booklet_v2_web_(2).pdf
- Flood Risk and Older Homes (Historic England)
  https://historicengland.org.uk/advice/your-home/flooding-and-older-homes/
- The Flood Hub
  https://thefloodhub.co.uk/

5.0 Emergency Flood Plan

5.1 In those exceptional cases where development is permitted in areas of flood risk (Flood Zones 2 and 3, high and medium risk of surface water flooding or identified as at risk of flooding from reservoirs or ground water) an Emergency Flood Plan will be required. The objective of the plan is to raise awareness of the flood risk, detail that risk, how and when the plan will be triggered and by who, and what actions are required.

5.2 The Emergency Flood Plan should include the following:

- Identification of the area covered by the plan, including a map.
- Identification of the sources and frequency/probability of flooding (the details should be caveated that the information is provided is an estimate and will be affected by climate change).
- The depth and velocity of flood water (the details should be caveated that the information is provided is an estimate and will be affected by climate change).
- Whether the area is covered by the Environment Agency Flood Warning System. If it is, contact details for signing up to the Warning System should be included.
- Details of the company/person responsible for activating the Emergency Plan together with contact details.
- An estimate of the lead in time between the flood warning and the time flooding may occur.
- If the site includes areas designed to flood, these should be highlighted and clear routes to higher land noted.
- Details of who is responsible for making decisions on the actions to take. Responsibility will be dependent upon the type of development, business, individual home, flats or homes for vulnerable people.
- Site evacuation procedures and routes. Identification of who is responsible for

communicating and evacuation is carried out by safe evacuation routes.

- Site and property protection. Identification of who is responsible for deploying protection measures, where equipment is stored and the protection measures to be taken.
- Identification of safe refuge in cases where there is insufficient time to evacuate, measures for communication with emergency services, how people will be accommodated and the equipment available.
- Details for the safe reoccupation of the site taking into account potential environmental hazards, utilities and other issues.
- Details of emergency protection/evacuation training.

5.3 A copy of the Emergency Flood Plan should be copied to the Council's Resilience Officer resilience@lancaster.gov.uk to allow cross referencing in the appropriate section of the Lancaster Flooding Plan.

5.4 Further information can be found in the following documents and links:

- Environment Agency Guidance – 'Flooding – Minimising the risk Flood plan guidance for communities and groups' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/292939/LIT_5286_b9ff43.pdf

- Gov.UK - 'Prepare for Flooding' https://www.gov.uk/prepare-for-flooding/future-flooding

- Environment Agency Flooding advice for the public https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401980/flood_leaflet_2015_final.pdf

- Gov.UK – Flooding: planning, managing and recovering from a flood https://www.gov.uk/government/publications/flooding-planning-managing-and-recovering-from-a-flood

- Sign up to flood warning on the Environment Agency website: https://www.gov.uk/sign-up-for-flood-warnings

- On the Lancaster City Council website. The Lancashire District Multi-Agency Flooding Plan is available: Flooding - Lancaster City Council

- The Flood Hub https://thefloodhub.co.uk/

6.0 Reducing Flood Risk

6.1 To meet the environmental objective of sustainable development, development should contribute to mitigating climate change[7] and 'shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience'[8]. It is also important that 'opportunities provided by new development and improvements in green and other infrastructure [are used] to reduce the causes and impacts of flooding'.[9]

6.2 Policies DM33 requires that new development reduces the existing causes and impacts of flood risk, a significant impact arising from climate change, by reducing surface water run-off and/or increasing the capacity of the flood storage areas. Policy DM34 reiterates this by requiring that SuDS includes flood risk reduction measures. This requirement is in addition to the minimum run-off /volume rates quoted in policy DM34.

6.3 Where a development is within the same catchment as areas at flood risk, especially where they are located before the development in the catchment, upstream, development can have a significant impact on existing flooding. Where water management is not properly addressed, for example where the catchment may not have been fully assessed or where development impedes flow without compensating for the water or ensuring that it can move through or over a site without risk to property or infrastructure (e.g. highway, power and rail networks), it can cause flooding.

6.4 Where development displaces either fluvial, surface water or ground water storage, compensatory flood water storage will be necessary. The compensatory flood storage should be designed to ensure that it compensates for the loss of storage and includes additional storage to reduce flood risk.

6.5 The degree to which a site can or should contribute to reducing flood risk will depend on the existing flood risk at the site and in the surrounding area, particularly downstream in the catchment. It will also depend upon the site circumstances and the associated impacts that reducing flood risk would have upon habitats. There are instances where it may not be necessary or appropriate to reduce the runoff rate and runoff volume for example where no property or infrastructure (e.g. highway, power and rail networks) is at risk of flooding and where reducing the rates would adversely affect habitats. Such instances will be an exception. Policies DM33 and DM34 therefore do not specify a rate for flood risk reduction as a runoff rate and runoff volume. This is expected to be assessed at a site scale through a Site Specific Flood Risk Assessment and justified though the Sustainable Drainage Strategy.

6.6 Examples may include but are not limited to:

Flood Risk Reduction Measures Will Be Required Where/If:

- A site is located upstream of properties, infrastructure and land that are identified as at flood risk from any source of flooding;
- Development within the High Risk Urban Catchments;
- A site which includes a watercourse or surface water flow routes through/over it;

[7] National Planning Policy Framework – Paragraph 8c
[8] National Planning Policy Framework – Paragraph 152
[9] National Planning Policy Framework – Paragraph 161c

Flood Risk Reduction Measures May Not Be Required Where/If:

- Where there is no flood risk to property, infrastructure (e.g. highway, power and rail networks) or land (apart from undeveloped land which acts as flood plain) downstream;
- Where a reduction in the rates or volumes flowing from a site would have a significant adverse impact on biodiversity or habitats reliant on that water.

6.7 There are several steps which can be taken to reduce flood risk.

- The first step in ensuring the new property and infrastructure (e.g. highway, power and rail networks) is not placed at risk of flooding, is to determine site selection sequentially. This process ensures that new development is steered to sites with lower flood risks. Further advice can be found in the Sequential Test and Exception Test SPD.
- The location of development within a site should then also be determined sequentially to avoid areas at risk of flooding from all sources. The layout of a site will have a significant impact upon the risk of flooding to property and infrastructure. Existing flow paths and areas which hold water will need to be taken in to account and these should be retained, water often find its way back to its natural course even after intervention. This can place property and infrastructure at risk of flooding in the future, it is therefore best to minimise such risks by maintaining flow routes and allowing for these within a development.
- SuDS must be designed as a minimum to meet the runoff rate and volume required by policy DM34. They must also take opportunities to reduce flood risk by increasing the amount of water which can be stored on a site, slow water flows through the use of attenuation and infiltration.
- Natural flood management techniques should be used in addition to SuDS appropriate. See section 8 for further details.

6.8 Where development simply channels water flows through or over a site without attenuation it will fail to take the opportunities to reduce flood risk and will be considered contrary to policies DM33 and DM34.

7.0 Watercourses

7.1 Many watercourses have been artificially modified by placing them in culverts, other buried components, ditches or manmade channels. This has affected the way in which water flows and in many cases speeds up the way in which it travels through a catchment which can exacerbate flooding downstream during and after heavy rain. Policies DM33 and DM34 require a development to include measures to naturalise watercourses and improve their function.

7.2 Watercourses can be restored by opening up culverts, pipes and other buried watercourses, removing concrete and other artificial materials, re-wiggling to restore the natural course and adding vegetation. Buffers should be created either side of a watercourse to minimise pollution reaching the water. These actions will slow the flow of water but will also provide wildlife habitat contributing to biodiversity net gain and the requirements in policies DM43 and DM44. Naturalisation of watercourses will also enhance the visual amenity of a site, act as urban heat islands to absorb heat and airborne pollution.

7.3 The naturalisation of watercourses should also include storage to manage peak flows thereby contributing the requirement to reduce flood risk. This should be in the form of naturalised areas where peak flows and disperse to reduce the volume and rates of water flowing downstream.

7.4 Works to or adjacent to a watercourse may require separate consent from the Local Lead Flood Authority or a permit from the Environment Agency.

7.5 Further information can be found in Rivers By Design[10]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/297315/LIT8146_7024a9.pdf

8.0 Natural Flood Management

8.1 Natural flood management is where natural processes are used to reduce the volume and speed of water flows. Natural flood management works best as a catchment approach with the provision of measures at various point to slow water reaching watercourses and then to slow water as it makes its way through a watercourse. It can also contribute to reducing flood risk on development sites by creating multifunctional areas which manage water and provide biodiversity and amenity benefits.

8.2 Natural flood management measures should be incorporated into the blue and green infrastructure of a site to contribute to reducing flood risk.

8.3 Further information can be found on the Flood Hub website and it is anticipated with CIRIA will publish a Natural Flood Management Handbook shortly (a link will be added once this is available).
https://thefloodhub.co.uk/nfm/

and a local example can be found here …
https://scrt.co.uk/kendal-nfm-project/

[10] Rivers By Design – Rethinking development and river restoration Environment Agency 2013

9.0 Sustainable Drainage Hierarchy

9.1 The sustainable drainage hierarchy in policy DM34 expands on the hierarchy within the national Planning Practice Guidance using the approach in CIRIA The SuDS Manual C753 (or updates) as a guide. The hierarchy emphasises the use of above ground SuDS components to ensure multiple benefits.

9.2 CIRIA set out the approach to managing surface water run-off as:

- use surface water as a resource
- manage rainwater close to where it falls (at source)
- manage run-off on the surface (above ground)
- allow rainwater to soak into the ground
- promote evapotranspiration
- slow runoff to mimic natural runoff rates and volumes
- reduce contamination of runoff through pollution and by controlling the runoff at source
- treat runoff to reduce the risk of urban contaminants causing environmental pollution.

Depending on the characteristics of the site and local requirements these may be used in combination and to varying degrees.

Figure 3: CITIA The SuDS Manual C753 (Box 1.2)

General Guidance on the Use and Implementation of the Hierarchy

9.3 SuDS must be designed in at the beginning of the design process to address the discharge rates and reduction in flood risk required by policies DM33 and DM34. The arrangement of a site, including the footprint and location of buildings can have a significant impact upon whether a site can accommodate SuDS. Applicants should look at reducing the footprint of buildings and rearranging a site to accommodate above ground SuDS. Multifunctional SuDS will also reduce land take so designing them in will reduce the overall demand for land.

9.4 Depending on the characteristics of the site the priorities within the hierarchy may be used in combination and to varying degrees. SuDS must use the higher priorities first and lower priorities should only be used where it has been demonstrated the use of higher priorities is inappropriate or impracticable due to the ground conditions and site circumstances. The aim should be to attenuate and dispose of as much water as possible using the higher order priorities. Where the higher priorities cannot fully manage the water, the use of components lower down in the hierarchy should be kept to a minimum and only used where necessary to achieve the minimum run-off rates within policy DM34 and to reduce flood risk on and off the site. It is for an applicant to provide evidence to justify the use of components lower in the hierarchy.

9.5 SuDS must be integrated in to the overall blue and green infrastructure of a site to ensure that they provide multiple benefits.

9.6 The design and detail for each SuDS component must accord with CIRIA The SuDS Manual C753 (or updates or replacement guidance or legislation). CIRIA The SuDS Manual C753 provides information on a wide range of SuDS components. The inclusion of underground components within that document does not outweigh the hierarchy within policy DM34. To accord with the sustainable drainage hierarchy within policy DM34, it is the above ground SuDS components within that document which should be designed into schemes, underground components should only be used where these are inappropriate or impracticable.

9.7 The hierarchy within policy DM34 seeks to reduce the amount of water which needs to be positively drained and then attenuate and infiltrate water as close to the source as possible in above ground multi-functional components. The hierarchy should be followed in priority order:

Re-use and reduce surface water run-off /rainwater harvesting/green walls/roofs

9.8 The priority is to reduce the amount of water which needs to be actively drained from a site. The most effective way to do this is to re-use rainwater through rainwater harvesting. Rainwater harvesting captures rainwater and facilitates its use either in buildings or the environment. All schemes should include measures to reuse water to reduce the requirement for water to be discharged in active drainage systems. The inclusion of measures to re-use and reduce water are of paramount importance for small brownfield sites where high density is expected and opportunities to attenuate water may be limited.

9.9 Rainwater can be collected from roofs and paved surfaces. Treatment may be required depending on where the water is collected from and the proposed use. The system will need to include specific storage, this will also depend upon the use. Where rainwater is to be reused communally, for example in allotments and for community food growing, water can be stored in above ground components, this will also provide biodiversity and amenity benefits. Where it is to be used in gardens, water butts can be used. If rainwater is to be used within a building, for example to flush toilets, washing or industrial processes, it is generally stored in building specific tanks. These may be underground but will need to be accessible for maintenance.

9.10 Green walls and roofs also reduce water run-off by storing it in the soil layer, plants using the water and by evapotranspiration. Buildings should be designed, where appropriate depending upon the site context, to accommodate green roofs and walls. Green walls and roofs not only reduce run-off but provide carbon capture, biodiversity benefits and act as urban heat islands to reduce temperature.

Attenuated source control such as infiltration through pervious surfaces, soakaways, swales and trenches etc.

9.11 Water should be managed as close to the source as possible. Management and treatment at source, where flows and pollution are lower, reduces the risk of spills and pollution and the need for larger drainage components further down the system. Attenuated source control has multiple benefits including slowing water, minimising the need to move water around a site, reducing pollution, evaporation and transpiration, absorbing heat together with biodiversity and amenity benefits. It can also help reduce the land take required for the delivery of SuDS.

9.12 Appropriate source control components include permeable surfaces, green and blue roofs, filter strips, rain gardens, some types of swale and basins. They should be designed into the green infrastructure of a site and accommodated in communal areas close to the source, such as around parking areas, within verges, within communal gardens and courtyards. Where a scheme does not include such communal areas, they should be firstly be located in locations which are publicly visible. High visibility will ensure that they can be monitored and maintained easily when necessary. There may be instances where topography or site conditions require that SuDS components are located in back gardens or other areas which are not publicly visible. In these cases, SuDS components should be clearly identified, visible and designed into the garden landscaping in a way that minimises the need for maintenance or prospect of them being removed or damaged.

9.13 Depending upon where the water drains from, a series of pollution control measures will be required to be designed into the pervious surfaces. Surface water from a road or communal parking area will require more layers of pollution control measures than from a patio within a garden. Ensuring that pollution and silt is managed at source, can reduce or prevent the build up of pollutants in larger scale components, reducing their effectiveness and biodiversity. Above ground attenuated source control can provide cost effective and visually attractive solutions, reduce maintenance costs and allow for visual inspection and easy removal of blockages. It is therefore essential that pollution is controlled as close to the source as possible.

Attenuation and conveyance using above ground water components (including ponds, swales etc.) for gradual release into infiltration components and if this is not possible to a watercourse

9.14 Where water cannot be attenuated and discharged at source, larger scale conveyance and attenuation components will be necessary. These should be provided above ground and integrated into the green infrastructure within a site. Water should be conveyed at the surface using swales or other vegetated channels and hard surfaced channels such as rills and channels can be used in an urban context.

9.15 Sites should be designed to minimise the need for underground pipes for conveyance. Where these cannot be avoided, for example under roads or footpath, they should only be used for short sections and designed without bends to reduce the risk of blockage and allow easy access for cleaning.

9.16 There may be circumstances where infiltration is inappropriate such as where land is contaminated or where the ground conditions are unsuitable for infiltration. Even in these circumstances, above ground attenuated source control should be used and this can be in the form of swales, channels and rills and filter strips. Attenuation in the form of basins, wetlands and ponds should be designed in conjunction with other SuDS components to reduce flood risk on and off the site and must be attenuated to meet the minimum discharge rates within policy DM34 before discharge into a watercourse.

Attenuate surface water via storage in tanks or sealed water components for gradual release into infiltration components and if this is not possible a water course

9.17 There may be cases where above ground components cannot be accommodated or insufficient components can be accommodated to fully attenuate water to meet the discharge rates in policy DM34 and the requirement to reduce flood risk. Such cases may include small scale brownfield sites in areas where high density development is expected. In these cases, components within the highest priority such as rainwater harvesting, green roofs and walls should be used to reduce the need to dispose of water. There will also be cases where water cannot be disposed of by infiltration, such as where sites are located on impermeable ground or in some cases where contamination would be spread by the infiltration of water.

9.18 Underground components should be kept to a minimum and only used where they cannot be avoided for technical reasons. Locating underground features within the curtilage of private properties must be avoided for maintenance reasons. Underground components should be designed to be easily accessible and maintainable.

In exceptional cases, controlled discharge to a sewer or other drainage system, via above ground attenuation, and if this is not possible, underground attenuation

9.19 Only in exceptional cases, where it is not possible to attenuate and discharge via infiltration or a water course will discharge to a surface water sewer to permitted. The applicant will need to provide technical evidence to justify the use of this method of discharge. Higher priority methods should be used first on a site and with only excess water discharged to a sewer.

10.0 Sustainable Drainage Systems (SuDS) Design

What are SuDS

10.1 SuDS are a way of managing rainfall that mimic the natural landscape, using the processes of attenuation, infiltration and evapotranspiration. SuDS include a sequence of management techniques which are design to drain surface water by slowing the rate at which it leaves a site while minimising pollution. SuDS can provide a wide range of multifunctional benefits to enhance biodiversity, the landscape, place making and amenity and to provide opportunities for cooling the areas around them. All these aspects provide a positive contribution towards mitigating the impacts of climate change, and with the use of appropriate planting can contribute to reducing climate change.

10.2 There are four main benefits to arising from the use of SuDS:, water quantity, water quality, amenity and biodiversity. Policy DM34 requires that the design of SuDS within new development achieves all four benefits.

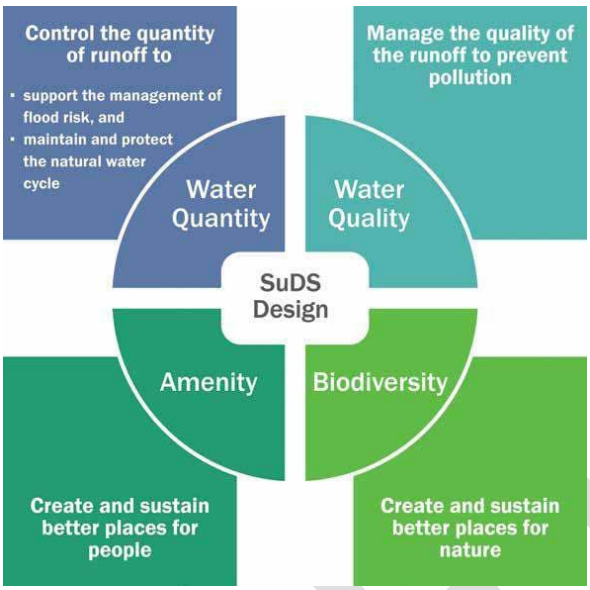


Figure 4: The Four Pillars of SuDS – CIRIA The SuDS Manual C753

10.3 The best way to achieve all these benefits, is for SuDS to be provided in above ground components. The Sustainable Drainage Hierarchy within policy DM34 sets out the principle for the delivery of SuDS to be above ground (see section 8 for further detail about the hierarchy).

10.4 Underground storage can count as SuDS but its use is discouraged due to the lack of multi-functional benefits to support biodiversity, amenity and water quality/pollution control, lack of visibility for surveillance and maiteance costs. The use of underground tanks and pipes on their own will not be regarded as SuDS schemes. Underground tanks and pipes may provide additional storage where it is shown above ground multi-functional techniques cannot address the surface water alone. They must only be included as part of a wider SuDS management train including measures to control runoff, pollution control, amenity and biodiversity enhancements.

SuDS Design

10.5 Policy DM34 requires that SuDS are designed in accordance with CIRIA The SuDS Manual C753, or any subsequent replacement guidance. The SuDS Manual provides comprehensive guidance, which will not be repeated in this SPD. Schemes should also take account of the DEFRA Sustainable Drainage Systems – Non-statutory technical standards for sustainable drainage systems[11] (or any future update). Further guidance with regard to design and adoption can also be found on the United Utilities website[12] and in their Design and Construction Guidance[13].

10.6 To be effective and meet the requirements of the policy, SuDS must be an integral part of the design process from the start of the process. Designing above ground multifunctional SuDS once a layout has been decided is likely to be challenging, it can increase the amount of land needed for SuDS and is likely to fail to achieve the various benefits schemes are required to deliver. Where SuDS are designed in from the outset, taking into account the ground conditions, topography, existing passage and storage of water through/on and around a site, they will be able to achieve the requirements within policy DM34.

10.7 Policy DM34 sets out a series of design requirements for SuDS:

- Flood risk reduction measures;
- The management of surface water in stages as close to the source as possible;
- Environmental and biodiversity benefits;
- Pollution control, multi-level source control;
- Landscape and amenity enhancement;
- Where a site includes a water course, development must include measures to restore and provide natural flood management, remove and naturalise culverts, create a predictable flow, include storage, measures to manage peak flows;
- Measures of an adoptable standard; and
- Appropriate safety measures.

These design requirements will contribute to ensuring the four pillars of SuDS highlighted above are met.

10.8 Designing SuDS from the outset and ensuring it is integral to a development will allow water to be managed through a train of components to maximise soakage into the ground, evaporation and transpiration, reduce runoff rates and volumes and treat water minimise pollution. An integrated approach can reduce the amount of land required and provide the multifunctional benefits mentioned throughout this SPD.

[11] Sustainable Drainage Systems – Non-statutory technical standards for sustainable drainage systems – DEFRA https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf

[12] United Utilities https://www.unitedutilities.com/builders-developers/larger-developments/wastewater/sustainable-drainage-systems/

[13] United Utilities Design and Construction Guidance https://www.water.org.uk/wp-content/uploads/2021/07/SSG-App-C-Des-Con-Guide.pdf

10.9 The use of SuDS are not excluded by soil conditions or gradients. These conditions will affect the which types of SuDS should be used within the hierarchy, how they will be designed and located on a site. Clay soils and high ground water levels may result in infiltration not being appropriate, however, the specific site conditions should be explored and where suitable areas do exist on a site, water should be discharged through infiltration in these locations at an appropriate rate and volume. Where sites have clay soils or high ground water levels resulting in infiltration being limited or not possible, above ground conveyance and attenuation components should be used to slow the rate at which water discharges from a site. For steep sites, check dams and above ground storage components should be used to slow runoff rates and allow for infiltration and attenuation. Components can be staged along terraced areas across the slopes. A similar approach should be taken where land is contaminated.

10.10 A range of SuDS components are outlined in Appendix B.

Water Quantity

10.11 Policies DM34 requires SuDS to include measures to reduce flood risk and manage surface water run-off rates. This requirement accords with paragraph 160c of the NPPF, 'opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding'.

10.12 The policy sets out the minimum required peak run-off rate and run-off volume, further information is included in section 11 of this SPD. Opportunities must also be taken to reduce flood risk further, particularly in the locations identified in bullet point III of policy DM33 and where area within the same catchment of the development are at risk of flooding. For example, where a site is located higher up a catchment than areas at risk of flooding, the opportunities provided by new development should be taken to reduce that risk. This can be achieved by providing additional attenuation on site and the use of natural flood management.

10.13 At times of extreme rainfall, the capacity of SuDS may be exceeded. Sites must be designed to ensure that in the exceptional cases when the capacity of the SuDS is exceeded, water flows along pathways, which will ensure that it is channeled through locations which will not adversely affect people or property or infrastructure such as the highway, power and rail networks. Should a developer wish to use part of a highway for exceedance, this must be considered in terms of its feasibility and the risk (hazard created and vulnerability of highway users) that this may present.

Water Quality

10.14 Designing SuDS from the outset and ensuring it is integral to a development will allow water to be managed through a multi-level treatment train of components which will minimise sediment build up and pollution. Where hard surfacing cannot be avoided, such as roads, drives, parking areas and patios, pervious surfacing should be used. Depending upon where the water drains from, a series of pollution control measures will be required to be designed into the pervious surfaces.

10.15 Collecting and treating runoff as close to the source as possible and at the surface is cost effective, allows easy visual inspection, reduces the likelihood of blockages and reduces maintenance costs.

10.16 SuDS should be designed to manage surface water as close to the source as possible and maximise the treatment train, trap and treat a range of contaminants through the treatment train, reduce sediment build up and minimise overspill.

10.17 The SuDS Pro-Forma provides further guidance on water quality and water quality risk-assessments.

Amenity

10.18 SuDS should be an integral part of the layout of a site to enhance the landscape and amenity available to residents. SuDS can be incorporated into amenity green spaces and natural and semi natural green spaces contributing to the policy requirements within DM27, DM33, DM34, DM43 and DM44.

10.19 SuDS should be accessible to provide amenity. They should however be designed to ensure that they are safe. Safe design does not however mean that they must be fenced off and inaccessible. The siting in relation to other types of open space is important, for example open water should not be sited close to areas where young children may play unsupervised. Designs that incorporate wet/muddy/reed margins will discourage people getting into the water and shallow margins and slopes will enhance the appearance, biodiversity and safety.

10.20 The planting used with SuDS components and the design of elements such as the edges/margins, control structures, inlets and outlets will affect the visual amenity. The planting design should reflect the role, scale and position of SuDS components within a development. Planting should be designed to prevent erosion, be chosen to absorb and support evapotranspiration of water, slow flows and filter pollutants.

10.21 When designing SuDS components it will be necessary to engage drainage engineers, landscape designers and ecologists in the process.

Biodiversity

10.22 SuDS should be designed to connect with other green and blue spaces to create corridors and chains along which species can travel. It is important to ensure that the habitats created are compatible with existing habitats while enhancing diversity.

10.23 The water within a SuDS component or scheme is an essential resource for the growth and development of plants and animals. Biodiversity value can be delivered by even very small, isolated schemes, but the greatest value is achieved where SuDS are planned as part of wider green landscapes, as they can then help provide important habitat and wildlife connectivity. This will help mitigate the problems associated with habitat loss and fragmentation within urban areas.

10.24 The most appropriate ecological design for the site will depend on the habitats and biodiversity that thrives naturally in the locality and whether there are significant natural local habitats such as wetlands that have been lost or fragmented over time. SuDS should be designed to benefit habitats and biodiversity by providing new habitats, restoring habitats, and providing and enhancing connectivity. The ecology surveys, assessment and characteristics of the site should be used to determine the suitability of vegetation, habitat types and the species they support. Characteristics to consider include the aspect, topography, soils, local climatic and hydrological variables, and the requirements of the new site and local community, for example proposed and/or existing use, amenity provision, development landscape character and style.

10.25 Water should be cleaned in stages to ensure the water within habitats is clean. SuDS must be designed to provide a mixture of depths and planting so they can be used by a variety of species. Where there are existing natural habitats nearby, green and blue spaces within a development site should be linked to these.

11.0 Post Development Runoff Rate and Runoff Volume

11.1 Policy DM34 sets out the minimum discharge rates for run-off and volume required for green and previously developed land as follows:

- On greenfield sites, the peak run-off rate and the run-off volume[A] must not exceed the existing greenfield rates for the same rainfall event[A]. A 40% climate change allowance or the upper end allowance for the longest term projection in Table 2, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances'[B], whichever is the higher (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10% must be applied.
- On previously developed land[C], the peak run-off rate and run-off volume[A] must not exceed greenfield rates from the development for the same rainfall event[A]. Where this cannot be achieved a 30% reduction of the existing peak run-off rates for the site must be achieved. A 40% climate change allowance or the upper end allowance for the longest term projection in Table 2, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances'[B], whichever is the higher (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10% must be applied.

A – Peak runoff rate, runoff volume and rainfall events as defined in the Department for Environment, Food and Rural Affairs, Sustainable Drainage Systems, Non-statutory technical standards for sustainable drainage systems, March 2015 - Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems (publishing.service.gov.uk) or any future update.

B- Table 2: peak rainfall intensity allowance in small catchment (less that 5km^2) or any urban drainage catchments (based on a 1961 to 1990 baseline) - https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

C – Previously developed land for drainage purposes is defined as, ''where a pre-developed site includes buildings or impermeable surfaces and redevelopment will reuse the existing drainage system in its entirety'.

11.2 Policies DM33 and DM34 require that development reduces flood risk to existing and new communities. The rates within the policy are a minimum which must be achieved on a site and a development must show what measures they will incorporate into their sustainable drainage system to attenuate, slow and reduce water flowing off a site.

11.3 There is no reason why greenfield rates cannot be met as a minimum and most sites are capable of being designed to reduce flood risk. It is anticipated that the only exceptional circumstances may be on previously developed land, where it is intended to use an existing drainage system in its entirety. In these cases, a minimum of a 30% reduction in the rates with an allowance for climate change and urban creep must be achieved. An applicant must justify and provide evidence to show why the greenfield rate cannot be met, that the attenuation proposed is as large as possible and all measures to minimise the amount of water which needs to be discharged have been taken, including reuse of water and incorporation of green walls and roofs.

11.4 The layout of a site should be designed to maximise opportunities for reducing flood risk and in some cases footprint of non-permeable areas may need to be reduced to reduce runoff rates and volumes. The use of a combination of above and below ground components may be required to achieve the rates. It will be up to the applicant to justify the use of various components and the need for components lower down the hierarchy where these are necessary to meet the required rates.

12.0 Sustainable Drainage Strategy and System Design

12.1 Policy DM34 requires the submission of a Sustainable Drainage Strategy for the following applications:

- All proposals for residential development of 5 of more units
- Other development with a site area of 1 hectare or more, or 1,000 square metres of floor space
- All development (apart from minor development[14]) within High Risk Urban Catchments – the location of which can be found on the following interactive map https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=e49db274222f476ea7045cd4295b8868

12.2 Depending on the site circumstances and proposals Sustainable Drainage Strategies and or the SuDS design may be required for other types of schemes. For example, where there is no watercourse to discharge to or where a site has little space, a SuDS scheme may be required to evidence that the site can be drained. Advice will be provided on a case by case basis and can be obtained using the Council's pre-application service. https://www.lancaster.gov.uk/planning/planning-advice/will-i-get-permission

12.3 The purpose of a Sustainable Drainage Strategy is to set out how surface water from a development site will be managed sustainably under both current and future conditions for the lifetime of the development, considering the findings of from the pre-development site assessment (and FRA where appropriate). It must include appropriate evidence, such as a pre-development assessment, infiltration results and drainage calculations with relevant survey results, plans and drawings to support the proposed approach. It is required to demonstrate that the proposed sustainable drainage system can be satisfactorily delivered and reduce the risk of flooding within the site and elsewhere in accordance with policies DM33 and DM34. The Sustainable Drainage Strategy will need to demonstrate that the proposed sustainable drainage system is achievable and acceptable, how surface water from the development will be managed in accordance with national and local requirements for

[14] Minor development in relation to flood risk is defined in the Planning Practice Guidance Paragraph:046 Reference ID: 7-046-20140306 as:
• minor non-residential extensions: industrial/commercial/leisure etc extensions with a footprint less than 250 square metres.
• alterations: development that does not increase the size of buildings eg alterations to external appearance.
• householder development: For example; sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats.

sustainable drainage systems and should incorporate the findings and address risk identified in the site-specific FRA. It should identify (sources of and mitigation of) flood risk, flow paths, discharge locations, attenuation requirements and location of storage/swales/ponds etc. (incorporating the findings of the FRA where appropriate). The Sustainable Drainage Strategy should identify the various components of the drainage system together with details of ownership and how these are to be constructed, managed and maintained for the lifetime of the development. It should also consider and demonstrate the additional benefits of SuDS – improved amenity, biodiversity, environmental/ecological impact and reduced pollution. The Sustainable Drainage Strategy should not change from outline to final design and should be provided at each stage of planning application, but could/should be refined at each stage.

12.4 The detailed design of the sustainable drainage system goes hand in hand with the layout of a development. It is therefore important that the sustainable drainage system design is considered at an early stage and the evidence and detail is available to ensure that a proposed layout can be drained in an appropriate way.

12.5 The more detail that can be provided early in the process, the less likely there are to be delays. The detail will allow a comprehensive assessment of the proposals and where the level of detail and scheme are satisfactory, the additional information required by conditions may be limited.

12.6 The following table indicates the type of SuDS design which must be submitted with different types of application. Further detail on each design type is provided in the following sections.

	Outline Application	**Full Application**	**Discharge of Condition following Outline application**
Sustainable Drainage Strategy and Outline Design	*		
Sustainable Drainage Strategy and Detailed Drainage Design	*[1]	*	*
1 - Where the layout is not a reserved matter a detailed design will be required.			

Figure 5 – Table indicating documents required with an application

12.7 The detail required within the Sustainable Drainage Strategy will depend upon the type of application being submitted. Further information with regard to the elements required for different types of application is included below.

Sustainable Drainage Strategy and Outline Design

12.8 An outline design must establish that the proposed SuDS approach can be achieved on a site with the extent of development proposed and reduce flood risk in accordance with policies DM33 and DM34. An outline design must demonstrate how the development will affect hydrology, ecology, existing flow routes, reduce runoff rates and volumes and measures to reduce flood risks. It must include the technical information required to prove the strategy is achievable and that national and local guidance has been complied with. The sustainable drainage strategy must cross reference relevant supporting documentation, the FRA, the layout and landscape drawings and the proposed sustainable drainage system.

12.9 The sustainable drainage strategy and outline design must include:

I. Identification on plans and an assessment of the flood risk from all sources including main rivers, ordinary watercourses, any other watercourses including ditches and culverts, ephemeral streams, coastal sources, risk from surface and ground water and pre-development overland flow routes.

II. Identification and assessment of the drainage catchment area(s) – including overland flow routes from and to adjacent land and calculation of runoff rates and volumes.

III. Details and assessment of current drainage system (flow routes, drains, sewers and watercourses) and calculation of pre-development capacity, discharge rates, volumes and points, exceedance routes, sub-catchments, flow control locations.

IV. Site investigation report of the geological and ground conditions, including cross site representative infiltration tests details and result (carried out to BRE 365), ground water monitoring tests and results and geological[15]/soil[16] tests and results (carried out to BRE 365) including plans showing ground conditions including levels of permeability. Tests must be carried out in appropriate locations which reflect the proposed SuDS and are required to prove that the proposed sustainable drainage system will use methods as high up the Sustainable Drainage Hierarchy (set out in policy DM34) as possible and that the proposed SuDS is feasible.

V. Identification on a plan and assessment of all constraints which have the potential to affect water – areas of contaminated land, arch significance, ground conditions, protected habitats, trees (including root protection zones), hedgerows and existing utilities.

VI. Topographical survey plan (existing and proposed) with contours at 1m intervals.

VII. Plans showing the preliminary sustainable drainage system design including all contributing impermeable areas, sub-catchments, all elements of the sustainable drainage system including sewers, drains and watercourses, interception, pollution control treatment train, conveyance, the location and dimensions/volume of attenuation and infiltration components, peak flow and volume controls, discharge points (infiltration, discharge to watercourse etc.), appropriate levels and gradients, and exceedance flow routes etc. The plans should be suitably annotated and cross-referenced to the relevant calculations to demonstrate that the proposed drainage system is adequate and that surface water can be suitably managed and reduce flood risk in compliance with policies DM33 and DM34. If development will be in a number of phases, the design should demonstrate interconnection between phases.

VIII. Demonstration that compensatory storage has been provided where development is proposed in areas identified at risk of flooding and mitigation is proposed along with the provision of emergency plans.

[15] British Geological Survey website: http://mapapps.bgs.ac.uk/geologyofbritain/home.html
[16] Soilscapes website: http://www.landis.org.uk/soilscapes/index.cfm

IX. Details of any offsite works required and evidence of all necessary consents or evidence that they can be obtained
X. Identification of any environmental requirements of the receiving water bodies for runoff, e.g. Water Framework Directive, or ground water protection zones
XI. Design calculations for post-development runoff rates and volumes, which demonstrate that the SuDS components proposed are adequate to meet the minimum rates in policy DM34 and reduce runoff rates and volumes leaving the site (this will need to take into account anticipated non-permeable areas, ground conditions and changes in the topography). When modelling a sustainable drainage system, a surcharged outfall must be applied unless robust evidence can be provided to demonstrate that a free flowing outfall can be achieved.
XII. Sub-catchments proposals where areas of the site deal with water close to the source.
XIII. Analysis and plans of proposed flow, including exceedance routes to demonstrate that the proposals will reduce flood risk.
XIV. An explanation of the strategic approach to managing on-site flood risk from all sources, including an assessment of the natural drainage characteristics within and hydrologically linked to the site to demonstrate that the proposals will integrate with and not compromise the natural drainage system and reduce flood risk on and off the site.
XV. The proposed management train including SuDS components for collection, conveyance, attenuation and infiltration. The outline design must be accompanied with an analysis to demonstrate that the management train will use the sustainable drainage hierarchy with as many components higher up the priorities as possible. Where sustainable drainage system methods lower in the hierarchy are proposed, evidence must demonstrate why more preferable methods within the hierarchy have been discounted and that a range of options have been used to ensure as many elements higher in the hierarchy are proposed.
XVI. An analysis and demonstration of how the proposals will manage pollution.
XVII. An analysis and demonstration that the proposals will provide amenity and biodiversity benefits, including naturalization on watercourses where there are on site.
XVIII. A maintenance regime overview which takes into account performance of reasonable costs.

Sustainable Drainage Strategy and Detailed Design

12.10 The sustainable drainage strategy and detailed design should build upon the outline design where this has been approved at the earlier stage. Where the design is materially changed, these must be highlighted and explained together with the impacts. The information required with a detailed design will be greater and calculations, infiltration/ground water tests etc. must be based upon the detailed scheme proposed rather than the earlier outline designs. It will include the technical information required to assess the detailed capacity, impacts and construction proposed. The sustainable drainage strategy must cross reference relevant supporting documentation, the FRA, the layout and landscape drawings and the proposed sustainable drainage sysytem. For Full applications, the information outlined in the 'Outline Design' section above together with the information below (where there is duplication between the items required, the detail set out below should be provided).

12.11 The detailed design must include:

I. Detailed sustainable drainage system layout plans, including all contributing impermeable areas, sub-catchments, all elements of the sustainable drainage system (SuDS), sewers, drains and watercourses, interception, pollution control treatment train, conveyance, peak flow and volume control, storage, discharge points and components etc. The plans should include appropriate levels, dimensions and discharge/infiltration rates. The plan should be suitably annotated and cross-referenced to the relevant calculations to demonstrate that the proposed drainage system (pipes, storage, SuDS elements) is adequate and that surface water can be suitably managed to reduce flood risk in accordance with policies DM33 and DM34.

II. Detailed design drawings showing the construction details, including all elements of the SuDS system, collection, storage, conveyance, inlets, outlets, flow controls, connections to watercourses/sewers.

III. Long and cross sections for each drainage component, including levels, surrounding levels and floor levels.

IV. Plans and analysis showing the post development flow and exceedance flow routes, including the levels of SuDS components, land and floor levels. The plans and analysis must demonstrate the effective capacity/level of water within SuDS components, that water flows between components, how off site flows will be intercepted and managed through the site to reduce flood risk.

V. Ground water monitoring and infiltration test details and results(carried out to BRE 365) (the location of which must correspond with the proposed SuDS components) and demonstration that the proposed components are appropriate and will be effective in the locations proposed.

VI. Calculations for all SuDS components, demonstrating effective storage volumes and that the sustainable drainage system strategy/plans for the site as a whole meet the design criteria and requirements within policy DM34. Calculations should include details of pipe dimensions, gradients, storage capacity, discharge rates, flow control arrangements, an allowance for climate change and urban creep, consideration of surcharged outfall conditions (where appropriate) and additional measures to reduce flood risk.

VII. Detailed plans showing naturalisation of watercourses within the site and the works proposed, including existing and proposed cross and long section and levels.

VIII. SuDS specific planting details.

IX. Details of any offsite works required and evidence of all necessary consents or evidence that they can be obtained.

X. Confirmation of all necessary discharge consents.

XI. Measures to manage flood risk throughout the development of the site to ensure that there is no adverse impact on flood risk, including how flow routes and pollution will be managed, how the sustainable drainage system will be phased to manage water throughout the development and details of interim sustainable drainage system if necessary, how the compaction of soil will be management to prevent adverse impacts on infiltration rates.

XII. Confirmation of which SuDS are to be adopted and which will be managed privately.

XIII. Details of adoption, and/or maintenance and management information for non-adopted sections.

XIV. Hazard and risk assessment detailing appropriate measures to ensure safety during maintenance and for the public

13.0 SuDS Pro-Forma

13.1 The SuDS Pro-Forma has been drafted and endorsed by the North West Regional Flood and Coastal Committee, including representatives from Lead Local Flood Authorities, Highway Authorities, United Utilities and the Environment Agency. Completing the SuDs Pro-Forma and submitting the supporting evidence required will provide the Local Lead Flood Authority with the information necessary to make an informed recommendation on the acceptability of your sustainable drainage system. Ensuring that all the evidence and information required in the SuDS Pro-Forma is provided, will minimise the potential for delays arising from inadequate information.

13.2 Policy DM34 requires the submission of the SuDS Pro-Forma for the following applications:

- All proposals for residential development of 5 of more units,
- Other development with a site area of 1 hectare or more or 1,000 square metres of floor space,
- All development (apart from minor development[C]) within High Risk Urban Catchments. – the location of which can be found on the following interactive map https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=e49db274222f476ea7045cd4295b8868

This includes outline, reserved matters, full and discharge of condition applications. The SuDS Pro-Forma can be found at on the Lancaster City Council Website. This must be completed and submitted together with the evidence required for each section. Guidance to support the completion of the SuDS Pro-Forma can be found on the Flood Hub website: https://thefloodhub.co.uk/planning-development/#section-5

13.3 As the guidance notes there may be instances where Local Plan policies require different inputs. Where the inputs between policies DM33 and DM34 differ, it is those within the policies which take precedence and should be used when completing the form. The guidance within section 12 of the SPD also provides additional information about what is expected to accompany applications. The following provide some additional clarification with regard to the policies:

What is meant by Drained Area' of Development?

13.4 Policies DM33 and DM34 seek to ensure that gardens, play and recreation areas are and remain usable. It is not appropriate for these areas to remain waterlogged as this can affect the use of the space and the health and well being of residents. Some areas of recreational open space may not need to be included if this is intended to be less well used or contribute to biodiversity. The recreation areas expected to be drained include sports pitches, informal sports areas and equipped play areas. These areas should therefore be positively drained and included in the 'drained area'.

Do I need to submit a Site-Specific Flood Risk Assessment (FRA)?

13.5 Policy DM33 provides circumstances where flood risk assessments are required and further information can be found in section 3 of the SPD.

'Previously Developed' Land

13.6 All development on previously developed land must be designed to greenfield standards. Only where the applicant has supplied evidence to show that this cannot be achieved will a lower allowance be accepted. In these cases, development must reduce runoff rates and volumes by at least 30% plus an urban creep allowance 10%.

Existing flow routes

13.7 Policies DM33 and DM34 require that schemes reduce flood risk. It is therefore not appropriate for existing flow routes to be simply channeled through a site. The sustainable drainage system design must ensure that flows through a site are slowed and the point at which it leaves the site does not result in flood risk to property, infrastructure (e.g. highway, power and rail networks) or people.

How do I calculate Greenfield Runoff Rates? / What must I limit proposed post-development surface water discharge rates to? / What must proposed post-development surface water discharge volume be limited to?

13.8 The rates must reduce flood risk and as a minimum accord with those set out in policy DM34, where an applicant has evidenced that flood risk reduction cannot be acheived.

What allowance should I use for Urban Creep?

13.9 Policy DM34 requires a 10% urban creep allowance to be included when determining discharge rates and volumes.

What minimum evidence do I need to provide in in this section for an outline application?

13.10 Sufficient evidence is required to ensure that the sustainable drainage system strategy and concept design can be achieved. It is therefore essential that ground investigations, including infiltration tests and ground water investigations are carried out prior to submission and the details and results included with the SuDS Pro-Forma. Please refer to Section 12 – Outline Design, of this SPD for the details required to accompany outline application in Lancaster district.

14.0 SuDS Adoption, Surface Water Lifetime Management & Maintenance Plan

Introduction

14.1 The Council's preferred approach for the long-term management and maintenance of SuDS is for adoption by a Statutory Undertaker. Policy DM34 seeks to ensure that SuDS are designed to be capable of adoption by a statutory undertaker. Developers are encouraged to engage with United Utilities or if one becomes available a SuDS Approval Board at an early stage in designing a proposed development. This will ensure SuDS are appropriate for adoption.

SuDS Adoption

14.2 Water and sewerage companies may adopt SuDS. In order to meet the criteria for adoption, the SuDS must be constructed to an adoptable standard, taking into consideration the current DEFRA Technical Standards for SuDS and CIRIA The SuDS Manual C753 (or updates or replacement guidance or legislation).

14.3 United Utilities can adopt the following SuDS, subject to them being constructed to an adoptable standard:

- basins - infiltration and attenuation
- swales
- rills
- bioretention systems
- soakaways
- filter drains
- ponds and wetlands

14.4 The SuDS components which are excluded from adoption are permeable pavements, green roofs, filter strips, rainwater harvesting, water butts and proprietary treatment systems. Adoption is limited to maintaining its function as a 'sewer'. Management of amenity aspects such as grass cutting and litter picking is outside the remit of United Utilities.

14.5 Developers and their consultants should engage with the LPA, the Lead Local Flood Authority (LLFA) and United Utilities early on to explore mechanisms for adoption. It is imperative that developers and their consultants give early consideration to the maintenance requirements for their SuDS scheme and potential routes for adoption.

14.6 The LLFA offers a paid for pre-application service. Further details can be found using the following link:
https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/

14.7 Where the developer wishes to have SuDS adopted by United Utilities, early engagement with United Utilites is essential. United Utilities has a dedicated pre-development service team to assist with this. Enquiries are encouraged by contacting:

Developer Services - Wastewater
Tel: 0345 072 6067
Email: seweradoptions@uuplc.co.uk
Website: http://www.unitedutilities.com/builder-developer-planning.aspx

14.8 United Utilities will assess proposals for SuDS on where the developer applies to have the sewers adopted via the Section 104 process. The procedures to be followed and rules to be applied are all contained within the Sewerage Sector Design and Construction Guidance (DCG), summarised in the following https://www.water.org.uk/wp-content/uploads/2020/01/Water-UK-SuDS-brochure.pdf.

14.9 The United Utilities Developer Services SuDS webpage https://www.unitedutilities.com/builders-developers/larger-developments/wastewater/sustainable-drainage-systems/ has recently been updated and provides a useful source of information. There is a link to Water UK website where developers can find everything they need for the sewerage sector guidance which also indicates adoptable SuDS.

14.10 A developer can also approach alternative companies to adopt their water and wastewater networks using a New Appointment Variation (NAV) or SuDS Approval Body (SAB). A NAV is where an independent water and wastewater company replaces a statutory undertaker as the water and or wastewater undertaker for a particular area. In these cases ongoing maintenance will fall to a nominated private company or individual, or to the NAV. A SAB is where a local authority becomes responsible for approving, adopting and maintaining SuDS serving more than one property.

Surface Water Lifetime Management & Maintenance Plan

14.11 Paragraph 169c of the NPPF requires maintenance arrangements to be put in place to ensure an acceptable standard of operation for the lifetime of the development.

14.12 To be effective long term, SuDS require maintenance and submission of a scheme to ensure this is required by policy DM34. The background text within the DMDPD outlines what information is required within a Surface Water Lifetime Management and Maintenance Plan as follows:

1. a maintenance schedule, detailing regular, occasional and remedial maintenance activities including recommendations for inspection and monitoring. This should include recommended frequencies, advice on plant/ machinery required and an explanation of the objectives for the maintenance proposed and potential implications of not meeting them;
2. clearly defined management arrangements to include for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company;
3. arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
   (i) on-going inspections relating to performance and asset condition assessments;
   (ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
   (iii) means of access for maintenance and easements.

14.13 The maintenance of conventional underground tanks and pipes can be expensive, especially where interceptors require cleaning and silt removing from components. Above ground SuDS can be maintained and managed with less intervention. Above ground SuDS are also easier to monitor and to identify when occasional or remedial maintenance and is required. The provision of above ground SuDS therefore has longer terms benefits for ensuring that SuDS remain effective and financially sustainable in the long term.

14.14 The Surface Water Lifetime Management and Maintenance Plan should be drafted in conjunction with the Green and Blue Infrastructure Management and Maintenance Plan required by policy DM43. There is likely to be some cross over between the maintenance of green and blue infrastructure e.g. grass cutting, shrubs/tree management, wetland management. The two elements must therefore be consistent. The maintenance schedule may be shown in a single table.

14.15 The maintenance schedule should be set out in a table that identifies the SuDS components, the activity including detail of the plant/machinery required, the frequency of inspection/monitoring and for maintenance, triggers for maintenance, and identification of those responsible for the inspection/monitoring/maintenance (adoption/management company/property owner).

SuDS or associated component	Activity – detail of monitoring, maintenance, remediation	Plant/ machinery	Frequency of monitoring and maintenance activity	Trigger for maintenance and remediation	Responsibility

Figure 6 – Example Maintenance Schedule

14.16 The CIRIA The SuDS Manual C753 (or any subsequent update) provides further guidance with regard to operation and maintenance of SuDS. The guidance within this document should be taken into account when determining the schedule of works and the management and maintenance plan.

14.17 The Council's preferred approach for the long-term management and maintenance of SuDS is for adoption by a Statutory Undertaker (see previous section). Only SuDS serving and individual property and within the boundaries of that property should fall to the responsibility of the property owner.

14.18 Maintenance of SuDS components should not compromise the biodiversity or other amenity values of green and blue infrastructure. The method and timing of maintenance operations should take into account the impacts on biodiversity, for example avoidance of the nesting bird season and works to ponds are usually best carried out in late winter to avoid impacts on great crested newts. A license may be required for some works where the habitats of protected species may be affected by maintenance work.

14.19 The Surface Water Lifetime Management and Maintenance Plan should include:

- a plan showing the location and type of SuDS components on the site
- an explanation of the objectives for the maintenance proposed and potential implications of not meeting them

14.20 The plan should be written and set out in a way which is clear and understandable to those carrying out the work.

14.21 The Schedule must set out who is responsible for each SuDS component.

14.22 Details of SuDS components on the development site, both communal and private (property level) and the mechanism for management and maintenance should be included within the Home Information Pack.

14.23 The Surface Water Lifetime Management and Maintenance Plan must set out the management arrangements. Where it is not intended that the SuDS will be adopted by a statutory undertaker, the management company or individual responsible for management must be identified together with the company address and contact details. Details of the length of the contract with the management company must be provided and the measures which will be taken if the contract comes to an end or the company ceases to exist.

14.24 Details of the funding mechanism are also required for management and maintenance. Details of who will be responsible for collecting management and maintenance contributions, who will pay management and maintenance contributions, how often they will be collected, indexation, the proportions to be used for maintenance and for administration. The funding mechanism arrangements to ensure on-going maintenance of all elements of the sustainable drainage system (including mechanical components) must be submitted and will include elements such as:

- On-going inspections relating to performance and asset condition assessments;
- Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime; and
- Means of access for maintenance and easements where applicable.

15.0 Post Construction Certification

15.1 Policy DM34 requires the submission of post construction certification to ensure that SuDS have been implemented in accordance with the approved strategy and detailed scheme.

15.2 Policies DM33 and DM34 prioritise the use of above ground SuDS. Where above ground SuDS are implemented, their conformity with the approved drainage strategy and detailed sustainable drainage system can be easily viewed, potential issues identified and rectified. However, where schemes include elements of underground SuDS, it is not possible to determine whether these have been implemented in accordance with the approved scheme unless they are excavated, or problems arise in the future. It can be some time before such problems arise and, in some cases, developers may have left a site and management companies or/and residents may be responsible for ensuring issues are rectified. The requirement for the submission of post certification providing evidence that a scheme has been implemented in accordance with the approved strategy and detailed scheme arises from these concerns.

15.3 Post construction certification will not be necessary where the SuDS are to be adopted by a statutory undertaker or SuDS Approval Body and this is confirmed in the Surface Water Lifetime Management and Maintenance Plan.

15.4 The timing of the submission of the certification will depend upon the phasing of the scheme. This can be agreed with the Council either at application or discharge of condition stage. Submission may take place at various points throughout a scheme, but all SuDS must be certified before the development has been completed and the developer has left the site. Certification would not be necessary on a plot basis.

15.5 The evidence needed to support certification will depend upon the detail of the scheme. Where a site predominantly includes above ground SuDS, the requirements will be less onerous. Post construction certification is expected to include:

- A phasing for implantation of SuDS throughout a site and the submission of certification.
- Developer records of what SuDS have been installed and when.
- Photographs of completed underground SuDS. The location of each component must be identified on a plan and certified as accurate by a 3rd party, such as the contractor or SuDS designer.
- Certification that the SuDS are in accordance with the approved strategy and detailed scheme.

Appendix A - Flood Risk Vulnerability Categories

Essential infrastructure

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Highly vulnerable
- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure').

Highly vulnerable

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

More vulnerable

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non–residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.

Water-compatible development

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

" * " Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

Appendix B – Sustainable Drainage System Components

The below table details various types of SuDS with descriptions and suggests suitable implementation methods to maximise climate, wildlife and social benefits of SuDS.

Feature	Notes
Bioretention beds and filter strips	• They manage run-off from paths and roads • Omitting kerbs or leaving gaps between kerb stones allows water to enter these features • These can be attractive amenity assets that require minimal maintenance with good landscape design. They may be informally or formally landscaped to suit location, with native or non-native trees, shrubs, herbaceous plants and/or flowering lawns • Removing kerbs makes it easier for wildlife such as amphibians and hedgehogs to escape the road. It also reduces a need for gully pot drains that otherwise act as preferential pathways through to other surface water features, including balancing ponds and waterways. Gully pots need maintaining, and the contents disposed of. They can also trap and kill wildlife, especially amphibians and small mammals.
Swales and conveyance channels	• They transfer surface water through vegetated channels on the surface • Swales can be incorporated into verge landscaping • Lowered kerbs allow run-off from paths and roads to flow over flower-rich filter strips into the swale • With minor modification, swales may be improved for invertebrates and amphibians by creating an uneven bed, small hollows to provide temporary pools, check dams to slow water flows and around which can be planted marginal aquatic plants, and meanders, which further help to slow flows and create a naturalistic feel • Where water needs to be conveyed across hard landscapes, rills or stone lined channels can add interest. These can be enhanced by planting wetland species around check dams or

Feature	Notes
	incorporating other design elements that can also be enhanced by planting. Artificial channels can also be used as centres of child play
Wetlands	• Wetlands are important for wildlife. • As well as supporting plants and animals, they help store and manage water and are a valuable recreational asset to communities. • Existing wetlands, for example ponds, ditches and streams, should be retained. This should form the basis around which to design the new landscape and to be incorporated into the surface water management plan • The relationship between the SuDS network and the wetland should protect it from direct discharges of contaminated surface water run-off from the development • The long-term maintenance and management plan will identify any remedial work to restore and enhance their ecological value. This might include exposing culverted streams that pass through a site
Detention basins	• These are temporary water storage basins for use during flood events. They can provide both amenity and wildlife opportunities • As they remain dry most of the time, they can be integrated into wider greenspace and include, for example, use as play areas, as well as more dynamic landscaping that also benefits wildlife • The addition of wildflower grass, flower-rich herbaceous planting and high wildlife value trees and shrubs all provide food and shelter • A varied topography to the basin that includes humps and hollows post flooding, will hold patches of water and prolongs the draw down
Balancing ponds	• These are permanent water bodies within the boundary of a development • Where central in a development they can be hard landscaped, but these should always be enhanced with a

Feature	Notes
	range of aquatic plants to provide aquatic wildlife habitat and improve the aesthetics • Soft landscaped balancing ponds are the most familiar SuDS feature • A good balancing pond will have an irregular shape to provide a greater length of valuable edge habitat for a given area, a series of shelves at incremental depths and uneven bed topography, appropriate trees and shrubs strategically planted around the pond in clusters of irregular shape and size, open margins to the waterbody sown with flower-rich grassland mixes to suit the soil type and conditions, and some selective planting of marginal aquatics to give the pond a head start – other, locally native plants will soon quickly colonise • Larger areas have greater opportunities for wetland features. Combining both detention basin and balancing ponds can provide a functioning wetland with wet scrub, grassland, reed and marsh
Rain gardens	• These are shallow depressions with free-draining soil that slow and clean the run-off they receive from paved areas and roofs often via a water butt and downpipe. Following heavy rain, water will fill the depression and then slowly drain. They may hold water for no more than one or two days other than which they will be very dry • They should be planted appropriately for the conditions, which are likely to include dry spells and short periods of temporary inundation • For wildlife benefit, ensure that planting is nectar-rich and of benefit to pollinators • Conventional excavated rain gardens need to be at least 5m from a house, with a shallow grass swale or stone rill providing the channel to carry water to it • With some creativity, other elements can be incorporated, such as rain chains and ponds and non-linear channels to convey the water

Feature	Notes
	• An alternative to the conventional excavated rain garden is a rainwater planter – a raised bed that provides the same attributes and can be adjacent to the house as there is no direct infiltration that could affect the building
Permeable surfaces	• Run-off generated by rainwater landing on hard surfaces filters through permeable joints or pores which have a treatment function that helps improve water quality for surface SuDS 'downstream' • They are usually laid as block pavers, cellular concrete blocks or porous tarmac which allow water to drain through vertical gaps, or pores, into the roadbed beneath, which is constructed to enable the water to soakaway • This provides a first line of defence against diffuse pollution, and in dealing with run-off volumes • They are sometimes the only SuDS option in high density developments, although they can be successfully combined with adjacent rain gardens
Tree pits	• Urban trees suffer stress from soil compaction, which limits root function and compromises a tree's establishment and life span. Street trees can cause road and path lift, damage to footings and services, all of which are cited as reasons not to plant trees near houses or roads. Extensive tree pits and root barrier membranes will ensure long-term healthy tree growth, good soil aeration, avoidance of compaction and protection of surfaces and services • They enable trees to be used in SuDS bioretention features, with run-off water providing irrigation and helping remove diffuse pollution contaminants in the run-off • There are two commonly used tree pit techniques: 1) Rigid interconnecting polymer panels are assembled into crates, with integrated air chambers to help aerate soils. The roots of the

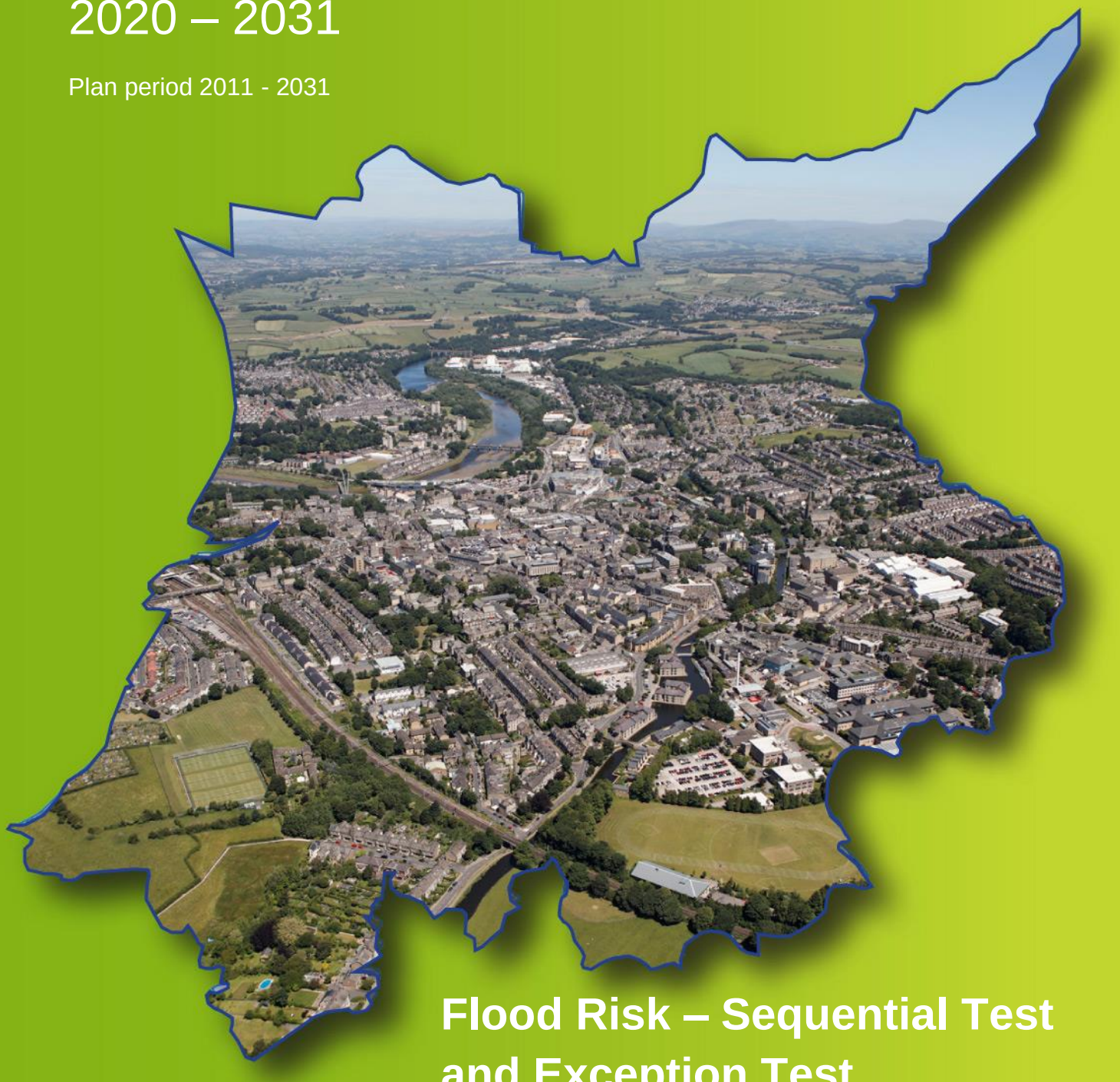
Feature	Notes
	planted tree are diverted downwards into the aerated soils. 2) A concrete planting chamber deflects tree roots into the surrounding substrate of structural soils - a crushed stone growing medium combined with charcoal-based soil improver and compost • Root barrier systems are thick sheets of high-density polyethylene (HDPE) that block and divert roots into uncompacted soil profiles, away from paths, footings and utility services
Filter/vegetated strips and verges	• Filter strips are gently sloping, vegetated strips of land that provide opportunities for slow conveyance and infiltration • They often lie between a hard-surface area and a receive stream, surface water collection, treatment or disposal system • They treat run off by vegetative filtering and promote settlement of particulate pollutants and infiltration • They are often integrated into the surrounding land use, for example public open space or road verges • Local wild grass and flower species can be introduced for visual interest and to provide a habitat
Green-blue roofs	• Combining green and blue roof technologies to maximise water storage, alongside biodiversity enhancements • Loading capacities must be considered
Rainwater harvesting	• Rainwater from roofs and hard surfaces can be stored and used. If designed appropriately, the systems can also be used to reduce the rates and volumes of run off • Water butts are the most common means of rainwater harvesting, although they are primarily designed for small scale use, such as in gardens • Rainwater harvesting can support the irrigation needs of urban agriculture areas through integration with new productive landscape spaces

A Local Plan for

Lancaster District

2020 – 2031

Plan period 2011 - 2031



Flood Risk – Sequential Test and Exception Test Supplementary Planning Document

March 2022

Shaping a better future

LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

Contents

Summary

The purpose of this Supplementary Planning Document (SPD) is to provide guidance on the implementation of Policy DM33 of the Climate Emergency Review Development Management DPD, in relation to the application of the Sequential and Exception tests in terms of flood risk.
This SPD provides guidance about how the City Council will apply the Sequential and Exception Tests, particularly in relation to the geographical scope of the test in the context of differing types of residential development. Applicants should also consult the online advice available at:
Flood risk assessment: the sequential test for applicants - GOV.UK (www.gov.uk)

The SPD sets out what Sequential and Exception Tests are, when they are required and what they involve. It provides links to other sources of information and guidance.

Introduction

1.1 National planning policy on managing flood risk is set out in the National Planning Policy Framework (NPPF)[1]. This is supported by more detailed guidance in the form of the National Planning Practice Guidance (NPPG) and National Guidance[2] on Flood Risk and Coastal Change. The NPPG is referred to throughout this SPD, please use the link in footnote 2 to access this information.

1.2 Both documents state that inappropriate development in areas at flood risk should be avoided by directing development away from areas of highest risk through the application of the 'Sequential Test'. This requires local planning authorities to refuse new developments if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flood risk. The aim is, to keep development out of areas at medium and high flood risk (Flood Zones 2 and 3) and areas affected by other sources of flooding.

1.3 In terms of the decision-making process, the Sequential Test is the first stage in addressing flood risk where this is an issue in the determination of a planning application. Where a Sequential Test is passed, an Exception Test will also need to be carried out if the site falls within certain flood zones and vulnerabilities (further information is available in section 9). An Exception Test ensures that wider sustainability benefits and the safety of users of a development are taken into account in the decision-making process.

1.4 The Sequential and Exception Tests are separate to a site-specific Flood Risk Assessment (FRA) and Sustainable Drainage Strategy. An FRA is a technical assessment which assesses whether a development can be implemented without exacerbating flooding on the site or elsewhere and contributes to reducing flood risk and ensuring that the development will be safe for its lifetime.

[1] NPPF (2021) Chapter 14: 'Meeting the challenge of climate change, flooding and coastal change' https://www.gov.uk/government/publications/national-planning-policy-framework--2
[2] National Guidance on 'Flood risk assessment: the sequential test for applicants' www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants & 'Flood risk and coastal change' www.gov.uk/guidance/flood-risk-and-coastal-change

1.5 The Environment Agency (EA) will comment on most applications where FRAs are required and the Local Lead Flood Authority (LLFA) will comment on drainage. They will not assess the Sequential and Exception Test information submitted with an application. That is the role of the local planning authority. As the reasons for the FRA, Sustainable Drainage Strategy and the tests serve different purposes, it may be that the EA and LLFA concludes the FRA show that the proposal demonstrates that it will not affect flood risk and will be safe for its lifetime and raise no objection. This does not mean that a proposal will pass a Sequential and Exception test.

1.6 Potential applicants are urged to provide sufficient evidence to support their Sequential and Exception tests. The Local Planning Authority will assess the information submitted and determine whether the tests have been passed.

1.7 The SPD does not include additional policies or requirements but provides additional guidance on the Sequential and Exception Tests required by national policy and draft CELPR policy DM33. The SPD is being producing in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Once adopted, this SPD will be afforded weight in decision making.

1.8 All links within this document were correct and actionable at the time of publication.

The Sequential Test

2. What is a Sequential Test?

2.1 A Sequential Test is a tool which is used to ensure that development is steered towards areas which are at low probability of flood risk (Flood Zone 1) and is only approved in areas of higher flood risk where an applicant demonstrates that there are no reasonable alternative sites within areas at lower flood risk. The NPPG[3] states:

> *'Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.*[4]

3. When is a Sequential Test Required?

3.1 A Sequential Test is required for all sites which include land within Flood Zones 2 and 3 (a and b). For the purposes of the Sequential Test, the 'site' is the area within the application boundary (the red line), and not only the proposed built form.

[3] Planning Practice Guidance Flood risk and coastal change - GOV.UK (www.gov.uk)
[4] Planning Practice Guidance Paragraph 019 Reference ID: 7-019-20140306

3.2 The NPPG states:

> *'The flood zones as refined by the Strategic Flood Risk Assessment for the Area provide the basis for applying the Test'*[5]
>
> and the Sequential Test is not normally necessary for development in Flood Zone 1,
>
> *'unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example through the impact of climate change'*[6]

It is therefore necessary to consult the Strategic Flood Risk Assessment (SFRA)[7] which identifies flood risk now and in the future and whether a Sequential Test is required.

3.3 A Sequential Test is therefore required for sites:

- Which fall within Flood Zone 2 and 3 at the present time, as identified by the most up to date Environment Agency Flood Maps[8] or the Strategic Flood Risk Assessment;
- Sites where the SFRA identifies that the risk will increase and will move from Flood Zone 1 to Flood Zone 2 or 3 as a result of climate change.

3.4 There are the following exceptions to this requirement:

- Minor development. The NPPG and NPPF define 'minor' development as:
  a) Minor non-residential extensions: industrial / commercial /leisure etc extensions with a footprint of less than 250sqm.
  b) Alterations: development that does not increase the size of the buildings (e.g. alternations to the external appearance).
  c) Householder Development: for example, sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling (e.g. subdivision of houses into flats).[9]
- Applications for changes of use except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site or where extensions/built development is required to facilitate the change of use.
- Development in Flood Zone 1, unless the SFRA or more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).
- Sites allocated within an adopted Local or Neighbourhood Plan and the proposal is for the same type of develop for which the site was allocated.

[5] Planning Practice Guidance Paragraph 019 Reference ID: 7-019-20140306
[6] Planning Practice Guidance Paragraph 033 Reference ID: 7-033-20140306
[7] CELPR SFRA Update (2021) - https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information
[8] Flood Map for Planning - https://flood-map-for-planning.service.gov.uk/
[9] Planning Practice Guidance Paragraph 046 Reference ID: 7-046-20140306 and footnote 56 of the National Planning Policy Framework

3.5 The Sequential Test for schemes for more than one use (i.e. mixed use schemes) will be dealt with on a case-by-case basis. In doing so the City Council will consider:

- Whether or not the proposal includes 'minor' development as defined above or a change of use; and
- Whether or not the proposed uses must sit together on the same site or whether or not they should be disaggregated for the purposes of identifying alternative sites.

3.6 A Sequential Test may not be required in the following cases, but this should be confirmed with the Council prior to submission:

- Where all development on a site, including access/egress, gardens, recreational areas, is contained within Flood Zone 1.
- Replacement dwellings where there is no substantial increase in the footprint of the building/s (whether there is a substantial increase will be compared to the potential size of the building if available permitted development rights were to be used). Where there are areas of land at lower level of flood risk within the site, re-siting the dwelling/s in these areas should be explored and measures to reduce the flood risk and improve flood resilience should be included within the scheme. If additional dwellings are proposed, including replacement of a dwelling with flats, a Sequential Test will be required.

3.7 It is important to note that where a development proposal falls within Flood Zone 1, in some circumstances the Sequential Test (plus the Exception Test) may still need to be addressed, for example where there are other sources of flooding (as defined in the table above) within the site.

3.8 In some cases the 'red-edged' boundary of a proposed development site may include areas within Flood Zones 1 and Flood Zones 2 and/or 3. Where this is the case, the application of the Sequential Test will depend on the nature and layout of the development proposed. In such cases, the whole site will be subject to the Sequential Test. The location of all development likely to affect, or be affected by, flooding should be justified. When an outline application is submitted for a site that includes Flood Zone 1 and Flood Zones 2 and/or 3, the City Council will expect an applicant to submit sufficient detail, for example through a site layout, to allow a judgement to be made on the application of the sequential approach. It is important that access arrangements to sites are not located in areas of Flood Zone 3 to ensure that new development is not isolated / cut off during times of flooding.

3.9 If you have any doubt over whether or not your proposals falls within this definition you are strongly advised to make use of the City Council's pre-application advice service, further information on this can be found at http://www.lancaster.gov.uk/planning/planning-advice/will-i-get-permission. The use of the pre-application process will save you the possibility of incurring additional or unforeseen costs and delay should you submit a planning application for a development which is subsequently judged to require a Sequential Test.

4. Identifying Flood Risk

4.1 For the purposes of applying the sequential test, the definition of 'flood risk' is taken from the NPPG and refers to:

> *'A combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground, surface and rising groundwater, overwhelmed sewers and drainage systems and from reservoirs, canals, lakes and other artificial sources.'*[10]

4.2 The Environment Agency (EA) provides mapping of flood risk arising from sea and river sources and is available at https://flood-map-for-planning.service.gov.uk/ and for rivers, seas, surface water, reservoirs and some ground water at Check the long term flood risk for an area in England - GOV.UK (www.gov.uk)

4.3 This mapping does not take into account the presence of flood defenses, nor does it account for the potential impact of Climate Change, including sea-level rise and extreme weather events. Flood risk is mapped according to the probability of flooding which is expressed in three different flood zone. For the purposes of the Sequential Test and Flood Risk Assessment, flood defenses are not taken into account and these maps should be utilized.

FLOOD ZONE	DEFINITION
Zone 1 (Low Probability)	Land having less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3).
Zone 2 (Medium Probability)	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map).
Zone 3a* (High Probability)	Land having 1 in 100 or greater annual probability of river flooding; or Land having 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map).
Zone 3b* (The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. (Not separated distinguished from Zone 3a on the Flood Map).

Table 1: *Definition of Flood Risk Areas*
** Zones 3a and 3b can distinguished by using the SFRA Flood Mapping which is available on the Council website.*

4.4 The NPPG states that the SFRA provides the basis for applying the Sequential Test and that development in Flood Zone 1 will not normally require a sequential test, unless the SFRA indicates there may be flooding in the future. The SFRA must therefore be consulted to determine the flood risk and whether this will change in the future as a result of climate change.

4.5 The SFRA identifies flood risk at a point in time. To determine the level of flood risk for sequential tests purposes, the flood risk level should be based on whichever maps/document identify the higher risk.

[10] Planning Practice Guidance Paragraph 002 Reference ID:7-002-20140306

5. Development Vulnerability

5.1 The NPPG identifies the vulnerability of different types of development and sets these into the following categories:

- Essential infrastructure;
- Highly vulnerable
- More vulnerable
- Less vulnerable
- Water-compatible[11]

5.2 Table 3 of the NPPG identifies the compatibility of development within these categories within each flood zone. It identifies some uses as being so vulnerable that they should not be permitted within Flood Zone 3[12]. Applicants should ensure that their proposals do not involve these uses before undertaking the Sequential Test.

6. Who is Responsible for the Sequential Test?

6.1 Where a proposal requires a Sequential Test, the applicant must provide evidence to demonstrate that the test can be passed.

6.2 The Council will consider the evidence submitted to determine whether it can be concluded there are no reasonably alternative sites available in areas of lower flood risk. This will include an assessment of all types of development within the site to ensure that development is sited in the areas at lowest flood risk. The submitted sequential test should satisfactorily demonstrate that there are no reasonable available alternative sites suitable for the proposed development, and the LPA will consider the extent to which Sequential Test considerations have been satisfied and whether this has passed, taking advice from the EA as appropriate.

7. What does the Sequential Test Involve?

7.1 In applying the Sequential Test, the NPPG establishes the following principles:

- The geographical area across which the Sequential Test should be applied will be defined by local circumstances relating to the catchment area for the type of development proposed.
- Where there are large areas of Flood Zones 2 and 3 and development is needed in those areas to sustain the existing community, sites outside of them are unlikely to provide reasonable alternatives.
- When applying the Sequential Test, a pragmatic approach to the availability of alternative sites should be taken.

7.2 There are three basic elements to applying the Sequential Test within Lancaster district:

- The geographical area across which the Test is applied.
- The range of alternative sites to be considered.
- The definition of ‘reasonably available’.

[11] Planning Practice Guidance Paragraph 066: Reference ID: 7-066-20140306
[12] Planning Practice Guidance 067 Reference ID: 067-20140306

Defining the Geographical Area

7.3 For developments that have a sub-regional, regional or national significance, the Sequential test area of search will include the whole district and areas outside of the district boundary in line with the anticipated catchment area for the proposed development.

7.4 For all other applications the normal area of search is the whole of the district.

7.5 Any departure from the 'district-wide' approach which seeks to apply a reduced geographical area in the search for alternative sites must be clearly and rigorously justified by reference to one or more of the following:

a. The functional requirements of the proposed development as a whole or in part;

b. For affordable housing schemes or housing exception sites which are intended to meet the needs of a specific community, the Strategic Housing Market Assessment (Part II) which provides an assessment of need based on parish / sub-area basis or an update to date Parish/Town Housing Needs Survey.

c. The proposal is located in an area which is in specific need for regeneration as identified in the Local Plan.

d. The development is directed to a particular area by policies within the Local Plan.

7.6 It is strongly recommended that applicants agree the geographical area to which the Sequential Test applies with the Council before submitting a planning application which makes use of the relevant guidance contained in the NPPG. For the avoidance of doubt, the strategic local planning position is set out in the CERLP Strategic Policies & Land Allocations DPD, and, in the context of flood risk, supplemented by Policy DM33 of the CELPR Development Management DPD. The City Council views residential development of all sizes as a strategic matter which will be considered on a district-wide basis.

7.7 In all cases where a reduced area of search is accepted by the City Council, the remaining elements of the Sequential Test need to be addressed and, if possible, agreed with the Council.

The Range of Alternative Sites to be Considered (Comparator Sites)

7.8 In order for applicants and the Council to be able to consider whether or not there are reasonably available alternative sites appropriate for a proposed development, comparator sites need to be identified and their availability assessed.

7.9 It is strongly recommended that prior to the Sequential Test being undertaken applicants agree with the City Council a reasonable comparator site threshold as part of the pre-application process.

7.10 For residential schemes, this may be based on site area or capacity. The Council will normally apply a +/- 10% buffer to create a range within which comparator sites can be identified. For example, if site capacity is used as the basis for determining comparability, a residential scheme of 20 dwellings would generate a comparator site threshold of 18-22 dwellings.

7.11 On the same basis on 0.6ha of land this would generate a comparator threshold of 0.54ha to 0.66ha. The method used will depend on the circumstances of the site and the proposal. For higher density developments, for instance flats, the size threshold should be normally used. For lower density developments, for instance large detached houses, the site capacity should normally be used. For residential development, in some cases, the City Council may wish to apply both site capacity and site size parameters.

7.12 For non-residential schemes, the City Council will make a case-by-case judgement, having regard to the site area and the type/scale of development proposed.

7.13 In all cases, the Council will consider whether or not the site size agreed should represent the net or gross developable area of the proposed scheme.

7.14 Comparator sites should be capable of accommodating the general objective of the proposed development (for example, the provision of housing) within the agreed thresholds but not necessarily the form or layout.

7.15 Where the City Council considers that a comparator site is sequentially preferable, this does not necessarily imply that a planning permission for the development in question would be forthcoming on that site.

7.16 Applicants can use the following sources to identify comparator sites:

- Check the Local Plan[13] for sites which have already been allocated for development and could be suitable for the development being proposed.
- Look at sites that have not been allocated in the Local Plan but have been granted planning permission[14] for a development that is the same, or is similar, to the development being proposed.
- Check for windfall sites within the search area. Windfall sites are sites which have not been allocated for development in the Local Plan and do not have planning permission but could be available for development.
- Make use of the most up-to-date Council evidence, including the Strategic Housing and Employment Land Availability Assessment[15] to understand land availability within the district.

7.17 Please note that in all cases, up-to-date Environment Agency mapping of flood risk should be used to identify the potential flood risk associated with comparator sites. The most up to date SFRA should be used to determine the future flood risk as a result of climate change and where land is in Flood Zone 3 the SFRA should be used to determine whether land is within Zone 3a or 3b.

[13] Strategic Policies and Land Allocations DPD About the Local Plan & Planning Policy - Lancaster City Council
[14] View Planning Applications and Decisions View planning applications and decisions - Lancaster City Council
[15] Strategic Housing and Employment Land Availability Assessment Evidence, monitoring and information - Lancaster City Council

7.18 To ensure a comprehensive approach is taken to the identification of comparable sites, applicants will normally be required to consult professional property agents with demonstrable knowledge and understanding of the local land and property market within Lancaster district. It is recommended that a minimum of three agents who individually or collectively cover the agreed area of search are used. Where this is not possible, the applicant should evidence that the number of agents used provides appropriate coverage of the agreed area of search and provides a comprehensive view of the market in question. In any event, applicants should provide written evidence (for example e-mails or letters that include company and contact details) detailing the nature and outcome of the contact with agents. The City Council will not accept the use of web-only site search as the sole means of meeting this requirement.

7.19 In some cases, it may be necessary for the applicant to undertake a bespoke survey of potentially available land within the agreed parameters of the Sequential Test.

The Definition of 'Reasonably Available'

7.20 In accordance with national planning policy, for a proposed development to pass the Sequential Test it must be demonstrated that there are no reasonable available alternative sites appropriate for the proposed development in areas with a lower risk of flooding.

7.21 The City Council views reasonably alternative sites as those that are available and deliverable (as defined by the NPPF[16], for the uses proposed and:

- Lie within the agreed area of search; and
- Are within the agreed comparator sites threshold; and
- Can accommodate the general requirements of the development; and
- Are in principle, in conformity with the objectives and policies of the Adopted Development Plan and the objectives and policies of the NPPF and its associated NPPG, including those relating to flood risk and relevant aspects of Climate Change.

7.22 The City Council would normally accept that a site is not reasonably available if:

- It contains an existing operational or business use unless a planning approval for development proposes to extinguish that use; or
- It has a valid planning permission for development of a similar type and scale which is likely to be implemented.

[16] NPPF Glossary – Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular: a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years

7.23 Evidence that a planning permission is likely to be implemented can include:

- The discharge of conditions (or the submission of an application to discharge conditions); or
- Indication from the landowner(s), applicant or developer that a development is being brought forward; or
- The approval of reserved matters (or an application for reserved matters).

7.24 Where contact has been made with a landowner, applicants should detail the nature and timing of this contact and where possible provide the name of the owner in question. If a landowner is unwilling to make the site available for the use in question, then written evidence of this should be provided where possible. The Council reserve the right to adopt due diligence in such cases and may contact the landowners to verify site availability.

7.25 Applicants are advised to submit as much detail as possible on the search for alternative sites to avoid delays in the planning process. The following information should be submitted as a matter of course:

- A map and statement identifying and justifying the area of search;
- A map of all sites considered; and
- A statement detailing known relevant information on each site. This may include matters such as size, ownership and constraints. This may be presented in a tabular format with a statement outlining the conclusions.

7.26 Statements on the non-availability or unsuitability of a comparator sites for whatever reason, including the presence of constraints or viability issues will need to be justified and evidenced in writing.

7.27 Applicants are reminded that this is not a test of relative sustainability between different sites. The fact that a comparator site is considered to be less sustainable by reference to factors such as location and proximity to local services, is not in itself a justification to support development in a site in an area at risk of flooding. It is clear from the NPPF that avoiding development in areas at risk from flooding is itself an important aspect of sustainability. Evidence should be as comprehensive as possible where the presence of a constraint is being used to discount a site from the search process. The Environment Agency provides guidance on the nature of constraints that may render a site unsuitable as a comparator site. These include:

- Physical problems or limitations;
- Potential impacts of development; and
- Environmental conditions that would be experienced by potential residents.

7.28 Local Plan designations may also be a constraint to development.

7.29 The Council will take a proportionate and reasonable approach to the need for supporting evidence. However, it must be borne in mind that it is for the applicant to provide sufficient information to allow the Council to make a reasoned judgement as to whether or not the sequential test has been passed. The Council may refuse applications where this information is considered to be deficient.

Applying a Sequential Approach to Site Layout and Design

7.30 The location of development within a site must also be subject to a Sequential Test. Where the site includes areas at differing levels of flood risk, either at the present time or in the future because of climate change, the development should be located in the areas at lowest flood risk. The same approach to the Sequential Test as described above must be taken.

7.31 The most vulnerable uses should be steered to the parts of the site that are at the lowest risk. This approach should take into account the flood risk from all sources. Habitable spaces should be placed on upper floors where possible and the layout should be designed to ensure that safe access and egress is provided.

The Test of Impracticality

7.32 As noted above, the NPPG states that when applying the sequential test a pragmatic approach to the availability of alternative sites should be taken. It gives an example of a planning application for an extension to an existing business premises and suggests that it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

7.33 Not all development is stand-alone or involves a cleared site. As the NPPG suggests, in some cases developments may involve an extension to an existing use. A development proposal may also involve the intensification or partial re-development (in whole or part) of an existing use. There may also be cases where the development of previously developed land supports the Councils aims for regeneration.

7.34 In such circumstances, particularly where the proposal involves an existing business premises or operation, or where the development of a specific previously developed site will result in regeneration, it may be impractical to identify comparator sites. Where possible, and by reference to appropriate evidence, this should be agreed with the Council prior to the submission of a planning application. Where the Council does agree that it is impractical to identify comparator sites, applicants should still address this issue under the heading ‘Sequential Test’, with appropriate evidence, such as a statement of operational circumstances and landownership arrangements, or regeneration priorities. Even where it is accepted that the identification of alternative sites is impractical, applicants are reminded that consideration of the Exception Test may still apply.

Conversions, Changes of Use and Alterations

7.35 The NPPG states that the Sequential Test does not need to be applied for minor development or changes of use (exception for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). Conversions are not specifically considered although the NPPG states that the creation of a separate dwelling within a curtilage of an existing dwelling (for instance the sub-division of a house into flats) cannot be considered ‘minor development’.

7.36 The NPPF excludes changes of use from the need to undertake a Sequential Test and there is a need to allow flexibility within the existing stock of dwellings and other buildings to allow their efficient and effective use. Conversions and changes of use are therefore exempt from the need to undertake a Sequential Test unless the proposal includes extensions or built development to facilitate the conversion or change of use. This exemption includes the sub-division of dwellings.

7.37 It should be noted that in applying this guidance the Council will have regard to the scale of any proposed alterations. The NPPG makes clear that only alterations which do not increase the size of a building can be classed as 'minor development'. Householder development that consists of a physical extension is an exception to this general rule and falls within the definition of minor development.

Applications for Residential Development – The 5 Year Land Supply Position and the Sequential Test

7.38 NPPF paragraph 11 states that applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where policies are considered out of date, planning permission should be granted unless policies in the NPPF provide a clear reason for refusal. Paragraph 14 sets out circumstances where policies for the supply of housing may be considered out of date, these include where a local planning authority cannot demonstrate a 5 year supply.

7.39 Paragraph 11d)ii. of the NPPF highlights policies which are of particular importance and are an exception to the indication that planning permission should be granted. Footnote 7 of the NPPF specifically recognises that policies in respect of flood risk are exempted and therefore the sequential approach to steer development away from flood risk areas in the NPPF still has considerable weight even in the absence of a 5 year land supply. The Council will therefore not accept a lack of five year supply as an argument for disregarding the need to address the Sequential Test to development in an area of flood risk.

Outcome of the Sequential Test

7.39 If the Sequential Test has demonstrated that there are reasonably available sites at a lower risk of flooding, the application will be contrary to national and local policy and planning permission should not be granted. Where a Sequential Tests has been failed, the Exception Test will not be applied.

7.40 Where a Sequential Test is passed, this will not automatically result in planning permission being granted, the development must be safe and not affect flood risk elsewhere, it will also need to accord with other national and local policies.

Exception Tests

8. What is an Exception Test?

8.1 The Exception Test is a tool used to ensure that, where a Sequential Test is passed, the development provides wider benefits which outweigh the flood risk and the development is designed to be safe.

8.2 Paragraph 164 of the NPPF sets out the requirements for an Exception Test to be passed. It must be demonstrated that:

'a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) The development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing the flood risk elsewhere, and, where possible, will reduce flood risk.'

8.3 Both parts of the Exception Test must be passed for a development to be permitted.

9. When is an Exception Test Required?

9.1 The Exception Test will be required where a proposal passes a Sequential Test or where the flood risk of an allocated site has increased since it was allocated, and the site is:

- Located in Flood Zone 2 and is considered highly vulnerable;
- Located in Flood Zone 3a and is considered either a more vulnerable use or essential infrastructure; or
- Located in Flood Zone 3b and is considered essential infrastructure.

The flood risk vulnerability categories are set out in the NPPG[17]

10. Who is Responsible for the Exception Test?

10.1 Where a proposal requires an Exception Test, the applicant must provide evidence to demonstrate that the test can be passed.

10.2 The Council will consider the evidence submitted to determine whether the development will provide wider sustainability benefits to the community that outweigh the flood risk and whether it will be safe.

11. What does the Exception Test Involve?

11.1 Applicants should start with part 'b' of the Exception Test. If a development cannot be demonstrated to the safe for its lifetime without increasing flood risk elsewhere, it will not be possible to pass part 'a'.

Demonstrating the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing the flood risk elsewhere, and, where possible, will reduce flood risk

11.2 To demonstrate that a development can pass Part 'b', a site specific Flood Risk Assessment will be required. Further information about Flood Risk Assessments and designing development to be safe from flood risk can be found in the Council's Flood Risk and Sustainable Drainage SPD and in the national guidance for 'Flood Risk Assessments if you're applying for planning permission'[18] and in the NPPG.[19]

11.3 In cases where the Sequential Test has been passed for development in Flood Zones 2 or 3, compensatory storage for displaced ground and surface water flood water will be required. Applicants will also be required to demonstrate that the development will contribute to reducing flood risk from all sources of flooding both on and off the site in accordance with policies DM33 and DM34 of the DMDPD.

[17] Planning Practice Guidance Paragraph: 067 Reference ID: 067-20140306
[18] Flood risk assessments if you're applying for planning permission - GOV.UK (www.gov.uk)
[19] Planning Practice Guidance Paragraph: 054 Reference ID: 7-054-20150415

Demonstrating that the development would provide wider sustainability benefits to the community that outweigh the flood risk

11.4 Part 'a' requires that applicants demonstrate the proposal will provide wider sustainability benefits that outweigh the flood risk. The Council's Sustainability Assessment Report[20] includes sustainability objectives for the Local Plan. These objectives can be used to inform an explanation of how the proposal will provide wider sustainability benefits to the community.

11.5 The provision of measures to reduce the flood risk for existing communities will contribute to wider sustainability benefits. Such measures will need to provide a demonstratable and significant reduction in flood risk to existing communities and will be expected to incorporate on-site storage and natural flood management components which contribute to reducing flood risk reduction, amenity and biodiversity enhancement and pollution control. The reduction in flood risk to existing communities may not itself be provide sufficient sustainability benefit. A range of opportunities should be explored and provided.

12. Outcome of the Exception Test

12.1 Where either part of the Exception Test is failed, the Council is likely to refuse the application. Where an Exception Test is passed, this will not automatically result in planning permission being granted. The proposed development must also accord with other national and local policies.

Further Advice

13.1 It is strongly advised that prospective applicants seek pre-application advice in regard to the need to conduct a Sequential Test and Exception Test and to agree the scope and parameters of the tests. Pre-application advice is offered by the Council, details of which can be found on the Council website at http://www.lancaster.gov.uk/planning/planning-advice/will-i-get-permission. The Council will charge for this service.

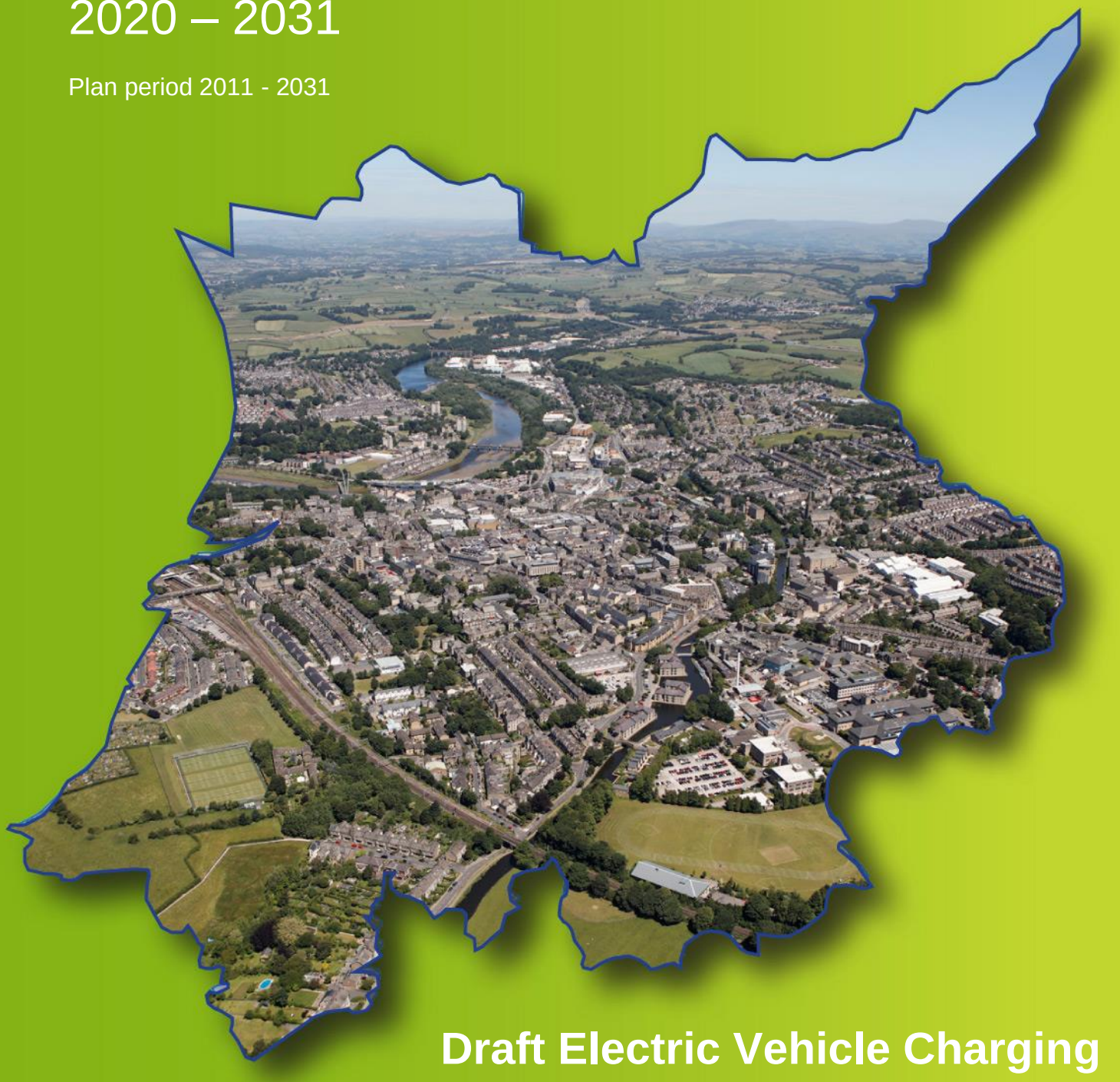
[20] Sustainability Appraisal report (SA) AECOM
https://storymaps.arcgis.com/stories/c42ddcc4f12a454e8538f8b42470cc29

A Local Plan for

Lancaster District

2020 – 2031

Plan period 2011 - 2031



Draft Electric Vehicle Charging Infrastructure Supplementary Planning Document

March 2022

Shaping a better future

LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

Contents

Glossary

BEV: Battery-electric vehicle
E-REV: Extended range electric vehicle
EV: Electric Vehicle
EVCP: Electric vehicle ChargePoint
PHEV: Plug-in hybrid electric vehicle
ULEV: Ultra low emission vehicle
ZEV: Zero emission vehicle

Summary

This Supplementary Planning Document has been prepared to support the **Climate Emergency Review of the Local Plan**, in particular **policy DM62 of the Development Management DPD (Part 2)**. It provides further guidance as to how to implement the electric vehicle charging requirements of this policy, within the context of national and local policy, and how they should be delivered on the ground, setting out a series of key design principles and considerations.

Policy DM62 sets out the following specific EVCP requirements:

"All new development and changes of use with associated car parking shall provide, as a minimum:

1. **One charging unit for each dwelling with an associated space.**
2. **20% of communal parking spaces to be provided with standalone chargers**. Ducting/cabling/supply capacity must also be provided/ensured for all parking spaces"

1.0 Introduction

Background

1.1 A net zero emissions target for 2050 is now UK law, Lancaster City Council has set its own target to become net zero by 2030, and the government recently announced an ambition to cut carbon emissions by 78% compared to 1990 levels by 2035. To achieve this transition transport emissions must be addressed. The Government's Transport Decarbonisation Plan puts the electrification of cars front and centre of the UK's net zero ambition[1].

1.2 In November 2020 the Government announced plans to accelerate a greener transport future, adopting a two-step approach to phase out petrol and diesel cars. Step 1 will see the phase-out date for the sale of new petrol and diesel cars and vans brought forward to 2030. Step 2 requires all new cars and vans to be fully zero emission at the tailpipe from 2035[2]. It is anticipated that this will cause a step change in uptake of battery-electric vehicles (BEV's) which currently make up less than 1% of vehicles in the UK[3]. Consequently, this requires a major shift in how we power vehicles, in particular private vehicles. With technological advances and the increasing need for greater sustainability, there is a call for vehicles to become cleaner and smarter. Hence the emergence of electric vehicles (EV's), also referred to as Ultra-low emission vehicles (ULEV's). But in order to meet these targets and before users can transition, it is vital that the necessary charging infrastructure is in place to facilitate and deliver this change, and most importantly, uptake.

1.3 The planning system is a key way in which this change can be promoted and delivered/enacted on the ground. It is the role of the Council, as Local Planning Authority, to produce a Local Plan for the District, which sets out how development should take place across the District, and also importantly, how areas should be protected from development.

1.4 In January 2019 Lancaster City Council declared a Climate Emergency, calling all areas of the Council to consider how the services provided could be improved from a climate change perspective. This, of course, includes planning. However, at this time the Council had already submitted the Local Plan for examination back in May 2018 and so the declaration came too late to be able to significantly shape the content of the plan. Therefore, upon adoption of the Local Plan in July 2020 the Council committed to an immediate review of the Local Plan with a specific focus upon climate change, to ensure that through the planning system, we are doing all we can to mitigate and adapt to the impacts posed by climate change within our District.

1.5 Air quality pollutants (nitrogen dioxide and particulate matter) are also of concern within the Lancaster District, particularly those arising from vehicle exhaust fumes, which has led to the designation of three Air Quality Management Areas within the District: Lancaster City

[1] Scoping the role of local authorities in the provision of electric vehicle charging infrastructure | Local Government Association

[2] Government takes historic step towards net-zero with end of sale of new petrol and diesel cars by 2030 - GOV.UK (www.gov.uk)

[3] Scoping the role of local authorities in the provision of electric vehicle charging infrastructure | Local Government Association

Centre, Carnforth town centre and Galgate. Promoting the uptake of EV's is seen as a crucial way in which we can help reduce air quality pollutant levels across the District, eliminating emissions from engine exhausts and significantly reducing emissions from brakes. EV's can also help to reduce noise pollution, as electric motors are intrinsically quieter than combustion engines.

1.6 To help tackle the impacts of climate change, the Council is seeking to promote modal shift through the Local Plan. By *reducing* the number of vehicles on the roads and *encouraging* the uptake of *more sustainable* modes of transport, such as walking, cycling, public transport and EV's. The challenges around converting the current diesel and petrol powered fleet to electric are recognised, and so it is understood that EV's are not the sole solution towards the problem. The planning policy approach taken towards EVCPs needs to be looked at as part of the bigger picture, and considered alongside the planning policy direction regarding:

- Air quality
- Increasing public transport use
- Decreasing dependency on private cars
- Provision of walking and cycling routes and measures to support cycling and walking (for example, secure storage and ebike/small electric transport modes)
- Housing supply
- Climate Change
- Urban Development
- Car parking standards; and
- Historic environment

1.7 Whilst this is not an exhaustive list, it demonstrates that EV's and the provision of associated charging infrastructure cannot be considered in isolation, as this SPD will demonstrate.

1.8 EVCP's play a fundamental role in facilitating the shift towards the uptake of EV's, because without the right infrastructure, in the right place at the right time, the circumstances needed to achieve the wider adoption of EV's will not be sufficient. Therefore, the purpose of this SPD is provide further guidance to facilitate the required change to ensure the infrastructure that is needed comes forward where it is needed and when it is needed as part of new development.

Purpose of this SPD

Why has this SPD been prepared?

1.9 The objectives of this SPD are to:

- Provide further guidance to assist with the effective implementation of the EV requirements set out in Policy DM62 of the Climate Emergency Review of the Development Management DPD.
- Facilitate the delivery of EVCP's on the ground, which are needed to drive the uptake and facilitate the change to ULEV's, ensuring the necessary infrastructure comes forward where it is needed and when it is needed as an integral part of new development from the early design stage. As stated in the Lancaster Highways and Transport Masterplan *'Charging*

points are key to establishing the market and are needed at car parks, rail stations, key business locations, key locations in the rural areas as well as at people's homes.'

- Help address the Council's Climate Emergency declaration and meet target of being carbon neutral by 2030
- Provide justification for setting local requirements for EVCP's following the publication of updated Building Regulations in December 2021
- Help deliver measures which will lead to improvements in air quality (in advance of emerging Air Quality specific SPD and Air Quality Action Plan)
- Help facilitate modal shift towards more sustainable modes of transport
- Ensure sustainable development is at the heart of planning for the future of EVs

1.10 Once adopted, this SPD will be a material consideration in planning decisions.

1.11 Setting requirements for the provision of electric vehicle charging infrastructure through planning policy means that this vital infrastructure, which is needed to drive the uptake of ULEV's and facilitate the shift from diesel and petrol fuelled vehicles, is integrated and available within new developments from the start. This approach ensures that EVCP's are conveniently placed, and it is less expensive and disruptive to install charge points when development is taking place rather than being retrofitted at a later date[4]. **Importantly, the focus of this SPD is not upon the technological requirements, as it is recognised that given EV technology is relatively new, technological advancements are constantly underway, and so this SPD seeks to focus upon the overarching principles that should be considered when designing EV infrastructure to ensure the most appropriate technology is installed to meet the needs of the development.**

1.12 The Local Government Association produced a document '*Decarbonising transport: Accelerating the uptake of electric vehicles*'[5] which sets out how Councils' can help facilitate the shift towards the use of electric vehicles, identifying 4 key areas for policy action:

1) Charging infrastructure
2) Raising awareness
3) Local incentives
4) Own fleets

1.13 The publication of this SPD therefore makes an important step in setting out how the Council seeks to address these 4 key areas.

Why do we need to promote the uptake of electric vehicles?

1.14 Whilst the declaration of a Climate Emergency has taken place relatively recently, this does not mean that the impacts associated with climate change have only just appeared. The need to address them has just become increasingly urgent.

1.15 Within the Lancaster District one of the main causes of concern is transport. The pollutants that petrol and diesel vehicles release whilst moving around the District are a concern, especially within particular areas of the District. Consequently, the Council has had to

[4] EST0013-Local-Authority-Guidance-Document-Incorporating-chargepoints-into-local-planning-policies-WEB.pdf (energysavingtrust.org.uk)
[5] 5.91 EVs decarbonisation and transport 1.pdf (local.gov.uk)

declare three Air Quality Management Areas (AQMA's) within the District, all due to the high concentrations of nitrogen dioxide.

1.16 The Council is in the process of preparing an Air Quality Action Plan to tackle these issues, however progress on this is very much dependent upon the outcomes of the Movement Strategy being prepared by Lancashire County Council. Whilst it is recognised that it would be beneficial to produce an SPD to specifically address air quality impacts, until it is known what specific projects would be most appropriate where, and fundamentally how much these may cost, it is difficult to pursue an SPD at this time. However, the Council recognise that the need to address air quality, amongst many other climate change related issues is a pressing one. Therefore, the Council needs to be seeking to do all it can to reduce car-borne emissions. Hence the need to promote the uptake of electric vehicles.

1.17 To help alleviate these pressures, through the Climate Emergency Review of the Local Plan, the Council is actively promoting modal shift. There is an evident need to shift towards cleaner modes of transport to create cleaner and healthier District, whilst also responding to the Climate Emergency.

1.18 Lancaster is a predominantly rural District and it is recognised that "rural areas have fewer mode shift options available and so will rely more on accelerating EV uptake to decarbonise[6]". Therefore, Lancaster City Council needs to seek to do all it can to facilitate the necessary infrastructure required, of the right type and in the right places, to provide those who live, work and visit the District with the confidence to switch to using ULEV's.

What is an electric vehicle (EV)?

1.19 There are three types of electric vehicles currently available:

Battery-electric vehicle (BEV)

This is a vehicle powered only by electricity (also known as a 'pure' or 100% electric vehicle). They are charged by an external power source i.e. using a charge point. Typically, BEV's have a real-world range of 100-300 miles on a single charge[7].

Plug-in hybrid electric vehicle (PHEV)

This is a vehicle that has a battery, electric drive motor and an internal combustion engine (ICE). They can be driven using the ICE, the electric motor, or both. They can be recharged from an external power source. Typically, PHEV's will have a pure-electric range of up to 50 miles. Once the electric battery has run out, journeys can continue in hybrid mode (via ICE) with no range limitation[8].

Extended range electric vehicle (E-REV)

This is a vehicle that combines a battery, an electric motor and a small petrol or diesel generator. They are a version of the PHEV's. The electric motor always drives the wheels, whilst the ICE acts as a generator when the battery has run out. Typically, the range on these vehicles can be between 150-300 miles[9].

[6] 5.91 EVs decarbonisation and transport_1.pdf (local.gov.uk)
[7] All you need to know about electric vehicles - Energy Saving Trust
[8] All you need to know about electric vehicles - Energy Saving Trust
[9] All you need to know about electric vehicles - Energy Saving Trust

1.20 Another term which can be used to refer to EV's is ULEV's, Ultra Low Emission Vehicles. (However, options 2 and 3 above are not considered to be ULEV as they both could run on petrol/diesel engines).

How and where can you charge an EV?

1.21 BEV's, PHEV's and E-REV's all have the ability to be plugged in and charged using an electric vehicle charge point (EVCP). In the Automated and Electric Vehicles Act 2018, a 'charge point' is defined as a device intended for charging a vehicle that is capable of being propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle)[10].

1.22 The location of charge points has a strong influence on how often and how easily they are used by residents, business and visitors[11]. Charging can be either public or private (i.e. at home).

Home charging

1.23 The majority (around 80%) of EV charging takes place where people live, and the Government expects 'the home to be central to the future charging ecosystem'[12]. The charging method will be dictated by where the vehicle can be parked at home, and availability/access to an electricity supply.

Off-street parking

1.24 This is where there is a driveway or garage. Charging cars overnight at home is usually cheaper and more convenient for EV users than charging in public. The idea is also that, by using this cheaper home charging, both PHEV's and BEV's can maximise their potential contribution to the UK's future smart, flexible energy system, via smart charging and vehicle-to-grid (further information can be found on page 37)[13]. Smart charging can be used to make savings when charging an EV. It can also help to balance the electricity grid by charging your EV during off-peak times, such as overnight, when there is less demand for electricity.

1.25 Whilst it is possible to use a regular UK three-pin standard 13 amp socket, this is not recommended as it is much slower than a dedicated suitably powered charge point. Running cables from inside the dwelling is also not considered appropriate or practical. Instead, an EV charging wallbox or charge point is required, as it communicates directly with the vehicle being charged and is safer and quicker, reducing charging time by 30-60% depending on the vehicle.

1.26 Charge point cables can be either tethered or non-tethered. The recently published updated Building Regulations recommend that EVCP's be fitted with a universal socket (also known as an untethered EVCP).

[10] Automated and Electric Vehicles Act 2018 (legislation.gov.uk)
[11] Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk)
[12] Consultation response: EV Charge points in Residential and Non-residential Buildings (publishing.service.gov.uk)
[13] Guide to charging electric vehicles - Energy Saving Trust

1.27 The Electric Vehicle Consumer Code for Home Chargepoints (EVCC) aims to give consumers the confidence to install a charger at home, and ensure that manufacturers, suppliers and installers consistently deliver the highest quality of work. Different mounting options are also available (for example, on a wall or a standalone charge point). Further design guidance in relation to the installation of chargers is provided in Section 4.

On-street parking

1.28 Whilst more difficult, on-street charging is possible for those who do not have off-street parking.

1.29 The On-street Residential Chargepoint scheme, also known as ORCS, enables Local Authorities to access grant funding to support the installation of on-street chargepoints, to ensure the charging needs of those without off-street parking are met. This should therefore be explored in conjunction with Lancaster City Council, and Lancashire County Council as Highways Authority.

1.30 As stated in the guide produced by Energy Saving Trust 'Charging Electric Vehicles', "It is up to local authorities to apply to ORCS, but through residents requests, your local council can forecast where there is demand for EV's and therefore decide where charging infrastructure may be best located". The Council is currently exploring where EV demand is greatest in relation to expanding provision on Council owned land and also it's co-wheels car sharing scheme (further detail on which is provided in Section 3).

1.31 The planning policy position in relation to shared car parks is discussed in Section 3.

Public charging networks

1.32 There are chargepoint map providers and chargepoint operators who provide their own maps (specifically for their chargers), to identify where EVCP's are located, including details on their connector type and charge speeds (more information below) so that EV users can plan when and where their EV can be charged. One such example is Zap-Map (Charging points and electric vehicles UK 2021 - Zap Map (zap-map.com)), which has a postcode/town/city search function and route planner to locate the nearest publicly accessible EVCP's. There are currently five known chargepoint providers in Lancaster: BP Pulse, ChargeMyStreet, Newmotion, EB Charging and Shell. To help locate EVCP's, new EV's often come with a built-in satellite navigation system to provide directions towards the nearest EVCP, if needed.

1.33 Public EVCP's are being installed at a number of locations across the Lancaster District, including public car parks (details on the locations of EVCP's in the Lancaster District can be found in Section 3), and other 'destinations' such as supermarkets, service stations (known as 'transit charging') and also places of work. Nationally it is anticipated that the future will see more 'Charging Hubs' with a number of ultra rapid chargers in one location, enabling a greater number of cars to be charged in a shorter period of time due to the faster charge speed.

1.34 Access to a EVCP is usually via a radio-frequency identification (RFID) card, a smart phone application or using a regular contactless credit or debit card. In November 2018, regulations

were introduced which made it mandatory for every EVCP to be accessed without the driver having to subscribe to a charging network[14]. It is hoped that as technology evolves a more universal approach is adopted, as it is important to ensure that the EVCP's installed are future-proofed as much as possible. The greater the flexibility that can be provided as more EVCP's are installed, the better, to boost driver confidence in the EVCP network and support the uptake of EV's (this will be explored further in Section 4).

What types of chargers are available?

1.35 Due to the rapidly evolving nature of EV/ULEV technology, the types of chargers available are constantly changing. Therefore, there are a series of factors which should be taken into consideration when determining which type of charger would be most appropriate to meet the needs of the development proposal. It should be these factors, combined with the technology that is available, that should be used to determine the most appropriate type of charger to meet the needs of the proposed development.

Determining Factors

1.36 The key factors to consider are:

- Development Use
- Time of day and length of time vehicles will spend at the development
- Location
- Scale of development
- Space available
- Electricity availability
- Public v Private
- Cost

These are explored in more detail in Section 4.

EV Connector/Charger types

1.37 There is an array of EVCP types available, and as highlighted, there are a number of factors which determine the type of charger(s) that will be most appropriate. Table 1 below sets out the characteristic features of the range of EV Connector/Charger types currently available[15] based upon their varying charging capacities and typical deployment locations, with an explanation in Table 2 as to what this means.

1.38 The power of a charger determines the speed at which the charger performs, therefore it is important to ensure that the EV charging infrastructure, which is installed, meets the needs of the proposed use(s) of the development. So, the type of charger is significantly determined by the length of time the charger will most frequently be in use for. For example, at a supermarket people are only usually shopping for a couple of hours, and so the power and consequently the speed of the charger should reflect this. Whereas, at a residential property, the owner is able to leave their car charging overnight for a longer period of time.

[14] Guide to charging electric vehicles - Energy Saving Trust

[15] Please note that these will be subject to change as advances in EV technology change

SPEED	CHARGEPOINT POWER	CURRENT	CONNECTOR	MODE	TYPICAL LOCATION	EXAMPLE CHARGING TIME
Slow	**3.6kW**	AC	Type 1 / 2	Mode 3	• Homes • On-Street • Destinations	c.11 hours
Standard	**7kW**	AC	Type 1 / 2	Mode 3	• Homes • On-Street, • Destinations	c.5-7 hours
Fast	**22kW**	AC	Type 1 / 2	Mode 3	• Destinations	c. 2 hours
Rapid	**50kW**	DC	CCS / CHAdeMO	Mode 4	• Motorway Service areas • Destinations	>1 hour
Ultra-rapid	**150kW+**	DC	CCS / CHAdeMO	Mode 4	• Motorway Service areas • Destinations	<30 minutes

Table 1: The varying charging capacities and the typical location they should be deployed

Speed	These are determined by the power output, that determines the charging speed (i.e. greater power, greater speed of charging)
Chargepoint power	Power output of the charge point, measured in kilowatts (kW)
Current	Alternating current (AC) for slower charging or Direct current (DC) for faster charging
Connector	Each charger type has an associated set of connectors which are designed for low or high power use. A Type 1 plug is a five-pin design and has a latch that keeps the plug in place and prevents it from being dislodged from the charger socket. A Type 2 charging cable features a seven-pin connection (is the European-standard plug-type used by every new EV), which instead of latches utilise a locking pin that locates and secures the plug in place. Type 1 is a single-phase charging cable and Type 2 are available in single or three phase. [16]
Mode	There are four different charging modes: - Mode 1: Standard socket outlet (domestic) - Mode 2: Standard socket outlet with an AC EV supply equipment (domestic) - Mode 3: AC EV equipment permanently connected to an AC supply network - Mode 4: DC EV supply equipment[17]

Table 2: Definitions of different characteristics of EV chargers

[16] Charging leads Type 1 and Type 2: What's the difference? (savemoneycutcarbon.com)
[17] Electric Vehicle and EV charging fundamentals - Electrical Installation Guide (electrical-installation.org)

	**Type 1: 3 – 6kW AC**
	**Type 2: – 3 – 6kW AC**
	**Type 1: 7kW AC**
	**Type 2: 7-22kW AC**
	**CHAdeMO: 50kW DC**

Figure 1: Image to show some of the different types of charging connectors available
Source: EV Charging connectors - Electric car charging speeds (zap-map.com)

2.0 The National Context

Background

2.1 It is recognised that the transition to zero emission road transport is a vital part of any long-term solution to the poor air quality in towns and cities. In July 2017, the Government published its *UK Plan for tackling roadside nitrogen dioxide concentrations* stating that, they will end the sale of all new conventional petrol and diesel cars and vans by 2040[18]. In July 2018 this was reaffirmed when the Government produced the Road to Zero Strategy[19], stating; 'Our mission is to put the UK at the forefront of the design and manufacturing of zero emission vehicles, and for all new cars and vans to be effectively zero emission by 2040'. This target has now been brought forward to 2035. The Office for Zero Emission Vehicles (OZEV) has been set up to work across government to support the early market for zero emission vehicles (ZEV's).

2.2 The Government encourages the use of EV's by providing funding towards the cost of installing an EVCP at a residential property. This is known as the Electric Vehicle Homecharge Scheme (EVHS), which provides grant funding of up to 75% towards the cost of installing EVCP's at domestic properties across the UK[20]. There is also a Workplace Charging Scheme available that provides support towards the up-front costs of the purchase and installation of EVCP's, and schemes in place for on-street residential parking and taxi's[21].

2.3 The Road to Zero Strategy highlighted that "the devolved administrations and local authorities have a crucial role to play during the transition to zero emission vehicles and addressing local air quality issues". This SPD, therefore, seeks to establish standards to help drive the uptake of ULEV's by ensuring the necessary charging infrastructure is delivered as part of new development proposals.

Updated Building Regulations

2.4 In 2018 the Automated and Electric Vehicles Act set out in law the need to improve consumer confidence in charging their vehicles by:

- Making sure public charge points are compatible with all vehicles
- Standardising how they are paid for
- Setting standards for reliability

This Act provided Government with the powers to set the regulations considered necessary to address these issues.

2.5 The Government held a consultation in 2019 on 'Electric vehicle charge points in residential and non-residential buildings' to explore potential changes to Building Regulations, publishing its response in November 2021, which ultimately led to the update of Building Regulations in December 2021. The full details can be found in the Approved Document

[18] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/633270/air-quality-plan-detail.pdf

[19] https://www.gov.uk/government/publications/reducing-emissions-from-road-transport-road-to-zero-strategy

[20] Grant schemes for electric vehicle charging infrastructure - GOV.UK (www.gov.uk)

[21] Grant schemes for electric vehicle charging infrastructure - GOV.UK (www.gov.uk)

(Part S) here: Infrastructure for charging electric vehicles: Approved Document S (publishing.service.gov.uk) . The approved document takes effect on 15th June 2022 for use in England[22]. The regulations which the Government have chosen to take forward are summarised below.

- New dwellings (including flats) with associated parking within the site boundary have an electric vehicle charge point. Residential properties with more than 10 parking spaces will also require cable routes in every space without charge points.
- Buildings undergoing material change of use to create new dwellings, to have one charge point for every new dwelling with associated parking within the site boundary of the building.
- Residential buildings undergoing major renovations, with more than 10 parking spaces within the site boundary of the building after the renovation is complete, to have an electric vehicle charge point per dwelling with associated parking and cable routes in all further parking spaces.
- New non-residential buildings with more than 10 parking spaces within the site boundary of the building to have a minimum of one charge point and in addition, cable routes for electric vehicle charge points in one in five of the total number of spaces.
- Every non-residential building undergoing a major renovation, with more than 10 parking spaces within the site boundary of the building to have a minimum of one charge point and in addition, cable routes for electric vehicle charge points in one in five of the total number of spaces..

2.6 In relation to existing non-residential buildings, the responses to the proposal to require charge points were noted to be significantly less supportive, due to the concerns about the impact of a blanket policy approach on small existing non-residential buildings, such as charities and small businesses. The Government is going to reflect on this and develop an alternative policy.

2.7 Approved documents are to be provided alongside the Building Regulations to provide statutory guidance about how the regulations can be complied with. The Government has decided that charge points should have a minimum charging power of 7kW, be fitted with a universal socket that can charge all types of electric vehicles currently on the market at least Mode 3 or equivalent, be untethered and meet the relevant safety and accessibility requirements[23]. These are the minimum standards. Additionally, under *The Electric Vehicles (Smart Charge Points) Regulations 2021*[24], from 30th June 2022, new EVCP's will all require broadband connections in addition to a suitable electric connection. This is to enable better management of electric supply and demand from the growth of EVCP's, and enable electric vehicles to be charged outside peak demand times where possible and/or when renewable energy is available. It is also intended to be more cost effective.

[22] The approved document does not apply to work subject to a building notice, full plans application or initial notice submitted before that date, provided the work is started on site before 15 June 2023. Full details of the transitional arrangements can be found in Circular Letter 02/2021 published on the Government website.
[23] Consultation response: EV Charge points in Residential and Non-residential Buildings (publishing.service.gov.uk)
[24] The Electric Vehicles (Smart Charge Points) Regulations 2021 (legislation.gov.uk)

2.8 Specific guidance is also set out within the revised Building Regulations if the development proposal includes covered car parks. Defined as *'any car park which is enclosed by a roof, except garages or carports that are intended to be used solely by the occupant of, or a visitor to, a dwelling or carports that cover otherwise open parking spaces*[25]'. This is due to the need to take into consideration a number of different factors. For example, in underground car parks, signal availability is among the factors that need to be considered when installing EVCP's.

2.9 Government is aware of issues surrounding accessibility and will look into this further.

2.10 Changes to the building regulations will not apply to crown buildings and statutory undertakers (e.g. airports and train stations). These buildings are normally exempt from the requirements of the Building Regulations, as set out in the Building Act 1984. Therefore, applying requirements to these types of buildings would require primary new legislation, which at this point the Government has chosen not to do.

Direction of National Planning Policy

2.11 The National Planning Practice Guidance states that one of the ways in which the impact on air quality can be mitigated is through the inclusion of infrastructure to promote modes of transport with a low impact on air quality, such as electric vehicle charging points. Recognising that a significant number of mitigation measures included within this SPD relate to transport, this Section focusses upon the Council's approach towards electric vehicles and charging infrastructure.

2.12 The revised National Planning Policy Framework (NPPF) published in 2021 defines *sustainable transport modes* as '*any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport*'.

2.13 The NPPF sets the policy framework for plan-making and decision-making. In relation to considering development proposals to promote sustainable transport, paragraph 112 states that '*applications for development should…be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*'. Setting out in paragraph 107 that if local parking standards are being set for residential and on-residential development, policies should take into account, amongst other factors, the need to ensure the adequate provision of spaces for charging plug-in and other ULEV's.

2.14 ULEV's are also set out as a key consideration in the National Design Guide, which states 'electric vehicle spaces and charging points need to be considered, so they are suitably located, sited and designed to avoid street clutter'.

Permitted Development Rights

[25] Approved Document S: Infrastructure for the charging of electric vehicles (publishing.service.gov.uk)

2.15 The Government has amended permitted development rights to allow the installation of charge points in certain situations.

Installing an electrical charging outlet

2.16 Under Schedule 2, Part 2, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), planning permission is not required for the installation of a wall mounted electrical outlet for the recharging of EV's as long as the area is lawfully used for off-street parking.

2.17 For the installation to be classed as permitted development, the electrical outlet and its casing must not:

- Exceed 0.2 cubic metres
- Face onto and be within 2 metres of a highway
- Be within a site designated as a scheduled monument
- Be within the curtilage of a listed building

Installing an upstand with a mounted electrical charging outlet

2.18 In relation to Class E of the above Schedule and Order, planning permission is not required for the installation of an upstand with an electrical outlet mounted on it to recharge EV's, as long as the area is lawfully used for off-street parking.

2.19 For such an installation to be classed as permitted development, the electrical upstand and the outlet must not:

- Exceed 2.3 metres in height from the level of the surface used to park the EV's. (This limit is 1.6 metres where in the curtilage of a dwelling or block of flats)
- Be within 2 metres of a highway
- Be within a site designated as a scheduled monument
- Be within the curtilage of a listed building
- Result in more than one upstand being provided per parking space

2.20 Under the provisions set out in the Town and Country Planning (General Permitted Development) Order 2015 (Article 4) the Council can remove or restrict the permitted development rights in relation to a specific site or area. These can be used to preserve features of historic interest in a Conservation Area, and so within the Lancaster District the following Conservation Areas have Article 4 Directions:

- Bath Mill
- Lancaster
- Glasson Dock
- Heysham
- Westfield Memorial Village
- Morecambe

3.0 The Local Context

Background

3.1 The Department for Transport (DfT) has produced a league table (based upon the data collated by ZapMap) to record the provision of public EVPC's within each Local Authority. As of 1st October 2021, there were 74 *public* EVCP devices in the Lancaster District, 13 of which were rapid devices (those whose fastest connector is rated at 25kW and above) [26]. Overall, this equates to 50 devices per 100,000 of the population, and so Lancaster falls within the top 20% of Council's across the UK[27]. This is in comparison to 43 public EV charging devices in October 2019, equating to 29.8 per 100,000[28]. The Lancaster District also has the greatest number of devices per 100,000 of the population within all of Lancashire.

3.2 Lancashire County Council, as the Highways Authority, produced Highways and Transport Masterplan for the Lancaster District in 2016. This highlighted that, ULEV's (Ultra Low Emission Vehicles) will play a vital role in reducing the emissions from residual traffic, particularly within Lancaster City Centre; a major factor in improving air quality and making the city centre, and the rest of the District, a healthier and more pleasant place for people. The Masterplan identifies a number of ways in which this could be achieved such as the conversion of buses, taxis and fleets to ULEVs, car clubs and also the delivery of ULEV infrastructure.

3.3 Despite this, as stated in the Air Quality Position Statement[29] produced by Air Quality Consultants, 'to complement proposals for better public transport and cycling/multiuser networks, the aim is for Lancaster to become an exemplar of the use of Ultra-Low Emission Vehicles (ULEVs). Whilst ULEV's may not reduce vehicle numbers, they will be vital in reducing the emissions from residual traffic in Lancaster city centre, currently an Air Quality Management Area (AQMA)'.

3.4 A recent piece of research undertaken by Local Partnerships (commissioned by the LGA) asked Local Authorities in a survey what best described the role they thought that Local Authorities should play in delivering EV charging infrastructure, and the most popular response was 'putting in place policies to encourage/enable the delivery of EV infrastructure'. (The focus of the study was on street EV charging infrastructure).

[26] maps.dft.gov.uk/ev-charging-map/
[27] https://maps.dft.gov.uk/ev-charging-map/index.html
[28] Official statistics overview: Electric vehicle charging device statistics: October 2021 - GOV.UK (www.gov.uk)
[29] https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information

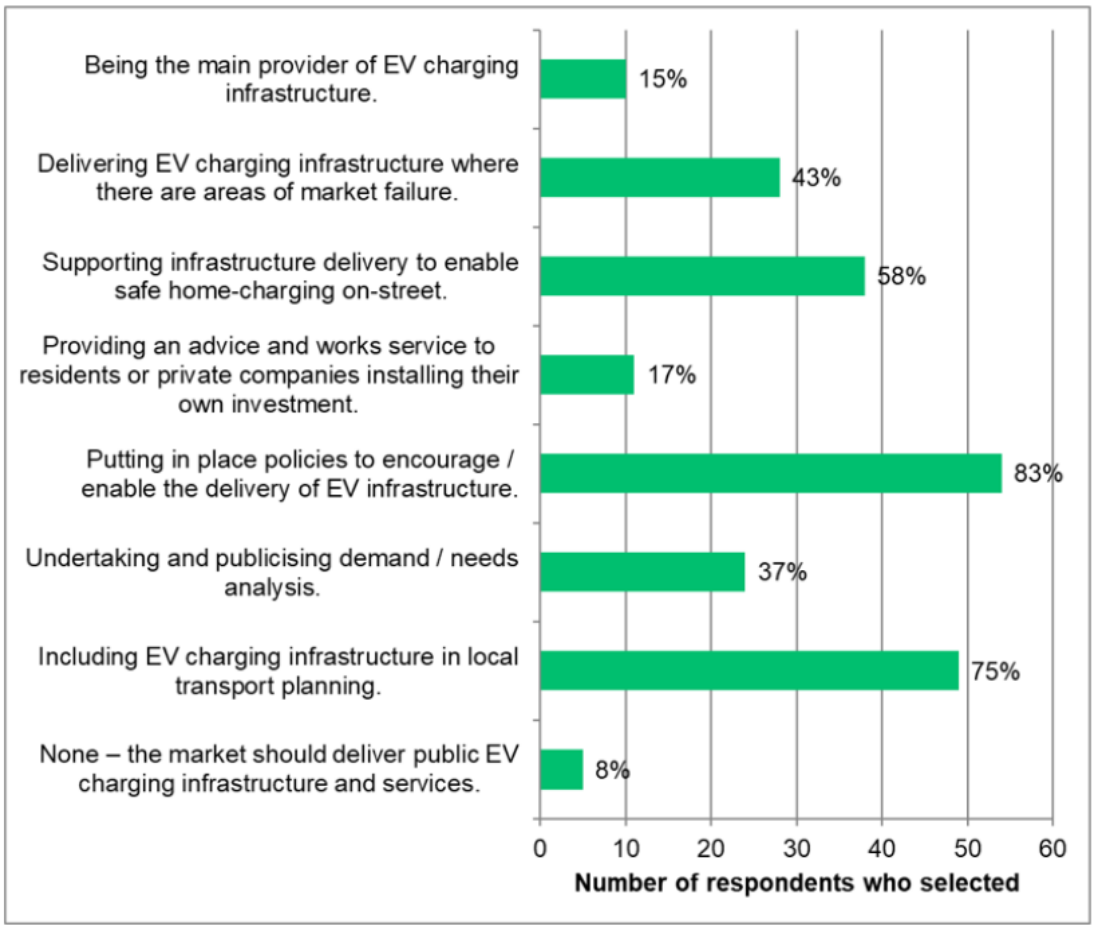


Figure 2: Response to LGA Research Project Question: Which of these best describes the role you think that Local Government should play in delivering on street EV charging infrastructure (ORCS)?
Source: Scoping the role of local authorities in the provision of electric vehicle charging infrastructure | Local Government Association

Climate Emergency Local Plan Review (CELPR)

3.5 The Lancaster Local Plan consists of various documents including the Climate Emergency Review of the Strategic Policies and Land Allocations DPD and the Climate Emergency Review of the Development Management DPD. On adoption, the Lancaster South Area Action Plan will also form part of the plan and will contain policies in relation to electric vehicles and the provision of associated charging infrastructure within the area.

3.6 The CELPR sets out a range of policies which aim to improve how new development addresses the causes and consequences of climate change. As previously highlighted, one of the key areas of concern within the Lancaster District is transport, and subsequent impacts upon air quality. Therefore, within the context of a pressing need to tackle the climate emergency declared in the Lancaster District, combined with the Government's clear intentions to establish specific requirements for EV charging infrastructure (which were implemented via Building Regulation at the end of 2021), the Council has chosen to set out specific EV charging infrastructure requirements that applies to new development (including change of use) in the Lancaster District. These requirements are set out in **policy DM62: Vehicle Parking Provision and Electric Vehicle Charging Points**, in the Climate Emergency Review of the Development Management DPD.

3.7 Within policy DM62 it is stated that all new development and changes of use with associated car parking shall provide, as a minimum:

1. One charging unit for each dwelling with an associated space

2. 20% of communal parking spaces to be provided with standalone chargers. Ducting/cabling/supply capacity must also be provided/ensured for all parking spaces.

3.8 The full wording of policy DM62 is shown in below. (The text in blue indicates the new wording that has been added through the Climate Emergency policy review process and the text in red strikethrough is that which we propose to remove (both pre-Regulation 18 consultation). The text in green shows the amendments which have been made following the comments received at Regulation 18.)

POLICY DM62: VEHICLE PARKING PROVISION AND ELECTRIC VEHICLE CHARGING POINTS

Car Parking Provision

In relation to the provision of car parking, development proposals will be considered acceptable where:

I. **The design of the proposal incorporates provision of car and cycle parking that accords with the levels and layout requirements set out in Appendix E of this document;**
II. **The minimum levels of car parking for people with impaired mobility as set out in Appendix E are achieved; and**
III. **Parking facilities are shared where location and patterns of use permit.**

Where garage provision is to be provided, these should be of a sufficient size to be genuinely used by a car and should include an internal space of at least 6 metres long by 3 metres wide. ~~that can also accommodate cycle storage appropriate for the dwelling size (see Appendix E).~~

Car free development, or development proposed which incorporates very limited car parking provision, will ~~only~~ be considered acceptable in appropriate locations where there is clear justification for the level of provision proposed. Proposals should give consideration to the current and proposed availability of alternative transport modes, highway safety, servicing requirements, the need of potential users and the amenity of occupiers of nearby properties and other parking facilities.

Acceptable locations include:

- **Lancaster City Centre;**
- **Morecambe Town Centre; and**
- **Carnforth Town Centre.**

Electric Vehicle Charging Points

All new development and changes of use with associated car parking shall provide, as a minimum:

1. **One charging unit for each dwelling with an associated space.**
2. **20% of communal parking spaces to be provided with standalone chargers. Ducting/cabling/supply capacity must also be provided/ensured for all parking spaces.**

Electric vehicle charging infrastructure should be designed to respect the character of the surrounding built environment, streetscape, and public realm. Particular regard should be given to the impact upon the historic environment and associated planning policies. Charging infrastructure must also be accessible to drivers with disabilities, including those using a wheelchair or walking frame.

Wherever possible, electricity provision should be provided through renewable and/or low carbon energy generated on site.

Further detail is provided within the Promotion of Electric Vehicles and Associated Charging Infrastructure ~~Provision for Electric Vehicle Charging Points for Development~~ Supplementary Planning Document.

Cycle and Mobility Scooter Parking Provision

Adequate and secure ~~vehicle and~~ cycle and mobility scooter parking facilities should be provided to serve the needs of the proposed development. Such facilities should be well designed and convenient to use. The level of provision should be in accordance with Appendix E and their design should be in accordance with the guidance set out in Local Transport Note 1/20 Cycle infrastructure and Design. Where applicable, mobility scooter parking should be provided as set out in Appendix E.

3.9 **Policy DM29 (Key Design Principles)** states that: '*New development should be as sustainable as possible and make a positive contribution to the surrounding landscape and/or townscape. The Council will expect development to…incorporate electric vehicle charging points in line with guidance contained within Policy DM62 and the forthcoming Supplementary Planning Document on this matter'.*

3.10 Within the Climate Emergency Review of the Strategic Policies and Land Allocations DPD, policies **SG7 (East Lancaster Strategic Site)**, **SG9 (North Lancaster Strategic Site)** and **SG11 (Land at Lundsfield Quarry, South Carnforth)** specifically state the need for proposals to deliver electric charging points and other associated infrastructure for EV's in accordance with policy DM62.

Guidance on applying the policy

1. One charging unit for each dwelling with an associated space

An ***associated space*** is defined as *a parking space made available or allocated to accommodate a vehicle for that dwelling as part of the development proposal*. (Explained in more detail

3.11 This first point within the policy establishes the requirement for new dwellings (including change of use), and includes houses and flatted development. It is acknowledged that within the updated Building Regulations (Part S published in December 2021) the definition used for 'associated space' refers to spaces within the site boundary, as shown in the images in Figures 3 and 4 below.

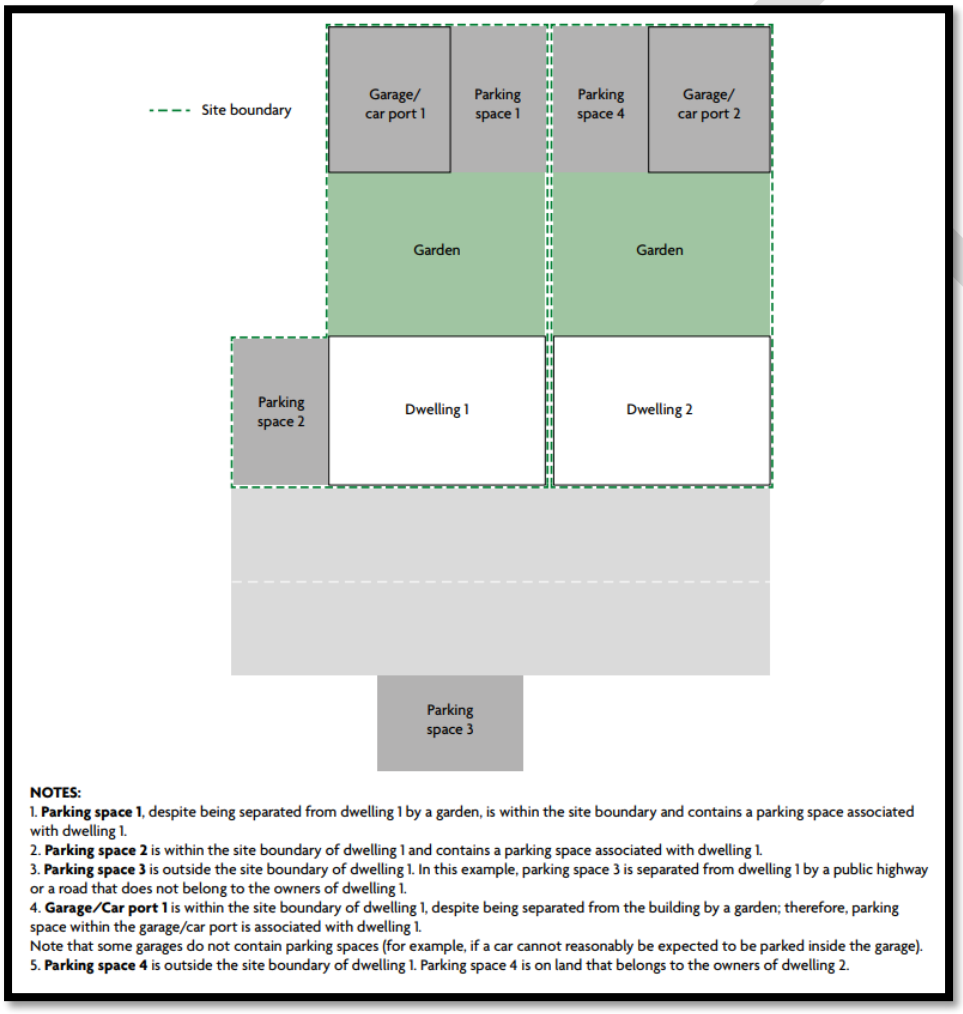


Figure 3: Building Regulations definition of 'associated' parking within a dwelling site boundary

(Source: Infrastructure for charging electric vehicles: Approved Document S (publishing.service.gov.uk)

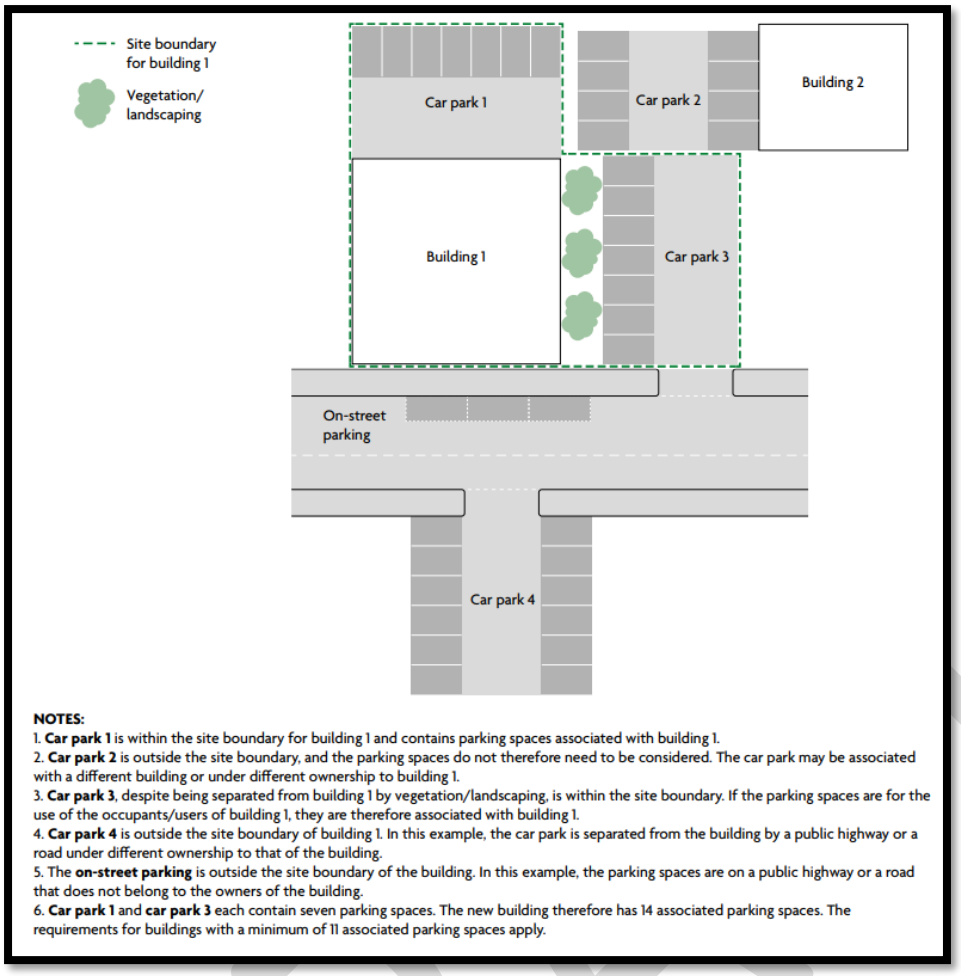


Figure 4: Building Regulations definition of 'associated' parking within a site boundary for building 1

(Source: Infrastructure for charging electric vehicles: Approved Document S (publishing.service.gov.uk)

3.12 However, it is recognised that not all dwellings may have their associated parking space within the dwelling site boundary and may instead be an arrangement similar to Car park 1 and Car park 3 as shown in Figure 4 above. Therefore, the Council considers that an associated space is *a parking space made available or allocated to accommodate a vehicle for that dwelling as part of the development proposal.* In most instances associated parking spaces are provided in the form of off-street parking as part of the development proposal. However, if the circumstance arises whereby associated spaces are to be provided on-street, early engagement should be sought with the Highways Authority (for example, if the associated space falls outside of the development site boundary as shown in Figure 3). Although, it is anticipated that it will be very rare for proposals that deliver parking which meets the associated space definition to provide the associated parking on-street, due to the complexities of providing EVCP's on an operational highway (which is under the control of the Local Highways Authority, Lancashire County Council). It could also be that for developments without on-site parking (for example a city/town centre flatted development) that needs to provide EVCP's, developers would be required to fund the provision of public charging facilities (for example off-site in a public car park within a reasonable distance) to meet expected demand.

3.13 An associated space could therefore be like the arrangement shown in Figure 5 below.

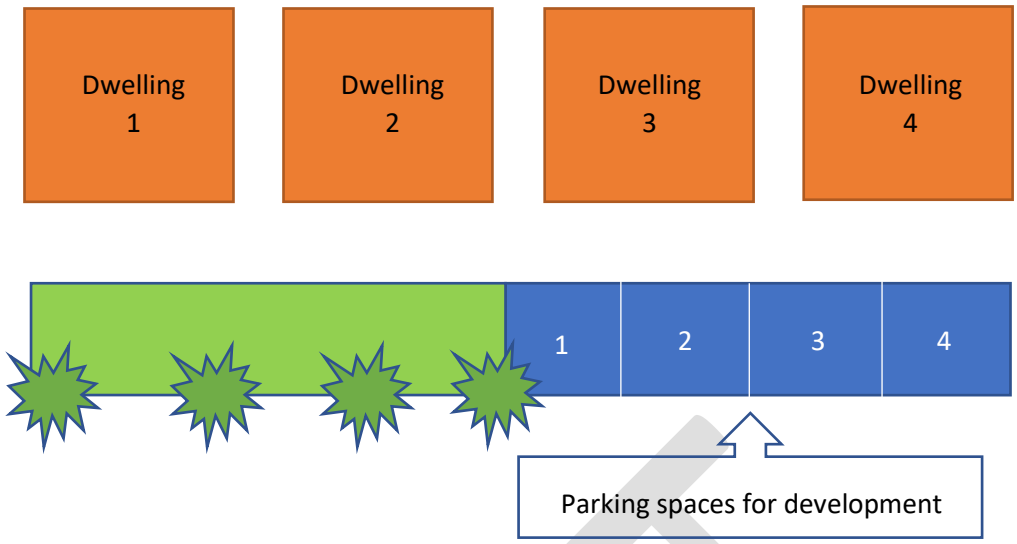


Figure 5: Example of Council definition of an 'associated' parking space

Justification for above definition of 'associated':

It is noted that Paragraph 1.1 of Requirement S1 and Regulation 44D states that:

Where associated parking spaces are provided for a new residential building, the number of associated parking spaces that have access to an electric vehicle charge point must be a minimum of either of the following.

a. *The number of associated parking spaces*
b. *The number of dwellings that the car park serves.*

NOTE: Where no associated parking spaces are provided, there is no requirement to install an electric vehicle charge point.

It is the text highlighted in bold which is the concern, as Figures 3 and 4 demonstrate what is considered to be associated i.e. within the dwelling or building boundary.

3.14 The requirements set out in the box above are legal requirements taken from the Building Regulations which take effect in England from 15th June 2022. Where there may be viability concerns in delivering the requirements set out in policy DM62, early engagement should be sought to agree the most appropriate way forward. However, it should be demonstrated why the requirements set out in policy DM62 are not viable. Importantly, all new development should ensure that the electricity infrastructure is sufficient to enable supply to be provided for the required number of charge points. Again, if concerns arise due to viability or grid capacity, this should be evidenced, and an appropriate way forward discussed and agreed with the Council (further details on which are set out below). As it may be that the provision that would be required onsite could be delivered offsite locally instead. This should also be considered within the context of providing the necessary infrastructure required to facilitate an EVCP in the future onsite for the dwelling (i.e. ducting and cabling). Potential options that could be explored are covered in Section 3 (i.e. contributions towards installing EVCP's in Council car parks, or contributions towards co-wheels scheme).

3.15 To meet the necessary policy requirements for the proposed development, the type of charging infrastructure that should be installed, and how, should be informed by the guidance set out in Section 4 (EV infrastructure Design Principles).

2. 20% of communal parking spaces to be provided with standalone chargers (Ducting/cabling/supply capacity must also be provided/ensured for all parking spaces)

3.16 This relates to non-residential development, and/or where the parking provided for a residential development does not meet the definition for associated parking spaces (as set out in the first requirement). It is recognised that communal parking, that is, parking spaces which are shared, can be provided in a number of different forms, typically within a car park but in some cases parking laybys can be used to provide communal parking.

3.17 Given that these EVCP's will be shared, given their communal use, the type of charging infrastructure provided should be reflective of this (as set out in Section 4) and consider the length of time one EV will be able to stay in a parking space to charge, before another vehicle may need to use the charger. This will enable the EVCP to serve multiple users. It is therefore recommended that an EVCP with a fast charge, or where appropriate, rapid speed is used.

3.18 Again, any viability and/or grid capacity concerns related to meeting this requirement, should be evidenced and an appropriate way forward discussed and agreed with the Council.

3.19 In order to meet the Government's targets, and to help address the Climate Emergency declared by Lancaster City Council, applicants should be seeking to do all they can to future-proof their developments. Hence the requirement that ducting/cabling/supply capacity is to be provided for all parking spaces.

In relation to new dwellings, it is noted that Paragraph 1.3 of Requirement S1 and Regulation 44D states that:

If the number of associated parking spaces for the new residential building is both

a. More than 10
b. More than the number of dwellings

Cable routes must be provided for all associated parking spaces which do not have access to an electric vehicle charge point.

help to address the Climate Emergency declared within the District, meet national targets, and could also help to further mitigate travel impacts posed by the proposed development (for example, if there is potential to impact upon an AQMA, additional EV charging provision to facilitate EV uptake could be a possible mitigation measure). This should be discussed as early as possible with the Council's Environmental Health – Environmental Protection Team.

Delivering the EV requirements of policy DM62

3.21 The EV requirements set out in policy DM62 must be delivered onsite. However, it is recognised that issues may be encountered that present exceptional circumstances, deeming onsite provision not possible, and so this section seeks to explain how these should be addressed. Such challenges could be the availability of grid capacity and/or cost of grid (DNO) connection, which may consequently result in the need to explore possible delivery

options locally, offsite. Issues may also occur in relation to facilitating and managing shared use or communal provision which need proper consideration to provide an appropriate EV charging solution.

Onsite v Offsite

3.22 Policy DM62 makes it clear that the required EVCP infrastructure should be delivered onsite as an integral part of the new development. The EVCP infrastructure needs to directly meet the needs of the users of the development and given the national direction is to promote the use and uptake of EV's, in order for each new developing coming forward to achieve this, it is important to ensure the right EVCP's are in the right places onsite to meet the needs of EV users of that development. As set out in Section 1, the intention is that the majority of charging will take place at people's homes, and this is reflected in the requirements set out in policy DM62. Therefore, in many cases, it will be difficult to justify an offsite contribution over onsite provision.

3.23 For example, when considering the North Lancaster site (allocated through policy SC9), it would be more appropriate for the developer to deliver onsite charging infrastructure, rather than an offsite contribution towards city centre charging provision, as the Council would favour that the development funded the improvement of cycle routes or bus services into the city centre, to promote active travel, rather than encouraging more cars into the centre. However, it is recognised that there are exceptions. Where an offsite contribution may be considered useful, is where a city/town centre development exists close to an existing car park. Instead of creating their own car park, (dependent upon the nature and scale of the proposed development) the Council may prefer the development to fund an offsite EV charging infrastructure project nearby to install EV charge points in an existing car park, or contribute towards an existing car share scheme (such as the Council's co-wheels scheme which is discussed in more detail on pages 29 and 30). Contribution costs would be determined by calculating what should have been provided on site for their development and should take place in discussion with the Council.

3.24 Therefore, where provision of onsite EV charge points is not possible, such developments are not exempt from providing EV charging facilities onsite. Instead, the equivalent charging provision that would have been provided onsite should be provided offsite (as explained in the example set out above). Additionally, whether ducting and cabling should still be put in for future use, so that the potential for connection is there if grid capacity is increased in the future, is something which should be discussed with the Council.

3.25 Importantly, offsite contributions should not be seen as an other/ alternative option. It should only be used in exceptional circumstances.

Grid Connection

3.26 The Government's consultation in 2019 'EV Charge points in Residential and Non-residential Buildings' looked at introducing an exemption from the requirement to install a charge point in new dwellings with associated parking where the cost of the grid connection would be very high. In their recent Consultation response they said the response to this was varied, with individuals, local councils and the energy sector generally saying an exemption in such an instance should not apply, whereas the majority of developers were of the opposite

opinion[30]. Several argued that if the exemption was to be applied, a number of measures should be put in place. Such as:

- In the event that total costs per charge point exceed the £3,600 threshold proposed in the consultation, the development should not be exempted from providing any charge points. Instead, the development should install the maximum number of charge points possible before the cost threshold is met;
- Any regulations would need to clearly set out the evidence required from developers to demonstrate the threshold had been exceeded;
- The exemption should only be applied when connecting to an existing electrical network. Those requiring a new connection should not have an exemption;
- Public charging provision of the surrounding area should be taken into consideration before an exemption is granted.

3.27 The details of these exemptions can be found in Part S of the updated Building Regulations, which can be found here: Infrastructure for charging electric vehicles: Approved Document S (publishing.service.gov.uk). However, where this exemption is granted, the Government will require all new properties to be fitted with cable routes and care should be taken to ensure grid capacity is available to do this at the time of planning application, to future-proof the development. Where exemptions are demonstrated to be required, it is recommended that applicants look to discuss EV charging provision with the Council to take into account local circumstances.

3.28 Exemption is set at three times the high scenario cost of the average electrical capacity connection. The Government believes this is the correct approach to take given the positive cost benefit of installing charge points at the point of construction, and the need to future-proof homes for the transition to zero emission vehicles. The threshold level will be kept under review by the Government. (The exemption is based on the electricity connection cost per charge point). Dependent upon the location of the proposed development and the potential impact and level of mitigation required, the Council may consider a higher cost to be appropriate to mitigate the harm caused by the development.

3.29 Developers are required to demonstrate that connection to the grid is not possible (for example, due to either significant cost or capacity limitations) and demonstrate that they have assessed other potential options for flexibility. These could include battery storage and onsite generation, where appropriate. (It should be noted that charging units are now available that have integrated batteries and therefore these may provide a solution in some circumstances). To demonstrate that all reasonable alternatives have been fully explored. Alternative options for the delivery of EV charging infrastructure will be assessed on a site-by-site basis in dialogue with the Council to determine what the most appropriate EV charging provision would be to reflect the location, type and scale of development being proposed, to ensure that the needs of the development are adequately met in terms of EV provision.

3.30 It is recognised that issues surrounding grid capacity and grid costs may leave some areas with fewer charge points in comparison to other areas, resulting in an uneven distribution of charging facilities and also potentially EV uptake, leading to disproportionate accessibility to

[30] Consultation response: EV Charge points in Residential and Non-residential Buildings (publishing.service.gov.uk)

EV's, creating equality concerns. The Council will closely monitor this situation through the mapping of EVCP's to avoid exacerbating inequalities. The Government's consultation response indicated that a possible solution may be to make a subsidy available in some areas.

Travel Plans

3.31 Travel Plans are a key management tool for implementing any transport solutions highlighted as a mitigation measure, and are one of the primary tools for mitigating the negative transport impacts of any development. Travel Plans are required to detail the developer's response to any transport issues highlighted in the development proposal and to deliver sustainable transport objectives with a package of measures to promote sustainable transport. This includes measures to achieve a modal shift to the most sustainable forms of transport, such as walking and cycling, and improvements in air quality. An example of such a mitigation measure could be the use of EV's.

3.32 Travel Plans can play an important role in educating and promoting the use of EV's. Policy DM63 (Transport Efficiency and Travel Plans) highlights how the Council will support proposals that maximise opportunities for the use of sustainable modes of travel. Stating that development proposals should make appropriate contributions (having due regard to cost-effectiveness) to improve the transport network and transport infrastructure. Travel Plans are required for all large development proposals or proposals that are expected to have a significant impact on the local transport networks. Setting out how the ongoing management arrangements will deliver the outcomes of the Travel Plan, with a monitoring and review schedule in place.

3.33 If a development has a Travel Plan, this must include details on the EVCP's to be provided as part of the development (onsite and where appropriate, offsite). This should include where they are located and how occupiers, staff and visitors will be made aware of this and arrangements for use of EVCP's. For example, for larger developments where parking is communal, details of how the parking spaces with EVCP's will be managed and how the charging system will operate should be outlined. The Travel Plan should include proposals to provide information on EV charging in marketing material and 'Welcome Packs' (this could be by way of an introduction to the types of EVCP's onsite or the availability of EV car share schemes on or off site). Implementing such a strategy helps to ensure equity for all users of the development.

3.34 The Plan, for example, could set out information to inform users that when the charging capability of the vehicle is less than that of the charge, then the vehicles will charge only at the maximum speed allowed by the vehicle. Then vice versa, when the charging capability of the vehicle is greater than that of the charger, then the vehicles will charge at the maximum rate allowed by the charger. The provision of such information will provide for a more informed understanding of a relatively new technology, which is not yet used by the majority (but uptake is rising), and a form of transport that those wishing to own a private car will need to be aware of given the Government's upcoming ban on new diesel and petrol cars. Making information like this readily available will help to instil people's confidence in EV's and how they can be used, which will help to pave the way and help gain momentum in their uptake as people become more familiar with the technology and its accessibility.

3.35 Dependent upon the development proposal and the assessment of it's impact upon the transport network and transport infrastructure, a possible travel planning measure could be contributions towards an EV car sharing scheme project, such as Co-wheels (discussed below).

3.36 Additionally, the Travel Plan review process must include proposals to review usage/demand of EVCP's which will be undertaken by a Travel Coordinator, and proposals to provide additional EVCP's as and when they are required, to ensure the supply of EVCP's keeps up with the demand for EV's. Importantly, a Travel Plan is a live document.

Projects within the Lancaster District

EV Charging Facilities in Public Car Parks

3.37 'To help overcome range anxiety, local councils can set up rapid charging infrastructure in authority-owned car parks, leisure centres and other facilities[31]'. This is exactly what Lancaster City Council are doing.

3.38 Across the District a number of EVCP's, of different types, have been installed within car parks owned by the Council. Table 3 below sets out the details, and identifies the locations of each of the Council installed EVCP's. The Council recognises that it has a key role to play in leading the way to secure confidence in the shift from petrol and diesel cars to those fuelled by electricity, by ensuring the necessary infrastructure is installed, of the right type and in the right place to facilitate this shift. Whilst it is anticipated that the majority of EV charging will take place at home (for a number of reasons such as cost and convenience), this will not account for all charging needs and so EVCP's are not just needed at the home, but also where people work and visit.

3.39 The Council is continually exploring where new EVCP's could be installed. Further information on the EVCP's that have already been installed by Lancaster City Council can be found here: Electric vehicle charging points - Lancaster City Council

Location	Car park	Charging Facilities	Live	Charge Point Operator
Lancaster	Upper St Leonardsgate car park, LA1 1QH	-Type 2 22kW -Type 2 22kW	Live and available.	Bp Pulse - https://www.bppulse.co.uk/
Lancaster	Charter House car park, LA1 1PU	-Type 2 22kW -Type 2 22kW	Live and available.	Bp Pulse - https://www.bppulse.co.uk/
Lancaster	Auction Mart car park, LA1 1XU	-Type 2 22kW -Type 2 22kW	Live and available.	Bp Pulse - https://www.bppulse.co.uk/

[31] 5.91 EVs decarbonisation and transport 1.pdf (local.gov.uk)

Morecambe	West View car park, LA4 4AS	-Type 2 22kW -Type 2 22kW	Live and available.	Bp Pulse - https://www.bppulse.co.uk/
Morecambe	Library car park, LA4 5DW	-Type 2 22kW -Type 2 22kW	Live and available.	Bp Pulse - https://www.bppulse.co.uk/
Lancaster	Dallas Road, LA1 1LD	-Type 2 22kW -Type 2 22kW	Live and available.	Charge My Street - https://chargemystreet.co.uk/
Lancaster	Williamson Park, LA1 3EA	-Type 2 22kW -Type 2 22kW	Live and available.	Charge My Street - https://chargemystreet.co.uk/
Morecambe	Festival Market, LA44DW		Live and available.	Charge My Street - https://chargemystreet.co.uk/
Lancaster	Salt Ayre Leisure Centre, LA1 5JS	-Type 2 22kW -Type 2 22kW	Live and available.	Charge My Street - https://chargemystreet.co.uk/
Lancaster	Spring Garden Street, LA1 1RQ x2	Type 2/CCS 50kW Type 2/CCS 50kW	Live and available.	EB Go! – Awaiting web site details
Morecambe	Billy Hill, LA4 5JU	Type 2/CCS 50kW	Live and available.	EB Go! – Awaiting web site details
Heysham	Heysham Village car park, LA3 2RW	Type 2/CCS 50kW	Scheduled to be live 28/2/2022.	EB Go! – Awaiting web site details

Table 3: Locations of EVCP's within Council owned car parks across the Lancaster District

Pool Cars/Car Clubs

3.40 In May 2021 the Council also launched a new scheme to provide a pay-as-you-go EV hire service for members of the public within the District. This has been set up in partnership with Co-Wheels. Currently the Co Wheels Car Club offers the use of two of the Council's pool cars to the public outside of Council working hours (Monday-Friday 6pm until 12am, and at the weekend from 6am until 12am). These are located in the Charter House car park in Lancaster and the Festival Market car park in Morecambe. Members of the public just need to set up an account, which they can use to book an EV and manage their credit and fill out a vehicle check form.

3.41 The advantage is that now the Co-Wheels scheme is up and running within the Lancaster District, should a development proposal seek to include provision for a car share scheme, there is a strategic, long-term management model which is already accessible. Utilising the Co-wheels website, members of the car share club would be able to log on and view the EV's they are able to access, how and when. Given the EV technology is very much in it's infancy, people are not very familiar with the concept of an EV or how to use them. Therefore, the Council's Co-wheels scheme provides the opportunity for people to experience an EV without having to commit to initially purchase one for themselves. Initiatives like this further help to promote the use, in anticipation of promoting the uptake, of EV's.

3.42 There are many benefits of a car share scheme/club, a key one of which is reduced car use. The requirement to book a car, means a car will only be used when it is needed. Ultimately this will result in fewer cars on the road, which will have positive impacts for air quality, and sharing cars means fewer car parking spaces will be required. However, it is recognised that private car owners value the convenience that private car ownership brings and so in order to be seen as an appropriate alternative, EV car clubs need to be convenient. This means that they must be easily accessible, both in terms of location and their availability, and they must be reliable and cost-effective. From the perspective of the provider of a car share club such as Co-Wheels, in addition to the above benefits and the positive impacts such as scheme will have in terms of climate change mitigation to held address the Climate Emergency, there is also the commercial element, in providing the potential for another stream of income.

3.43 Therefore, the Council will support the use of car pool/car sharing schemes within all new and existing development, in principle, subject to compliance with all other relevant policies contained within the Local Plan.

3.44 It is recognised that EV's are still not net zero emission, and that they don't generate the health benefits which come through active travel (walking and cycling). However, "EV's create the greatest carbon reductions and co-benefits when they are shared (through car clubs or ride-sharing) and when they are used for trips which cannot easily be made by active travel or public transport"[32].

Electric Taxi's

3.45 Funding was secured from the Office for Low Emission Vehicles (OLEV) for the installation of 4 rapid EVCP's within the Lancaster District. Within Lancashire the aim is to provide charging infrastructure to support around 50 taxis within each District by 2025. In the interim, dependent on electric taxi use, it is envisaged that the charging points will be open to general and/or permitted use by a wider vehicle fleet.

3.46 They've been installed at the following locations:

- Billy Hill Car Park, Morecambe
- Main Street Car Park, Heysham
- Spring Garden Street, Lancaster

[32] 5.91 EVs decarbonisation and transport_1.pdf (local.gov.uk)

3.47 (Chargers we are providing are ultimately for taxi use, but will be open for general use until we have a good sized fleet of EV taxis that are using the chargers).

Electric Buses

3.48 The Council is currently exploring possible options to electrify the bus fleet that operates within the District, in particular the urban areas. Initially commencing investigations into the Morecambe bus depot at White Lund, looking into the costs of electric buses and the necessary charging infrastructure (for 35 buses), and other considerations that need to be factored into the necessary requirements such as potential grid network infrastructure upgrades to ensure there is sufficient capacity to meet the demand, types of EVCP's, charge speeds, charge times (day or night) etc. Such factors are then also determined by local differences in the bus services provided, for example with each covering different distances, operational durations and gradients, which demonstrates (and can determine) the variation in requirements. A high-level feasibility study for the increase in supply requirements at the Bus Depot at White Lund has been undertaken, but currently there is no funding in place to deliver such a project.

4.0 EV Infrastructure Design Principles

4.1 The purpose of this section is to set out a series of principles/considerations which should be taken into account when designing EVCP's and associated infrastructure. Whilst it is recognised that there are a number of cases whereby EVCP's can be installed via permitted development rights, as set out in Section 2, such development should also consider the guidelines set out in this section when designing EV charging infrastructure. Whilst it is recognised that there isn't a one size fits all model, as it will depend upon the nature of the development proposed (location, travel needs, demographic of development users etc) and so the detail will be determined on a site-by-site basis, to ensure the design of EV charging infrastructure is appropriate and meets the needs of the development circumstances, the following key design principles should be considered from the outset.

4.2 There is a need to thoroughly understand EV/ULEV charging requirements both now and in future.

Futureproofing

4.3 Given the relatively recent emergence of EV's and as their uptake gradually begins to increase, it is a technology which is continually evolving. It is therefore important to ensure that EVCP infrastructure that is installed as part of a new development is future-proofed to provide flexibility for future changes and technological advancements. For example, where EVCP's are not directly installed at the outset of the development, the underground infrastructure (cabling and ducting) should be installed wherever possible, to avoid the need for retrofitting and to enable the development to be able to easily adapt and meet the needs of EV users as demand develops. Given the Government are proposing to end the sale of new petrol and diesel cars in 2030, gradually many more vehicles owners will be looking towards EV's, and how and where to change them will become an increasingly important factor in deciding where they will live, work and visit. Additionally, it is preferable if specific charging features such as the plugs used, are universal, so that EV users are not limited to which chargers they can use (i.e. plugs which are only compatible with their make/model).

4.4 The user interface between the EVCP and the payment system should be as universal as possible, with the option for more than one payment method (i.e. not just card or mobile web app – in case signal or battery is lost). All equipment and systems must allow interoperability between different CP network providers.

4.5 Promoting the use of EV's requires flexibility, to ensure the infrastructure put in place today is futureproofed and does not become out of date and obsolete.

Development Use

4.6 The type of development being proposed has a significant influence on how long vehicles will be parked for and thus determines the time available for charging, and thus the type and speed of charger which will be most appropriate. There are three types of charging:

- Charging on the move
- Destination charging

- Residential charging

4.7 For example, at a dwelling, charging will typically take place overnight and so a slower charge is acceptable. Whereas at locations where the length of stay/time plugged into the EVCP will be much shorter, for example at a supermarket, a faster charge speed will be required. Where a stop is made primarily to 'power up' such as a fuel or service station, a rapid charge will be needed.

4.8 In public or communal car parks, it is up to the developer to decide whether to charge a fee for the cost of electricity. If a charge is made, it must be reasonable and at a level which does not deter use. It is recommended that developers take into account the cost of charging at other EVCP's in the local area when determining charges. To allow electricity to be charged for a universal associated system will need to be installed to allow payment to be made. If the car park is subject to a charging regime (e.g. it is a pay and display car park), signage should be provided, including on, or in the vicinity of the EVCP's, to inform users of parking spaces with EVCP's if they must pay for car parking. It is recommended that if there is a charging regime, charges are not made for both parking and electricity.

4.9 For businesses with car parking (such as supermarkets) EVCP's can also provide an opportunity. For example, the recently built Aldi in Lancaster teamed up with an EV provider.

4.10 Dependent upon the charge speed adopted, it may also be appropriate to set a limit on the length of stay. The length of stay needs to reflect the speed of the charger.

4.11 Employment uses are likely to require a mix of fast and slow charge, fast charge for staff who do not spend all day on the same site and slow charge for those who do. When considering the best way to deliver EVCP infrastructure for business users, the Energy Saving Trust have highlighted a number of key considerations[33]:

- Daily mileage
- Downtime (time vehicle not in use, for example at the depot). Length and frequency of downtime can influence type of EVCP that would be most appropriate. Larger fleet of EV's with a significant amount of downtime (i.e. charge for longer periods of time) a greater number of EVCP's will be needed but they may not necessarily need to be fast or rapid.
- Electrical demand – important to balance considerations as faster charging will reduce the charging time but increase the electrical load.
- Future-proof solution with required flexibility to adapt to a rapidly changing market.
- Energy storage (by integrating renewable energy generation such as solar panels or wind turbines, reduced drawdown from the grid will reduce carbon emissions. (Also once the battery capacity of an EV is depleted below a level deemed suitable for driving the vehicle it can be re-purposed for energy storage).
- Vehicle to grid
- Inductive Charging

Location

[33] 6390 EST A4 Chargepoints guide_v10b.pdf (energysavingtrust.org.uk)

4.12 The location of EVCP's is important for user safety and convenience, and should be considered within the context of the site. Typically, EVCP's are located near to the buildings/dwellings because this is where the power is, and close to building access points as priority bays as a way to incentivise and reward users. This is often also where disabled bays are located, and it is important to ensure that the required EVCP provision for non-disabled bays does not occupy and effectively replace, dedicated disabled bays. As highlighted above, all EVCP's should be accessible to all, but equally this does not mean that existing disabled parking bays should be replaced. Accessible EVCP's should be provided in addition to dedicated disable parking bays. Within larger developments avoid locating all in one area, so equidistant to users and supply not favouring some users over others.

4.13 It is also important to ensure EVCP's are clearly visible and not tucked around the back of a building. They need to be open to good natural surveillance (i.e. at the front of buildings and not behind them in the dark) and well-lit by natural and/or artificial lighting so that EV users feel safe using EVCP's, especially at night. In some instances, such as at service stations or fuel stations EV users may have to stay with their vehicle whilst it is charging (i.e. not within the comfort of their own home or leave their vehicle charging whilst they do their food shopping), therefore EV users need to feel safe doing so. If EVCP's are harder to locate, because they are hidden, they are also less likely to be used.

4.14 EVCPs must be protected from collision and should be positioned to avoid becoming an obstruction or trip hazard.

Off-street

4.15 Consideration should also be given to which bays within a car park EVCP's are specifically located within. EVCP's should never be placed in such a way that forces drivers to park on the pavement or across spaces for cables to each the EVCP from the vehicle[34]. EVCP's should be placed so they can serve as many vehicles as possible. (While vehicles should leave once they are charged, user experience and access to the chargepoint will be improved if the layout is designed to be as flexible as possible) (In general, EV's can use chargepoints within 5 metres as most charging cables are roughly 4-8 metres long). *(See images below taken from Energy Saving Trust Guide 'Positioning chargepoints and adapting parking policies for electric vehicles').* Figure 6 demonstrates how in a single row of bays the centre space is the ideal position to serve as many spaces as possible and Figure 7 demonstrates that where vehicles park nose to nose, EVCP's can be located so they can serve any 2 of up to 8 bays [35].

[34] Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk)
[35] Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk)

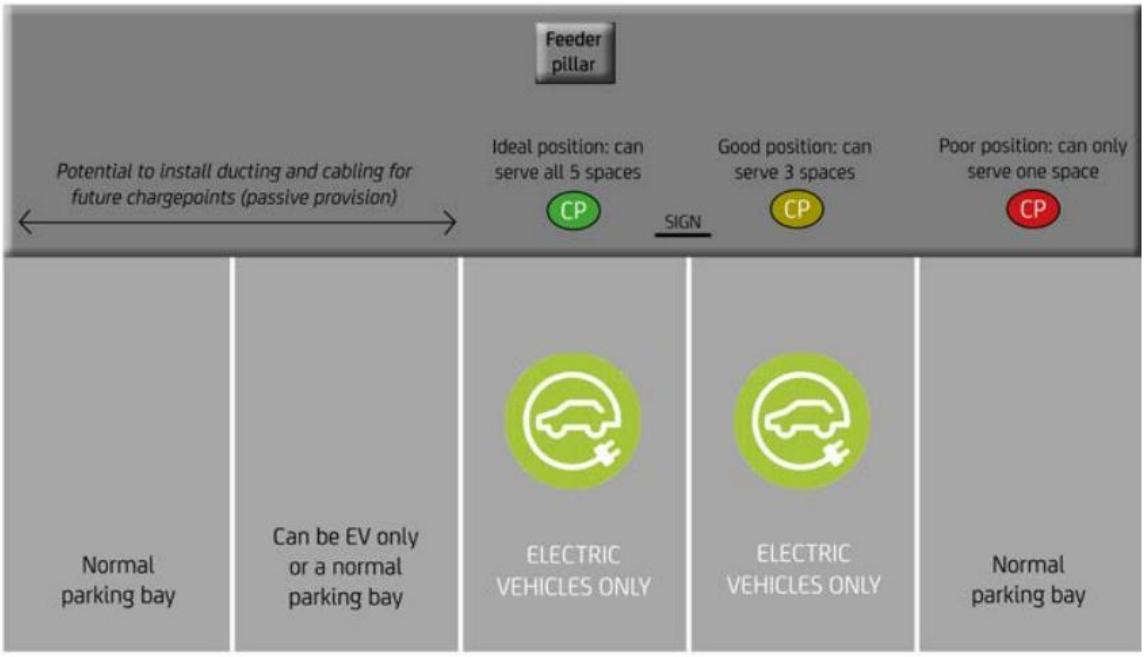


Figure 6: Diagram to show how the placing of chargepoints and dedicated EV bays can restrict or maximise access. Not to scale. *(Source: Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk))*

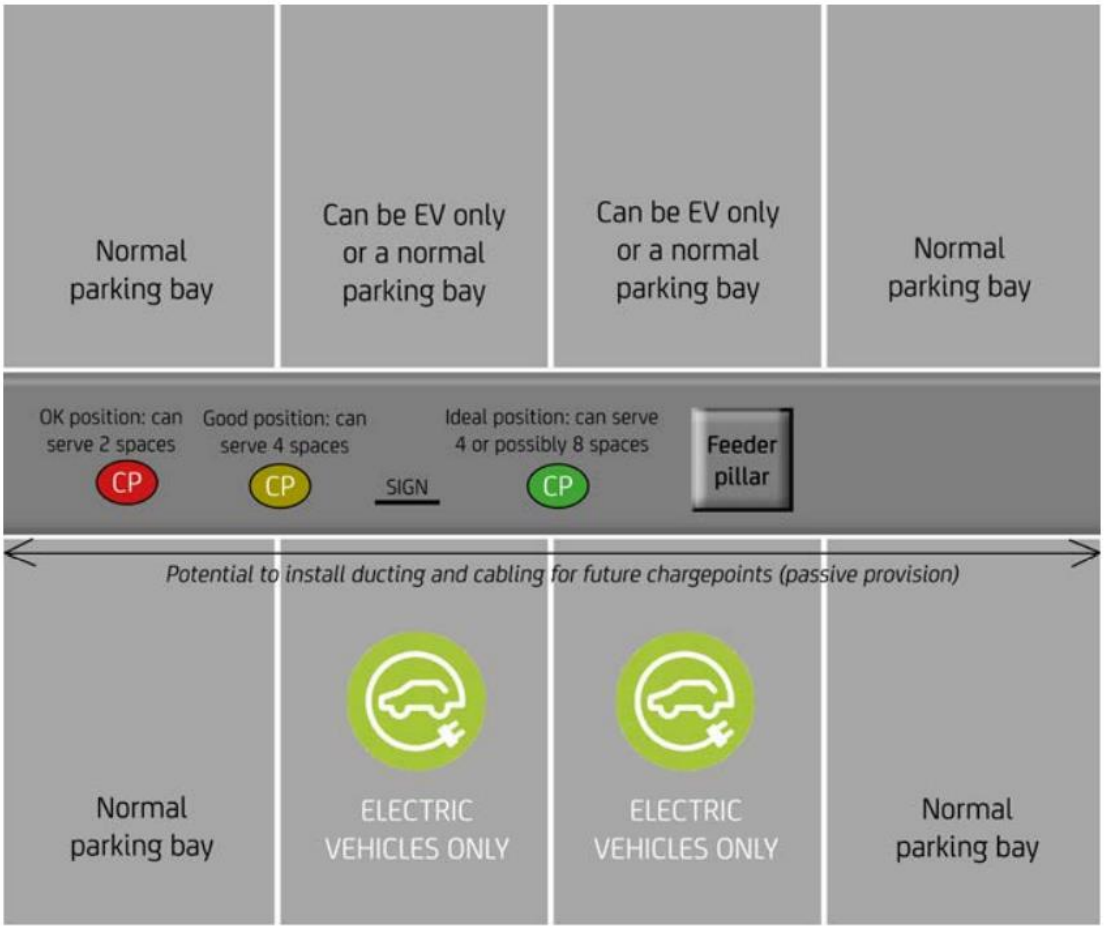


Figure 7: Diagram to show how the placing of chargepoints and dedicated EV bays can restrict or maximise access in a car park island bay layout. Not to scale. (Source: Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk))

On-street[36]

4.15 When considering the potential for on-street EVCP's early engagement should take place with Lancashire County Council as Highways Authority. A clear footway width of 1.5m is required for a wheelchair user and a pedestrian to pass side-by-side (check latest guidance for most up-to-date information available)[37].

4.16 EVCP's should not be located at the back of a pavement or wall-mounted where this would require cables to stretch across a pavement because this would create a trip hazard

4.17 Avoid locating EVCP's where the pavement space is already restricted by other street furniture, such as road signs, feeder pillars or bike racks to avoid street clutter. Careful consideration should be given to the impact the EVCP would have upon the streetscape, and where appropriate, particularly the impact upon the historic environment (for example Conservation Areas)

4.18 An alternative option would be to place the EVCP on a 'kerb build out' ('plinth') between the parked vehicles, protected by barriers, to avoid reducing space for pedestrians. However, this approach would reduce the space available for car parking.

4.20 Existing features within the vicinity also need to be taken into account. For example, trees, as emphasised in the revised wording of policy DM45. Trees have the potential to impact upon EVCP's, both the above ground impacts such as sap dropping onto the devices and the potential below ground impacts of the roots. Trees also require general maintenance such as pruning and so the EVCP should not obstruct this. Car park ponding (pools of surface water accumulating in dips of car parks) can be a cause for concern for EV users, with concerns surrounding potential for electrification (although not possible). Therefore, when installing EVCP's car park levels should be assessed to avoid this happening.

Accessibility

Physical

4.21 As set out in policy DM62, it is important to ensure that all EV charging facilities are accessible to those who may have mobility disabilities. The recently updated Building Regulations (Part S) provides further details on the legal requirements to ensure EV charging facilities are accessible to all. This includes factors such as space, height of the charger, raised surfaces (for example kerbs) and signage both on the ground and notices. Curbs should be avoided to ensure EVCP is wheelchair accessible, but if they are required, they should be painted in a colour which makes them visible to avoid any trip hazards.

Signage

4.22 Effective signage helps to ensure EVCP's are accessible and visible to all. For example, including details on how to charge, speed of charge, type of charger, how to pay and length of stay (where appropriate). EV charging bays should be dedicated to EV users only, so that

[36] Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk)
[37] HM Government, Inclusive Mobility Guidelines https://assets.publishing.service.gov.uk/government/uploads/system/ uploads/attachment_data/file/3695/ inclusive-mobility.pdf

petrol and diesel vehicle users are aware of their purpose and do not block access to EVCP's, and clearly marked out on the ground using light coloured/vibrant paint (where appropriate) and signposted with all the necessary information should be displayed. Own signage should not be created. The Traffic Penalty Tribunal (TPT) body are paying increasing attention to the detail of the terms and conditions sign. The Department for Transport have produced a fixed EV sign with the purpose of being used for all EVCP's to ensure the same information is available to all. The TPT are also available to provide advice. Consideration may also need to be given to limit the length of stay to ensure EVCP's (particularly those which are fast or rapid) to ensure chargers are shared, and as many EV's can be charged by that EVCP as possible.

Power Generation

4.23 Consideration should be given as to how the EVCP can be most sustainably charged. Where possible, electricity provision or a contribution to electricity provision should be secured via onsite renewables, such as solar panels. This could also help to alleviate any issues associated with any potential grid capacity limitations.

Think Smart

4.24 As indicated, grid capacity needs to be checked to account for regulated and unregulated energy use. It is therefore a requirement that Smart EVCP's are installed to determine whether there is the capacity to charge an EV at individual house capacity peak times, and where not possible, automatically commence charge once capacity becomes available. Smart chargers are designed so that they can pause, increase or decrease the rate of charge going into an EV. This is in response to signals sent by the chargepoint operator, energy supplier or industry parties, such as electricity network operators, to reflect current demand on the electricity system. The user is in control of how this occurs, choosing the parameters on the smart chargepoint to suit their driving and charging needs, while allowing some level of relinquished control in return for lower electricity costs[38].

4.25 Ideally homes should be three-phase (not just single phase) to take account of regulated and un-regulated energy uses (to accommodate higher demand of net zero future).

4.26 Vehicle-to-grid (V2) systems can also be adopted to further mitigate any negative impacts of limited grid capacity, and also has the potential to provide the opportunity for a monetary return by selling electricity back to the grid to feed back into the system to help meet demand at peak times.

Historic Environment

4.27 As highlighted within the Sustainability Appraisal of the Climate Emergency Review of the Local Plan, particular regard should be given towards the impact of the EVCP infrastructure upon the historic environment. Policy DM62 therefore specifically states that:

[38] Guide to charging electric vehicles - Energy Saving Trust

4.28 *Electric vehicle charging infrastructure should be designed to respect the character of the surrounding built environment, streetscape, and public realm. Particular regard should be given to the impact upon the historic environment and associated planning policies.*

4.29 Whilst permitted development rights have been removed where an EVCP would be within a scheduled monument or the curtilage of a listed building, it does not apply for all Conservation Areas within the District (only those listed on page 16). Development which has the potential to impact upon the historic environment should be in accordance with the following policies (where relevant):

- DM37: Development Affecting Listed Buildings
- DM38: Development Affecting Conservation Areas
- DM39: The Setting of Designated Heritage Assets
- DM40: Registered Parks and Gardens
- DM41: Development Affecting Non-Designated Heritage or their Settings

4.30 The design of EVCP infrastructure should respect the character of the surrounding built form and its wider setting, carefully considering the impact of the positioning, scale, massing and height of the EVCP. Avoiding harm to the significance of the historic asset and/or area via its setting, by sensitive design or screening (where appropriate).

4.31 EVCP's must not have an unacceptable impact on the historic street patterns/street scene, and seek to minimise street clutter. Lamppost charging could be an option to reduce street clutter if on-street charging is required. Early engagement with the Council's Conservation Team is strongly advised when looking to install an EVCP which may impact upon the historic environment.

4.32 Through the updated Building Regulations, the Government has introduced an exemption for listed buildings, schedule monuments and those in conservation areas from the requirement to install a charge point in new homes, with associated parking, where they have been created from a material change of use where the installation of an electric vehicle charge point would lead to unacceptably altering the character or appearance of the building or its surrounding. The Regulations state that building control bodies should consider the advice of the Council's Conservation Team when deciding whether the exemption applies. The Government is aware of the concerns raised about the potential for city centre areas to consequently lack the number of desired charge points and the need to maximise the number of properties with EVCP's. However, the Government recognise that decisions should be made under the guidance of local council's conservation officers, who are best placed to make decisions considering the needs of local people.

Management and Maintenance

4.33 A plan should be put in place for the management and maintenance of EV charging infrastructure, particularly where the chargers are being shared within a communal space, to ensure the best arrangement is achieved to maximise effective use of the EVCP's. This could be part of a Travel Plan or a Car Park Management Plan. For example, is important that a plan is put in place to address how the electricity used to charge communal EV's will be paid for. Time limits/parking management may help facilitate suitable shared use of chargers.

EVCP's should also be appropriately maintained to ensure they are working and available for use, to avoid users arriving to discover the EVCP does not work. The plan should also consider how change in demand may be responded to (i.e. if there is a significant increase in the number of EV's users at the development but not sufficient EVCP charging infrastructure to meet the rise in demand, how the current supply will respond to this needs to be considered).

Other Useful Design Considerations:

4.34 Listed below is a series of additional considerations which should be factored into the design of EVCP provision:

- The positioning of the EVCP to avoid any potential damage, for example, do not install under a gutter
- The storage of infrastructure associated with the EVCP, for example, the provision of a box to store the cable
- The safety of the EVCP and associated infrastructure, for example, cable leads are a trip hazard and so to avoid having to walk over the cable to get into the dwelling, a cable channel could be created, factoring in what other implications this may have, such as upon drainage
- The use of lights/LEDS to clearly display the charging equipment status

5.0 Securing EVCP's

5.1 In line with the NPPF, EVCP's will be secured via Planning Condition attached to the consent being granted for a planning application. Ideally developers will include the details of their EVCP's with their planning application but if not, the details will need to be covered as part of the Discharge of Conditions process. Due to rapidly evolving technological changes in terms of EV charging infrastructure development, applicants/developers are required to review and take account of the latest available information and consult with the Local Planning Authority.

5.2 This SPD has highlighted that all practical considerations involved with the implementation of EVCP's need to considered as early in the design stage as possible to deliver EVCP's in safe, accessible and convenient locations. As demonstrated in Section 4, the design can be dependent upon a number of different factors. Therefore, to satisfy the planning policy and the subsequent planning condition requirements for installing EVCP's, the applicant will need to demonstrate how the operational EVCP's will be delivered on the ground as part of the new development. The 'intention' or commitment in principle to install an active EVCP will not be considered acceptable.

5.3 Alternatively, as previously discussed, in central locations close to public car parks, a contribution towards the provision of EVCP's in public car parks may be sought via a Section 106 agreement.

Active Charge Points (fully installed, wired and ready to use)

• Details on the location, number and capacity / charge rate of the EVCP to be / being installed. It is acknowledged that the exact model and specification may not be available at the early design stage. Where appropriate, good practice is to install double charge point.

• Location of proposed parking bays

• Size of parking bay – a standard sized parking bay may not be sufficient to accommodate 'Electric Vehicle Charging Only' bay marking / signage, charging infrastructure, impact barriers if required etc.

• Placement of EV Charging Infrastructure

- Location and/or layout of charging equipment in respect to parking bays i.e. 2 vehicles served from one charge point, charging cables in proximity to pedestrians, blocking pavements etc. Charging Infrastructure should be positioned to avoid becoming an obstruction or trip hazard

- Free space requirement around the charging point (ventilation and cooling and maintenance purposes)

• Availability of power supply. - Proximity of metered energy supply/electrical supply - Electrical installation requirements - electrical wiring regulations including method of electrical earthing (BS7671: 2018 Requirements for Electrical Installations. IET Wiring Regulations 18th Edition or as superseded)

• Detailed drawings of Electric Vehicle Charge Points and cable enabled points should be provided.

• Details of the charging network to ensure that the network is compatible with existing charging networks, including in terms of payment method

• Information regarding EV charging provision, capacity and future-proofing cabling/ducting, including opportunities for network upgrades to accommodate increased demand within all marketing material, 'Welcome packs' and Travel Plans.

• Where charging facilities are shared, any provision of infrastructure shall also include EVCP parking management arrangements for the future operation and maintenance of the facility, including fault identification / repair and where applicable management procedures / mechanisms in place to ensure the EV parking bays are only used by electric vehicles and for appropriate charge time periods.

- Details of signage and carriageway markings
- Details on how the electric charging equipment will be managed and operated (e.g. charging regime, details relating to public access, how the equipment will be maintained, how the parking spaces will be managed to ensure vehicles do not over-stay etc.)

Passive Charging Points (Infrastructure installed but no charging equipment)

Where passive provision is required for the future active EVCP's, the enabling infrastructure should be provided from a metered electricity supply point up to the future connection point. The applicant will need to demonstrate that the following practical aspects for passive provision have been considered and incorporated into the design of the development:

• The layout and design of the parking bays with respect to the location of future infrastructure

• The location of the future EV connection points, including location of the power supply

• Provision of a dedicated, safe, unobstructed route for electrical cabling from the electrical supply point to the future connection location

• Allowance is made for reserving future electricity grid capacity provision at the development site.

Useful Documents

It will be useful for applicants/developers to have regard to the following documents:

• Making the right connection – General Procurement Guidance for Electric Vehicle Charge Points, 2019 by UK Electric Vehicle Supply Equipment Association (UKEVSE), or as superseded (http://ukevse.org.uk/content/uploads/2015/04/CNX2849-UK-EVSE-ProcurementGuide-AW-WEB.pdf).

• Charging Electric Vehicles by EST, DfT and OLEV 2019 (https://www.energysavingtrust.org.uk/transport/electric-cars-andvehicles/charging-electric-vehicles) or as superseded

• Positioning chargepoints and adapting parking policies for electric vehicles by EST 2019 (Local Authority Guidance - Positioning chargepoints.pdf (energysavingtrust.org.uk)) or as superseded

• Guide to chargepoint infrastructure for business users by EST 2017 (6390 EST A4 Chargepoints guide_v10b.pdf (energysavingtrust.org.uk)) or as superseded

• IET Standards Code of Practice for Electrical Vehicle Charging Equipment 3rd Edition or as superseded

• UK Power Networks – various ELECTRIC VEHICLE CONNECTIONS Engineering Design Standards (https://www.ukpowernetworks.co.uk/electricity/electric-vehicle-chargingpoint/electric-vehicle-charging-point-help-and-advice)

- Approved Document P: Electrical safety – dwellings and Electricity at Work Regulations HSR25, BS7671:18th edition (2018)

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	**Date**	12.04.2022
Title	The Council Tax Energy Rebate Scheme		
Report of	Head of Shared Service		

Purpose of the Report

This report seeks approval to implement a Council Tax Energy Rebate Scheme, following the recent introduction by Government of a package of support measures to offer help with rising energy bills, worth £9.1b nationally in 2022/23.

The Council is tasked with implementing both a statutory and discretionary rebate as part of the new scheme, following the latest Government guidance and details of the Discretionary Energy Rebate Scheme and how it will work in practice can be found under ***Appendix A.***

Key Decision (Y/N)	**N**	**Date of Notice**		**Exempt (Y/N)**	**N**

Report Summary

The Government support package includes:

a) a £200 discount on household energy bills this autumn for domestic electricity customers in Great Britain. This will be paid back automatically over the next 5 years.

b) a £150 non-repayable Council Tax Rebate for households in England in council tax bands A to D.

c) £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for Council Tax Rebate, known as the Discretionary Energy Rebate Scheme.

The Council is tasked with implementing parts (b) and (c) of the support package and the report covers the operation and delivery of the Council Tax Energy Rebate Scheme including a statutory and discretionary scheme.

Recommendations of Councillor Whitehead (Cabinet Member for Finance and Resources)

(1) That Cabinet approve the Council Tax Energy Rebate Scheme, including the discretionary scheme principles as set out under ***Appendix A*** to the report; and

(2) That Cabinet authorise the S151 Officer to make final amendments to the scheme to accommodate evolving guidance and any technical issues in relation to the scheme and to make all other necessary arrangements for its implementation with immediate effect.

Relationship to Policy Framework

Scheme principles are in line with Council priorities, with the fund:

- supporting households at a difficult time as they struggle to pay energy bills
- helping to build a sustainable and just local economy for residents and communities

Conclusion of Impact Assessment(s), where applicable

Climate	**Wellbeing & Social Value**
Digital	**Health & Safety**
Equality	**Community Safety**

In line with Government guidance and its policy document, the Council will provide support to help reduce fuel poverty, in the form of an energy rebate to those council tax residents disproportionately affected on lower incomes, who tend to spend a higher proportion of their income on energy bills.

In this regard a household is considered to be in fuel poverty if:

- They have required fuel costs that are above average (the national median level), and
- Were they to spend that amount they would be left with a residual income below the official poverty line.

The Council Tax Energy Rebate Scheme, once approved, will provide guidance in determining eligibility, which applies equally across the authority. An Equality Impact Assessment has been completed which can be found at ***Appendix B***.

Details of Consultation

No formal consultation with the public has taken place but officers have consulted with professional bodies (IRRV) and other local authorities to understand government intentions and share good practice in developing a scheme.

Legal Implications

It is important that the administration of both the statutory and discretionary schemes by the Authority complies with Government Guidance. Scheme principles within the Council Tax Energy Rebate Scheme ***(Appendix A)*** clarify how this will be achieved.

Financial Implications

The Government will fully reimburse local authorities for their share of the Council Tax Rebate (statutory scheme). The Council has been allocated £8,408,550 in this regard.

The Discretionary Energy Rebate Scheme will be funded up to the maximum funding allocation for each billing area. The Council has received an allocation of £299,700 and initial costs are projected to be £291k leaving a small contingency fund to cover exceptional circumstance and other considerations.

The Department for Levelling Up, Housing and Communities has confirmed that it will provide new burdens funding to cover expected reasonable costs associated with the implementation of this scheme. The rebate scheme should therefore have an overall neutral financial impact on the Council as long as the total discretionary rebate awarded does not exceed £299,700.

Other Resource or Risk Implications

It is accepted by Government that the implementation of this scheme will place an additional burden on the Council and therefore the Government will pay “new burdens” funding towards any additional resources required. This will cover staffing and software costs in relation to administration.

The risk of any challenge in relation to this scheme is considered small and manageable

Section 151 Officer’s Comments

The S151 Officer has contributed to this report.

Monitoring Officer's Comments	
The Monitoring Officer has been consulted and has no further comments.	
Contact Officer	Adrian Robinson
Tel	01772 906023
Email	a.robinson@preston.gov.uk
Links to Background Papers	
Council Tax Information Letter (3/2022) – Support for Energy prices – Council Tax Rebate 3/2022: Council Tax information letter - 15 February 2022 (publishing.service.gov.uk) Council Tax Rebate 2022/23 Guidance Note (Updated 16 March 2022): Support for energy bills - the council tax rebate 2022-23: billing authority guidance - GOV.UK (www.gov.uk)	

1.0 Background

1.1 On 23rd February 2022 the Government published guidance to billing authorities on delivery of a package of support measures to help households with rising energy bills, worth £9.1b nationally in 2022/23. This included:

- A £150 non-repayable rebate for households in England in council tax bands A to D, known as the Council Tax Rebate.
- £144 million of discretionary funding for billing authorities to support households who are in need but are not eligible for the Council Tax Rebate, known as the Discretionary Fund.
- A £200 discount on household energy bills this autumn for domestic electricity customers in Great Britain. This will be paid back automatically over the next 5 years.

1.2 The Department for Business Energy and Industrial Strategy (BEIS) will separately set out details in relation to part (a), the energy bill discount scheme in a consultation later in the year.

1.3 The Statutory Scheme – Council Tax Rebate

1.3.1 To provide immediate relief, while targeting those most likely to require support, the Government instructs local authorities to provide a £150 one-off non-repayable rebate to households (chargeable dwellings) in England that are someone's sole or main residence and are valued in council tax bands A to D, known as Council Tax Rebate. This part of the scheme is statutory and fully funded up to the value of £8.4m. A Government Leaflet in relation to the scheme has been issued in every Council Tax bill for the new financial year.

1.3.2 The statutory scheme includes property that is valued in band E but has an alternative band of D as a result of the disabled band reduction scheme and also includes those households (other than Houses in Multiple Occupation) not paying council tax due to their exemption under:

- CLASS N Dwellings occupied only by Students
- CLASS S Dwellings occupied only by under 18's.
- CLASS U Dwellings occupied only by Severely mentally impaired
- CLASS W "Granny Flats" occupied by a dependant relative

1.3.3 Unoccupied properties and those considered someone's second homes will not be eligible for support.

1.3.4 Eligibility for Council Tax Rebate under the statutory scheme will be determined on the position at the end of the day on 1 April 2022 and all payments need to have been made by 30 September 2022 to be considered in scope for reconciliation and funding purposes.

1.4 The Discretionary Energy Rebate Scheme

1.4.1 Lancaster has been allocated £299,700 from the Discretionary Fund to administer their discretionary scheme. Guidance confirms that the discretionary scheme can:

- support other energy bill payers who may not be eligible under the terms of the statutory scheme (i.e. bands E to H): or
- provide additional targeted "top-up" support to the most vulnerable households in band A to D that have received a Council Tax Energy Rebate.

1.4.2 Councils can determine locally how best to make use of the funding and officers have designed a targeted scheme to best serve those vulnerable groups likely to suffer most financial hardship as a result of the rise in the cost of energy.

1.4.3 As Council Tax Support is means tested, recipient households are those with the least income in our district, based on the minimum amount Central Government states they need to live on each week. The Council operates a scheme offering full Council Tax Support and therefore those in the district who qualify for full Council Tax Support are those with the least income.

1.4.4 As such the discretionary scheme targets those energy bill payers in receipt of Council Tax Support but residing in bands E to H that don't qualify for rebate under the statutory scheme. They will receive a discretionary energy rebate of £150. There are around 110 households in this category with an estimated cost of £16.5k.

1.4.5 At the same time, the scheme provides a top-up of £30 (in addition to the statutory £150 they receive) to households in receipt of full Council Tax Support and residing in bands A to D. There are approx. 7,500 households in this category with an estimated cost of £225k.

1.4.6 Records indicate that there are approx. 315 families residing in property band A to D, with children under 5, who qualify for some but not full Council Tax Support. This group will also receive a top up of £30 in addition to the £150 Council Tax Rebate they receive. The estimated cost is considered to be £9.4k.

1.4.7 Also, pensioners 80 or over on 1 April 2022 residing in property band A to D, who qualify for some but not full Council Tax Support will receive a top up of £30 in addition to the £150 Council Tax Rebate they receive. There are approx. 415 cases with an estimated cost considered to be £12,4k.

1.4.8 Furthermore, the discretionary scheme also provides support for the mentally ill and disabled. Those properties occupied by a resident (or residents) considered to be "severely mentally impaired" in band A to D will receive a "top up" of £30 in addition to the £150 Council Tax Rebate. There are approx. 500 households in this group. For those similar households in band E to H a discretionary energy rebate of £150 will be paid and there are approx. 60 households in this group. Estimated cost is considered to be £24k.

1.4.9 Those households in receipt of Disabled Persons Allowance with specific disabled facilities to accommodate a disabled resident will receive similar benefit: a top up of £30 will be paid to those disabled households in band A to E (higher band due to the band reduction). There are approx. 265 households in this group. For those qualifying households in band F to H (approx. 50 households) will receive a discretionary energy rebate of £150. Estimated cost is considered to be £15,5k

1.4.10 Acknowledging the likelyhood of some duplication in the qualifying groups, the scheme is projected to come in around budget of £300k. However, subject to available funds, consideration will be given to applications from tenants, residing in Houses in Multiple Occupation ("HMO,s") where the landlord pays the Council Tax bill, who can prove they are liable for the heating bill. At the same time there may be exceptional circumstances, where further consideration may be given.

1.4.11 Eligibility for the Discretionary Energy Rebate under the discretionary scheme will be determined on the position at the end of the day on 1 April 2022 and all payments need to have been made by 30 November 2022 to be considered in scope for reconciliation and funding purposes. There are no plans for the Government to provide any additional funding at this stage, and any remaining funds at that time must be repaid to them.

1.4.12 The Discretionary Energy Rebate is restricted to one payment per household.

2.0 Options and Options Analysis (including risk assessment)

2.1 In response to the energy crisis the Government has allocated funds to local Councils to support households financially in the form of Council Tax Energy Rebates awarded to those that meet the statutory criteria. At the same time the Government has allocated funds to local Councils to determine a discretionary scheme in support those households that don't necessarily meet the statutory criterial, or to provide a top-up in existing statutory support.

2.2 **Option 1 – Agree to the proposal as recommended**

The Council Tax Energy Rebate scheme sets out a formal approach to awarding relief and follows government guidance to determine eligibility under both the statutory and discretionary schemes. The approach adopted seeks to maximise use of funds to support the most vulnerable households in an open and equitable way given the limited funds available.

2.3 **Option 2 – Refuse to access government funds on behalf of vulnerable households**

Whilst the statutory scheme would be administered as instructed the Council would not access the Discretionary Fund and no relief would be awarded under that scheme. Subsequently, vulnerable households that do not meet the statutory scheme criteria would not receive much needed support towards their energy bills.

3 OFFICER PREFERRED OPTION AND COMMENTS

3.1 It is recommended that Option 1 be approved. The scheme enables a formal approach to eligibility, with criteria in line with Council priorities, offering financial support in the form of an energy rebate to those households that are considered vulnerable in relation to the rise in energy costs.

4 CONCLUSION

4.1 The scheme principles are considered a good use of limited discretionary funds to achieve the greatest benefit for a range of vulnerable households suffering financial hardship in relation to the energy crisis.

APPENDIX A

LANCASTER CITY COUNCIL

COUNCIL TAX ENERGY REBATE SCHEME

Council Tax Rebate (the Statutory Scheme)

The Council will provide a £150 one-off non-repayable rebate to households (chargeable dwellings) in England that are someone's sole or main residence and are valued in council tax bands A to D, known as Council Tax Rebate.

This part of the scheme is statutory and fully funded up to the value of £8.4m.

The statutory scheme includes property that is valued in band E but has an alternative band of D as a result of the disabled band reduction scheme and also includes those households (other than Houses in Multiple Occupation) not paying council tax due to their exemption under:

- CLASS N Dwellings occupied only by Students
- CLASS S Dwellings occupied only by under 18's.
- CLASS U Dwellings occupied only by Severely mentally impaired
- CLASS W "Granny Flats" occupied by a dependant relative

Unoccupied properties and those considered someone's second homes will not be eligible for support.

Eligibility for Council Tax Rebate under the statutory scheme will be determined on the position at the end of the day on 1 April 2022 and all payments need to have been made by 30 September 2022 to be considered in scope for reconciliation and funding purposes.

The Discretionary Energy Rebate Scheme

Lancaster has been allocated £299,700 from the Discretionary Fund to administer their discretionary scheme. Guidance confirms that the discretionary scheme can:

- support other energy bill payers who may not be eligible under the terms of the statutory scheme (i.e. bands E to H): or
- provide additional targeted "top-up" support to the most vulnerable households in band A to D that have received a Council Tax Energy Rebate.

Councils can determine locally how best to make use of the funding and given limited funds the Council has designed a targeted scheme to best serve those vulnerable groups likely to suffer most financial hardship as a result of the rising energy costs.

- **Council Tax Support Recipients (including pensioners)**

  The discretionary scheme targets those energy bill payers in receipt of Council Tax Support but residing in bands E to H that don't qualify for rebate under the statutory scheme. They will receive a discretionary energy rebate of £150.

  At the same time, the scheme provides a top-up of £30 (in addition to the statutory £150 they receive) to households in receipt of full Council Tax Support and residing in bands A to D.

  Families residing in property band A to D, with children under 5, who qualify for some but not full Council Tax Support will also receive a top up of £30 in addition to the £150 Council Tax Rebate they receive.

  Pensioners 80 or over on 1 April 2022 residing in property band A to D, who qualify for some but not full Council Tax Support will receive a top up of £30 in addition to the £150 Council Tax Rebate they receive.

- **Disabled Residents**

  Those properties occupied by a resident (or residents) considered to be "severely mentally impaired" in band A to D will receive a "top up" of £30 in addition to the £150 Council Tax Rebate. For those similar households in band E to H a discretionary energy rebate of £150 will be paid.

  Those households in receipt of Disabled Persons Allowance with specific disabled facilities to accommodate a disabled resident will receive similar benefit: a top up of £30 will be paid to those disabled households in band A to E (higher band due to the band reduction). For those qualifying households in band F to H (approx. 50 households) will receive a discretionary energy rebate of £150.

There will be duplication in some of the defined groups listed above with households qualifying in a number of groups. A discretionary energy rebate payment will therefore be restricted to one payment per household.

Residential homes and similar establishments will not be eligible for this discretionary rebate.

Eligibility for Discretionary Energy Rebate under the discretionary scheme will be determined on the position at the end of the day on 1 April 2022 and all payments need to have been made by 30 November 2022 to be considered in scope for reconciliation and funding purposes. There are no plans for the Government to provide any additional funding at this stage, and any remaining funds at that time must be repaid to them.

Consideration may be given to applications from people in HMO accommodation who can prove they are liable for the heating bills. Also, additional rebate up to a maximum £150 per household may be provided to those households experiencing exceptional circumstances in relation to rising energy costs. In these examples, consideration will be subject to available funds.

Administration Arrangements

Customer Services will administer the scheme and the Community Hub Support Officer will take the project lead with Resident Support Officers processing the scheme.

Payments under either scheme are restricted to one payment per household.

Where the Council holds live direct debit instructions for a liable council taxpayer of an eligible household, we will make an automatic payment as early as possible in the 2022-23 financial year, provided we are assured that the household meets the eligible criteria and the bank details have been verified.

The Council has established a range of payment options to enable support to be provided to eligible households in different circumstances. Where the Council doesn't hold live direct debit details we will write/email individuals to offer a selection of payment methods. The selection takes the form of an application form whereby the eligible household can choose to:

- supply bank details to allow a BACS transfer to be made (subject to verification); or
- receive a single use voucher, to be redeemed through the Post Office; or
- receive the rebate posted as a credit to the relevant council tax account.

If the household does not respond by a specified date, having been given a choice of payment methods, it will be assumed that the household wishes the support payment to be credited to the household council tax account and the transfer will be administered.

There is no specific appeal process in relation to this scheme and any disputes will be administered through the Council's Complaint procedure in the first instance.

Additional steps may be introduced before payment, to prevent fraud, erroneous payment and the need for clawback.

APPENDIX B

Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

Service Customer Services

Title of policy, service, function, project or strategy

Discretionary Energy Rebate Scheme

Type of policy, service, function, project or strategy: Existing ☐ New/Proposed ☒

Lead Officer Emily Turbitt

People involved with completing the EIA

Emily Turbitt and Adrian Robinson

Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

To ensure that we are supporting as many people in our district as possible with their energy bills (see cabinet report for more details)

Q2. Who is intended to benefit? Who will it have a detrimental effect on and how?

See cabinet report for details of all the groups we intend to support with this discretionary energy rebate scheme.

Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	☐	☒	☐
Disability	☐	☒	☐
Faith, religion or belief	☐	☒	☐
Gender including marriage, pregnancy and maternity	☐	☒	☐
Gender reassignment	☐	☒	☐
Race	☐	☒	☐
Sexual orientation including civic partnerships	☐	☒	☐
Other socially excluded groups such as carers, areas of deprivation	☐	☒	☐
Rural communities	☐	☒	☐

Step 1.3 – Is there a need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

Top Tip: Have a read of the "An easy guide for staff who need to complete an Equality Impact Assessment"

Equality Impact Assessment

LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

We have consulted with the Council Tax Team and cabinet members who have helped shape the proposal based on the amount of money we have been assigned.

Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

Age: We are supporting those with children under 5 and those over 80 so will postively support some age groups. These age groups are at home more and therefore their families will have higher energy bills.
Disability: We are supporting those with a disabled reduction or severely mentally impaired marker on their council tax to ensure we are supporing those in our community who are severely disabled.
Faith, Religion or Belief: no affect
Gender including Marriage, Pregnancy and Maternity: no affect
Gender Reassignment: no affect
Race: no affect
Sexual Orientation including Civic Partnership: no affect
Rural Communities: no affect

Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

n/a

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

We have gathered extensive statistics around how many people in our district get either all or some council tax support, their ages etc to ensure that we can set up a scheme that we can afford as well as ensures we can support as many people who are struggling financially

Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

We have been asked to run this scheme by central government and then in turn Council Tax asked the customer services team to take the project lead and implement this,

Q9. If <u>you are not</u> in a position to go ahead, what actions are you going to take?

n/a

Q10. Where necessary, how do you plan to monitor the impact and effectiveness of this change or decision?

We will keep detailed logs of everyone we have supported through this scheme.

Top Tip: Have a read of the "An easy guide for staff who need to complete an Equality Impact Assessment"

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	**Date**	12 April 2022
Title	**Morecambe Vision Advisory Group**		
Report of	**Director for Economic Growth & Regeneration**		

Purpose of Report:
To propose that Cabinet form an Advisory Group to engage with stakeholders and partners to consider future regeneration and economic development work in Morecambe Town Centre and the adjoining neighbourhoods. This work aims to contribute towards the establishment of a coordinated vision for Morecambe Town Centre that supports future funding bids.

Key Decision (Y/N)	**N**	**Date of Notice**	**N/A**	**Exempt(Y/N)**	**N**

Report Summary

To assist the council to achieve the 2030 Priorities it is proposed to establish an advisory group to take a consultative and non-decision making role to consider how the council and local partners can help shape, influence and inform regeneration and economic development work in Morecambe Town Centre and the adjoining neighbourhoods.

Draft Terms of Reference are appended to this report, although the Advisory Group itself will have a role in defining its activities. Membership of the group is at the discretion of the Chair and will be established as part of the group's formation; it is envisaged that membership will include a mix of elected members, partners, stakeholder businesses and other cross-sector partners.

Recommendations

(1) That Cabinet establishes a Morecambe Vision Advisory Group.
(2) That the Advisory Group be established based on the Terms of Reference proposed in Appendix A, recognising that the Advisory Group itself will have a role in shaping its specific activities.

Relationship to Policy Framework

The proposal is entirely consistent with and supports Lancaster City Council's policy. It contributes to the Plan 2030 Priorities for *an inclusive and prosperous local economy* and *a cooperative, kind and responsible council.* The proposal makes a strong contribution to the *strategic objective of Community Wealth Building – building a sustainable and just local economy that benefits people and organisations.*

Conclusion of Impact Assessment(s) where applicable	
Climate	**Wellbeing & Social Value**
Digital	**Health & Safety**
Equality	**Community Safety**
No direct impact arising from the Advisory Group itself; the Advisory Group may make recommendations to Cabinet, within which any impact will be considered.	

Details of Consultation

The Terms of Reference for the Advisory Group are founded on a comprehensive programme of engagement and consultation with local partners.

Legal Implications

No direct implications; the Advisory Group may make recommendations to Cabinet, which would be subject to consideration in their own right.

Financial Implications

No direct implications; the Advisory Group may make recommendations to Cabinet, which would be subject to consideration in their own right.

Other Resource or Risk Implications

Officer resource will be required to establish and support the Advisory Group, as set out in the proposed Terms of Reference. The specific requirements will be considered as the group is established, however, no direct resource allocations are proposed at this time.

Section 151 Officer's Comments

The s151 Officer has been consulted and has no further comments

Monitoring Officer's Comments

The Cabinet Procedure Rules provide as follows:-

Rule 21 - Advisory Groups

(a) Advisory Groups are informal bodies that may be created by Cabinet. They are purely consultative and not decision-making. They will be chaired by a member of Cabinet and maybe co-chaired between cabinet members, or a cabinet member and a member of the group and there is no restriction on size although the group must be limited to what is manageable and effective for their purpose. They may be time-limited or of longer standing, again depending on their purpose.

(b) The participants in the Group will be by invitation of the Chair and can be made up from any or all of the following:

- Other members of Cabinet
- Others from outside the Council
- Other members of Council not on Cabinet
- Council officers

(c) Terms of Reference: Their Terms of Reference are to facilitate meaningful engagement and discussion with communities and stakeholders, with each group reflecting on focus areas role in:

- Responding to the climate emergency;
- Contributing to community wealth-building;
- Taking an approach of asset-based community development; and
- Strengthening community engagement.

Further terms of reference may be agreed upon by each Advisory Group, within the terms of the broad topic area, and observing the focus areas above.

(d) Specific outcomes from their meetings may generate requests for pieces of work to be undertaken by Officers or partner bodies, or Overview and Scrutiny committee

to set up a Task Group to undertake a specific piece of work, or a specific report to Cabinet, Committees of Cabinet, individual Cabinet members, or other Committees of Council recommending action for determination.	
Contact Officer	Jason Syers
Tel	01524 582302
Email	jsyers@lancaster.gov.uk
Links to Background Papers	

Morecambe Vision
Advisory Group | *Draft Terms of Reference*
March 2022

LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside
www.lancaster.gov.uk

City | Coast | Countryside

Chair

Portfolio holder for Economic Recovery

Membership

Membership will be confirmed as the group is established; to include

- Elected members
- Businesses and stakeholders
- Partners across sectors
- Officers

Officer Support

- Democratic Support
- Other relevant services as required, subject to resources

Terms of Reference

1) To advise the Cabinet member and Cabinet on future regeneration and economic development work in Morecambe Town Centre and the adjoining neighbourhoods, contributing to Community Wealth Building.
2) To assist the Cabinet member and Cabinet to best work in partnership with our residents and stakeholders to deliver on this work, strengthening community engagement.
3) To assist the Cabinet member and Cabinet to develop a coordinated vision for Morecambe's regeneration and economic development.
4) To assist the Cabinet member and Cabinet with consultation on funding proposals and bids for Morecambe's regeneration and economic development.
5) To invite and consider external presentations and examples of best practice and innovation.
6) To assist with consultation with businesses, the public and other stakeholders and to advise the Cabinet Member of outcomes.
7) To gather existing information on Morecambe Town Centre and the adjoining neighbourhoods to identify the priority areas and to establish a baseline to monitor progress.
8) The advisory group will be responsible for determining its own approach and activities, but it is envisaged that the consideration of Morecambe Vision will be structured through the themes of:
    - Transport
    - High Streets and Eden
    - Culture and Leisure

- Night time economy and accommodation
- Digital economy and footfall.

9) Advisory decisions will be made by consensus, with the chairperson having the casting vote.

10) Advisory group members must have the authority to represent their organisation. It is imperative to declare all conflicts of interest promptly. Members must immediately declare any potential financial or pecuniary benefit to themselves, or their company or organisation arising from the advice and consultation responses made by the advisory group.

11) Advisory group members must work together with mutual trust and respect in an open and transparent way. All advisory group members have equal rights irrespective of the size of business, group or organisation they may represent.

12) To meet at least every three months. Meetings shall take no longer than two hours.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	**Date**	12 April 2022
Title	Gateway, No. 1 Gateway, White Lund Industrial Estate, Morecambe: Fire Damage Reinstatement and Insurance Matters		
Report of	Director for Economic Growth and Regeneration		

Purpose of Report

Following damage from a fire within tenanted units at the city council's property at Gateway, Southgate, Morecambe, authority is sought for the Chief Executive to accept construction tenders for the insured reinstatement works.

Key Decision (Y/N)	**Y**	**Date of Notice**	**February 2022**	**Exempt (Y/N)**	**N**

Report Summary

The progression of work to address insured fire damage within the council's commercial property portfolio is described. In addressing repair and reinstatement the role of the individual parties involved is described, particularly the need for the city council to issue and accept the major reinstatement construction tender as client. The mechanism for direct contractor payments and minor residual financial risk arising from progression of insured works is also described.

Recommendations of Councillors

(1) Officers tender the insured reinstatement works via the Chest procurement portal

(2) Authority to accept the preferred tender and contract the works is delegated to the Chief Executive

(3) The mechanism for contractor payments direct from the insurance company, handling of VAT, and minor residual financial risk arising from progression of insured works is noted.

Relationship to Policy Framework

The report is concerned with matters relating to prudent management of the city council's commercial property portfolio

Conclusion of Impact Assessment(s) where applicable

Climate	**Wellbeing & Social Value**
Digital	**Health & Safety**
Equality	**Community Safety**

There are no matters arising from the progression of reinstatement works to fire damaged property.

Details of Consultation

Matters have been progressed between officers of the city council, it's insurers and representatives of the tenant occupier of the fire damaged unit.

Legal Implications

The city council is under a legal obligation as landlord to carry out repair works to the damaged aspects of the building. Legal advice can be provided internally or externally in respect of the terms and conditions of any construction contracts to be used.

Financial Implications

The city council is the named insured party and any payments to contractors would normally be made direct. However, the insurers can pay the contractors direct on the receipt of signed off approved works by the project manager, Sanderson Weatherall. This will streamline the process of undertaking the works relieving the burden of making allowance for works through the capital programme and assisting the council's cashflow.

Sanderson Weatherall will undertake the principal designer's role and provide the tender specification for issue on the city council's behalf. The council's buildings insurance policy covers the council for financial losses caused by fire, including loss of rent. The insurance company, via communication between the appointed loss adjuster and city council officers, has confirmed policy liability. The loss adjuster cannot yet confirm that the entire tender specification will be fully eligible for payment by the insurers as this has not yet been agreed and issued. At this stage a risk remains that were any of the works to be considered by the insurer to be "betterment" rather than like for like reinstatement that these would not be covered.

On approval of works the insurers will make stage payments as the reinstatement project progresses. The Gateway building has been "opted to tax" for the purposes of VAT and therefore the insurers will pay only the sum net of VAT. The appointed contractor will invoice the council separately for the VAT sum which the council will pay directly. This sum will be reclaimed through the council's monthly VAT return and is regarded as a minor short-term recoverable cashflow matter of no significant bearing to the council's finances. The council will remain below its VAT claim threshold limit at the level of spend anticipated.

Other Resource or Risk Implications

Strategic matters are being handled by officers within the city council's Property Group and by the Insurance Team. The contract for project management, including taking the CDM and Principal Designer's role in managing the construction has previously been awarded and will be undertaken by consultants, paid out of insurance. Appropriate liaison between designers and insurers should help to mitigate the risk to the council of uninsured works being undertaken.

Section 151 Officer's Comments

Sanderson Weatherall have been appointed to designing and provide the tender specifications on behalf of the Council for the restitution of fire damaged areas. The council's insurers will only consider reasonable and appropriate costs associated with this claim, any additional reinstatement works over and above will be classed as betterment and will not be paid by the insurance company, as a result the city council would need to fund these costs. Although the scale of the risk is considered by officers within service to be minimal, it is not possible to quantify at this stage as no agreement has been reached with the loss adjuster, nor it is clear what mitigation, or limitations are currently employed either by the city council, or Sanderson Weatherall.
Monitoring Officer's Comments
The Monitoring Officer has been consulted and has no further comments to add

Contact Officer	Paul Rogers
Tel	Tel: 01524 582334
Email	progers@lancaster.gov.uk
Links to Background Papers	

1.0 Introduction

1.1 Gateway, No.1 Southgate, White Lund Industrial Estate, Morecambe is a large industrial property owned by the city council extending to 6 units occupied by 4 tenants of approximately 180,000 sqft. Recently, a fire within one of the units has caused damage to circa 35,000 sq.ft. of commercial accommodation. The property comprises low and high bays, being steel and portal frame construction over clad with insulated metal profile sheeting with inset translucent roof lights and with concrete floors.

1.2 The units affected within the portfolio are 2a, 2b and 3 with some smoke damage to Units 1 and 4. Two tenants are substantially affected within Unit 2a and separately 2b and 3. The occupiers of Units 1 and 4 remain fully operational. A fire damage report is provided in Appendix 1.

2.0 Role of the City Council

2.1 The city council is the freehold owner of the Gateway site and is under a contractual obligation under the commercial leases to undertake the repairs works of the fire damage. There is also an obligation to get the damaged units back into use and operational by the tenants.he council's buildings insurance policy covers the council for financial losses caused by fire, including loss of rent. The insurance company, via communication between the appointed loss adjuster and city council officers, has agreed policy liability. There is a residual risk that work elements approved and undertaken may be considered ineligible for payment by the insurers. This should be minor if only reinstatement works

are designed by the appointed project manager. The insurers will consider reasonable and appropriate costs associated with this claim, any additional reinstatement works over and above will be classed as betterment and will not be paid by the insurance company; the council will need to fund these costs.

2.2 Business interruption is not covered for the council's commercial property, so the tenants need to mitigate their losses through their own business interruption insurance. For information the city council's insurance policy is with QBE Insurance Group Limited. McClaren's are appointed as the Insurer's Loss Adjuster.

2.3 Lancaster City Council is the contracting body for the repair works on this occasion. While insurance is covering the repair costs, the city council needs to abide by its Contract Procedure Rules, initiate a formal / compliant tender process, and secure an appointment for the reinstatement contract value.

3.0 Tendering mechanism

3.1 Estimates for the insurable reinstatement works and claim are between £500K and £1M. In respect of the council's contract procedure rules this requires a competitive tender procedure.

3.2 Following a previous competitive tender the city council has already appointed Sanderson Weatherall as Chartered Building Surveyor to provide Project Management, CDM Regulation and Principal Designer's role in respect of fire damage reinstatement. The appointed party will also undertake the role of securing Building Regulation Approval for the reinstatement works.

3.3 On initiation of the work Sanderson Weatherall will sign off and approve works as they progress. Stage payments will be made directly by the insurers to the contractor and there is no need for capital programme provision. This flexibility in payments suits the city council in terms of its cashflow position **(refer to Financial Implication)**

4.0 Options and Options Analysis (including risk assessment)

Option 1: Delegated authority is given to the Chief Executive to issue and accept construction tenders for the insured reinstatement works.
Advantages: Allows the insured fire damage reinstatement works to progress and for the industrial unit to be brought back into commercial use at the earliest opportunity.
Disadvantages: No disadvantages identified.
Risks: There is a minor residual financial risk arising from progression of insured works as the insurer may not finally agree pay for all reinstatement works. The

insurer will not pay for additional works over and above reinstatement as this is classed as betterment. However, it is considered that all designed reinstatement works will fall under the remit of the insurance policy.
Option 2: No authority is given to officers to issue and accept construction tenders for the insured reinstatement works.
Advantages: No advantages identified.
Disadvantages: The insured fire damage reinstatement works cannot progress, and the industrial unit is not brought back into commercial use.
Risks: Leaving the unit in a fire damaged state will have a detrimental effect on the council's commercial property income and the council's financial position.

4. Officer Preferred Option (and comments)

4.1 The officer preferred option is Option 1.

Units 2a, 2b and 3 White Lund Industrial Estate
Morecambe
LA3 3PB

Fire Damage Report

Lancaster City Council

February 2021

Sanderson Weatherall

Contents

1. Executive Summary

1.1. Introduction

Upon instructions received from Lancaster City Council we have carried out an inspection of Units 2a, 2b and 3 White Lund Industrial Estate, Morecambe following a fire which occurred in the early hours of 20 January 2022, to assess the damage caused to the property and provide advice in respect of the repair works required to reinstate the property to a condition ready for occupation by the existing tenants.

The premises were inspected by Guy Owen MRICS on 27 January 2022 and the weather at the time of our inspection were dry and overcast, with the temperature being approximately 6°C.

All reference made to the directions within the report should be taken as if viewing the property from the side elevation facing the main access road on the site which is parallel to Southgate. It has been assumed that the side elevation of the property faces due West and whilst this may not be its accurate orientation has been assumed for the purposes of this report.

1.2. Main Findings

The following are the principal observations and comments arising from our inspection of the fire damaged property. It should be noted that the text of the full report may contain information on other, more minor issues which should, nevertheless, be referred to and considered.

Summary of Key Issues

Units 2a and 2b have been extensively damaged by a fire that started in the rear left hand side of unit 2a at the junction of the dividing walls between Units 2b and 3. Units 1 and 3 have also suffered less severe smoke and heat related damage as a result of the fire.

The key works required on a unit by unit basis comprise:

Unit 2A

- Strip roof off and replace with new Building Regulations compliant roof covering.
- Demolish and reconstruct compartment wall between units 2a and 2b including suitable fire break.
- Removal of tenant's damaged plant, equipment, stock and racking.
- Full refurbishment of office and welfare accommodation.
- Professional cleaning of retained internal cladding surfaces and doors.
- Replacement of some internal cladding.
- Full electrical rewire, including new lighting and small power.
- Professional cleaning of the floor slab and possibility of concrete repairs to the seat of the fire.
- Main roller shutter repairs / replacement.
- Redecoration

Unit 2B

- Partial or full reconstruction of the diving party wall between Units 2a and 2b due to fire damage to the blockwork.
- Full refurbishment of the office accommodation including removal and replacement of all finishes including, carpets and ceilings.
- Full electrical rewire of the unit.
- Potential new plumbing installation depending on extent of fire damage.
- Professional cleaning of smoke damage to the external gable wall at high level below the verge of the roof.
- Redecoration

Unit 3

- Professional cleaning of smoke soiled surfaces to all affected areas.
- Repairs to damaged roof linings / cladding at the junction between Units 2a and 3.

Unit 1

- Professional cleaning of smoke soiled ceiling surface at the party wall junction between units 2a and 1.

Legal & Regulatory Matters – Building Regulations

Significant refurbishment works required as a result of the fire damage will need to comply with the current requirements of the building regulations. The key areas of consideration in respect of the Building Regulations are:

- The new roof will need to comply with Part L, which may necessitate a thicker build up than the existing fire damaged roof and may mean there is a slight step up to the new roof when compare with the roof to the adjoining Unit 1.
- Where new party walls are required to be constructed between Units 2a and 2b suitable fire breaks will need to be installed to the walls and the underside of the roof.

1.3. Conclusion and Recommendation

Units 2a and 2b require a substantial scheme of repair and refurbishment following the extensive damage that has been sustained following a fire which took place on 20 January 2022.

Unit 3 has been affected by smoke damage and some minor heat damage, but the repairs required to Unit 3 are much less extensive.

Following acceptance of liability by your insurers we recommend that a package of repair works is designed, specified and tendered to at least three suitable commercial / industrial contractors, and works are commenced as soon as practically possible.

Prior to issuing a tender package to contractors we recommend that a structural engineer is appointed to assess the condition of the steel portal frame to establish if any structural repairs are necessary to the frame. We did not note any obvious evidence of warping or distortion of the frame, however, our inspection was conducted from ground level in poorly lit conditions.

2. Introduction

2.1. Client Name and Address

Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

2.2. Property Address

Units 2a, 2b and 3 White Lund Industrial Estate
Morecambe
LA3 3PB

2.3. Brief and Scope of Survey

We received instructions from Peter Hutton on behalf of Lancaster City Council to undertake a Fire Damage Report of the above property. We were instructed to inspect the property in order to identify any significant items of disrepair and advise of suitable repair works required to put the property back into a state of good and tenantable repair.

Our report has been prepared in accordance with our earlier fee proposal and our General Terms and Conditions of Business and Specific Terms and Conditions of Business Relating to Building Surveying Services (copies of which are attached at Appendix 3 to the rear of this report.)

Please note that we have not performed a Fire Risk Assessment of the premises and recommend that you obtain advice from a Fire Safety Engineer or other suitably qualified professional on the specifics of fire resistance, means of escape, fire detection and alarm and combustibility of materials. Where comments pertaining to these aspects of the building are incorporated within this report, these are made without benefit of advice from a Fire Safety Engineer and we recommend you obtain their further advice on the identified matters .

2.4. Inspection Date, and Weather Conditions

The premises were inspected on 27 January 2022 and the weather at the time of our inspection was dry and overcast, with the temperature being approximately 6^{o}C.

2.5. Personnel Involved in Inspection

The property was inspected by Guy Owen MRICS.

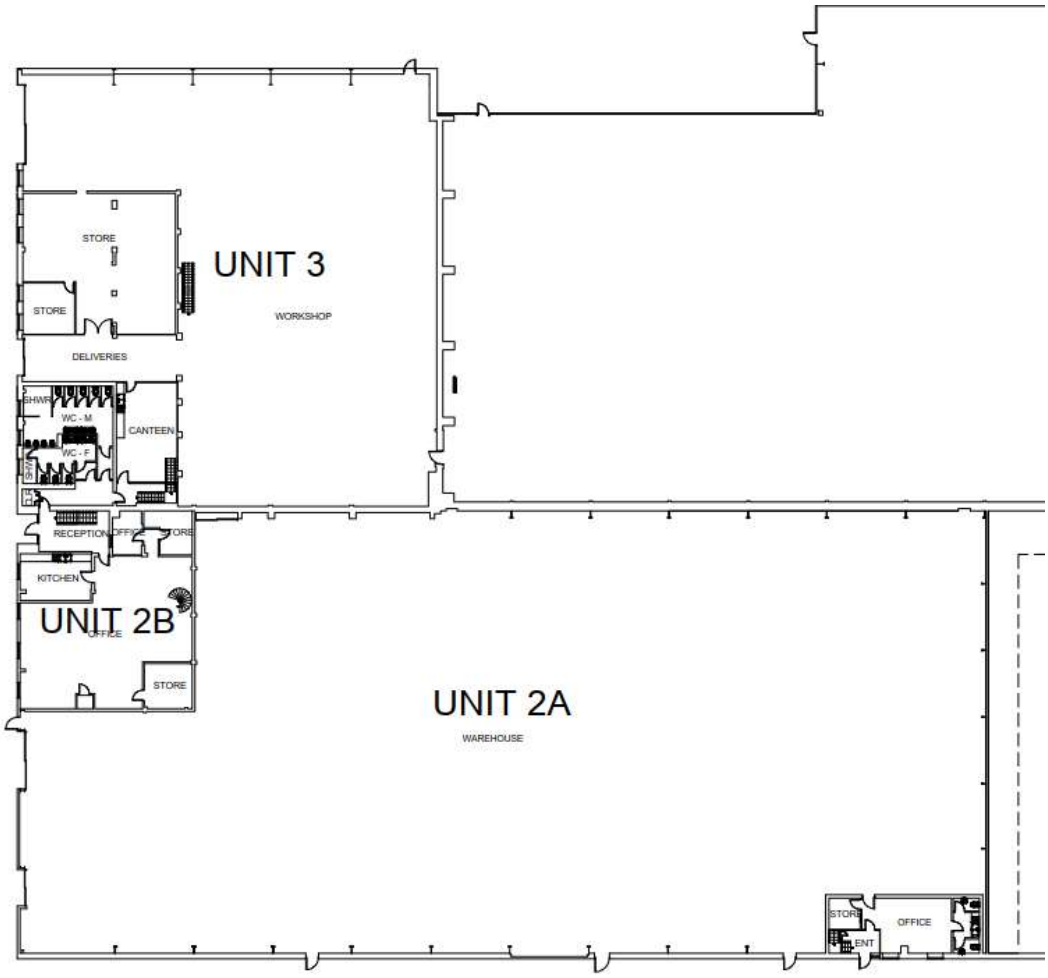
2.6. Limitations to the Survey

During our survey, we inspected the majority of the premises, however some construction elements and areas of the property were found to be inaccessible, unable to be seen from the available vantage points or that our instructions specifically omit these areas/elements from our scope of service. We are therefore not able to comment specifically on the condition of these areas, nor if they are free from defects. The areas not subject to inspection are as follows:

- The roof and high level areas of the property were inspected by a camera drone.
- Roof voids of the property were not inspected.
- The property is served by a suspended ceiling in various areas. Visibility of the concealed surfaces within that void was limited, however we were able to conduct inspections through the ceiling system in random locations, but should not be considered as full inspection of those voids.
- The property was occupied at the time of our inspection and therefore various elements of the building fabric and services installations were obscured by the existing occupants' furniture and
- Please note that we have not engaged a specialist consultant to inspect and comment upon the services, nor have we carried out any tests or checks upon the performance of the equipment. The comments made below are for descriptive purposes only and are given following our building surveyor's visual inspection.
- Inspection of below ground drainage is outside the scope of our instruction.
- It was not possible to inspect woodwork or any other parts of the structure which were covered, unexposed or inaccessible. It is not, therefore, possible to determine the presence of any defects contained there within including, but not limited to, timber defects of any nature, beetle infestation, vermin, insects, defects in constituents of concrete, the positioning of reinforcement, the extent of bearings, ties or fixings or any defects of a similar nature.
- No laboratory testing has been performed as part of our instructions and therefore it is not possible to positively identify such defects that require laboratory testing or material sampling to accurately determine the cause, such as concrete defects, sulphate attack, High Alumina Cement defects, etc.. Nevertheless, we have provided advice in the below on where subsequent testing may be required, where applicable.

2.7. Brief Description

The subject property comprises three industrial units (Units 2a, 2b and 3) which form part of the former Reebok unit at White Lund Industrial Estate in Morecambe.



The building is principally formed from a steel portal frame construction with a built up profile metal roof system incorporating GRP roof lights and smoke vents. External walls are formed from a combination of concrete block work and profile metal cladding panels. The units are divided internally by concrete blockwork walls.

Building services supplied to the units comprise mains water, electricity, gas, telecoms and we anticipate the units are connected to the public sewer system which is anticipated to be located in the adjacent public highway.

2.8. Occupiers and Use of Building

Prior to the fire damage the units were occupied / used as follows:

- Unit 2a – Commercial Laundry business operated by Westmorland Laundry

- Unit 2b – Office accommodation occupied by Balltec Engineered Solutions
- Unit 3 - Industrial storage warehouse and office accommodation occupied by Balltec Engineered Solutions

The above occupiers are understood to occupy the properties under the terms of commercial leases, and whilst the properties have been handed back to the tenants by the Fire Service Units 2a and 2b are no longer safe or fit for occupation or business activities to continue.

3. Site

3.1. Site

The property is located on the White Lund Industrial Estate which is approximately 2 miles South East of Morecambe town centre.

Units 2a, 2b and 3 form part of a large multi let industrial property occupied by a variety of commercial tenants.

4. Structure

4.1. Foundations

During the course of our inspection we did not carry out any intrusive investigations to determine the form of the building's foundations or the nature of the sub-surface ground bearing strata. We would only be able to ascertain the exact arrangement further by carrying out exploratory investigations or examinations of the original construction documents, if in existence.

From our visual inspection of the property, we did not observe any indications of any recent ground movement problems to the main building's foundations which would reflect deficiencies in respect of the existing below ground structures as a result of the recent fire.

Recommended Repair Works

No works required to the foundations of the building.

4.2. Structure

The building is formed from a steel portal frame with steel purlins supporting the roof system. External enclosing walls are formed from a combination of concrete blockwork and profile metal cladding panels. The floor slab is an insitu cast concrete slab.

Party walls between the neighbouring units are formed from a concrete blockwork between Units 2a and 2b. A stud / clad partition wall is provided between Units 2a and 1.

The fire has caused extensive smoke damage to much of the internal steel frame and has damaged the roof covering and purlins directly above the seat of the main fire.

The steel portal frame does not appear to have visually distorted to any significant degree, however, we recommend that a suitably qualified structural engineer is appointed to assess the integrity of the portal frame in the areas directly adjacent to the fire to establish if any significant damage has been sustained.

The party wall between Units 2a and 2b has been severely structurally damaged by the excess heat generated by the fire and we anticipate that it will require demolishing and rebuilding. During the wall reconstruction, installation of suitable firebreaks between the units will be required.

Recommended Repair Works

Appoint a Structural Engineer to assess the condition of the steel portal frame, fixing bolts etc. and issue a report with any recommendations for repairs to be incorporated into the specification of repair works.

Assuming the frame is either in satisfactory condition , grit blast / professionally clean down the steel portal frame prior to redecoration of the frame using a suitable paint system.

5. Exterior of Building and External Areas

5.1. Roof

Condition

The roof covering to Unit 2a has been severely damaged by fire, heat and smoke. Less severe damage has also been caused to the roof of Units 2b and 3.

The most severe damage has been caused above the seat of the fire which occurred at the junction of the three units. The images below show the location of the fire and the damage caused to the roof sheets, guttering and roof lights.

Within Unit 2a the underside of the roof covering has been severely damaged by heat and smoke and is beyond economical repair. The GRP roof lights have also been severely damaged by smoke and heat.

Recommended Repair Works

The roof covering to Units 2a and 2b requires removing in full and replacement with a new roof covering incorporating roof lights and smoke vents to broadly match the original layout.

We anticipate that to comply with the current requirements of the Building Regulations a new composite roof will need to be specified which is likely to be considerably thicker in profile than the existing built up roof covering comprising lining panels, mineral insulation and metal profile roof panels.

Repairs should be sufficient to the damaged roof panels to the edge of the roof and guttering to Unit 3, which can been seen in the photograph to the right-hand side above.

5.2. Walls

The external wall surfaces of the property do not appear to have suffered any significant damage as a result of the fire.

Smoke staining is evident below the verge of the roof to the Northern elevation of Units 2a and 2b where smoke has escaped during the fire.

Recommended Repair Works

The stained areas should be professionally cleaned. Redecoration of the gable elevation may be required if a suitable finish can not be achieved by cleaning.

5.3. Windows

Windows are provided to Units 2b and 3 to the office accommodation. The windows have suffered surface smoke soiling but should be salvageable provided they are carefully and professionally cleaned.

Recommended Repair Works

Professionally clean windows to remove smoke deposits and soiling,

5.4. External Doors

External doors are provided to Units 2a and 2b and comprise a combination of personnel doors and roller shutter doors.

The personnel doors to Unit 2a have been smoke damaged but should be repairable by way of professional cleaning.

The main roller shutter to Unit 2a to the Northern elevation is located in close proximity to the seat of the fire and appears to have been damaged by smoke and heat to the extent that is will require replacement.

The secondary roller shutters to the right hand side of the Northern elevation is smoke stained internally but may be salvageable by way of professional cleaning and servicing.

The main entrance door to Unit 2b has been damaged by the fire service gaining emergency access to the property while tackling the fire. Repairs to the frame and replacement of the glass are required to put the main entrance door back into repair.

The roller shutters to Units 2b and 3 are largely undamaged from the fire and no remedial works are required other than potentially light cleaning down to remove smoke deposits.

Recommended Repair Works

Clean smoke damaged personnel doors to all units are required.

Replace glass to main entrance personnel door to Unit 2b.

Replace / repair main roller shutter to Unit 2a.

Professionally clean and service remaining roller shutters and ensure they are in full operational order.

External Hardstanding and Landscaped Areas

External hardstandings areas immediately adjacent Units 2a, 2b and 3 have not suffered any apparent damage as a result of the fire and no remedial works are required to any external hardstandings.

6. Deleterious Materials

6.1. Asbestos

We have been provided with a copy of an Asbestos Management Survey Report prepared by Santia Asbestos Management Limited dated 19 April 2021 in respect of the Gateway, Southgate, White Lund Industrial Estate.

The report confirms that some asbestos containing materials (ACMs) are located in Units 2a, 2b and 3 comprising parts of the heating and electrical systems, insulating boards in ceiling voids, door linings and pipe gaskets and boxing in. Some low risk ACMs have been identified including vinyl floor tiles in some locations.

Prior to commencement of any stripping out and repair works we a pre-refurbishment asbestos survey report will be required.

Some ACMs have undoubtably been damaged during the fire and will require stripping out by a specialist licensed asbestos contractor in accordance with the Control of Asbestos Regulations.

6.2. Other Deleterious Materials

Please note that we have not carried out any tests, although saw no indication during our inspection that any of the materials described in our specific terms and conditions as deleterious have been used in the initial construction of the building.

7. Interior of Buildings

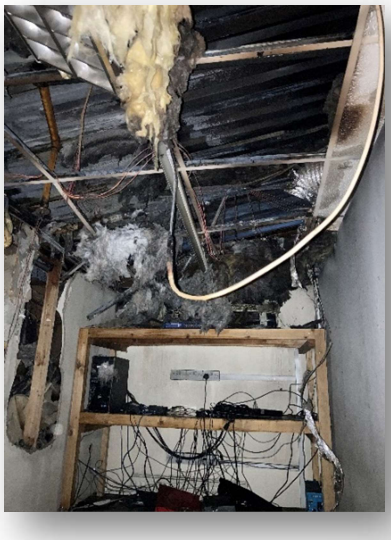
7.1. Ceilings

The ceiling within the warehouse section of Unit 2a comprises the underside of the main roof covering. The roof has been extensively damaged by heat and smoke beyond economical repair and requires replacing. Therefore, the replacement of the roof will in effect constitute replacement of the ceiling to the main warehouse areas of Unit 2a.

The ceilings within the welfare and office block to Unit 2a are painted plastered ceilings are suffering from light smoked soiling so will require cleaning down prior to redecoration.

Within Unit 2b the majority of the ceiling surfaces comprises lay-in grip suspended ceilings with integrated lighting. The majority of the ceilings have been damaged beyond repair by a combination of fire, smoke damage and water damage as a result of the fire service extinguishing the fire. The voids above of the suspended ceiling systems in most areas are also smoke stained so will require professional cleaning once the suspended ceilings are removed.

Withing Unit 3 the warehouse ceiling is soot and smoke stained and requires professional cleaning, particularly to the junction line where Units 2a and 3 meets. Heat damage to the junction of the ceilings was also evident within Unit 3 which will require repairing.



Recommended Repair Works

The roof replacement works to Units 2a and 2b will effectively provide a new ceiling to Unit 2a.

Unit 2b requires new suspended ceilings to be installed at both ground and first floor levels as part of a full office refurbishment, with the retained surfaces within the ceiling avoid being professionally cleaned to remove smoke and soot deposits.

The underside of the roof in Unit 3 requires professionally cleaning to remove smoke staining, particularly at the junction where Units 2a and 3 adjoin. Some minor repairs to the underside of the roof in this location way also be required due to heat damage.

7.2. Walls

The walls within Unit 2a comprise factory finished lining panels and concrete blockwork to the majority of the warehouse areas. Walls within the welfare block and offices are finished in painted plaster.

The lining panels have been extensively stained by smoke, in particular to the high level parts of the walls. Some cleaning test panels have been prepared and it appears cleaning of the panels may be possible in some locations at low level.

The concrete blockwork wall which forms a party wall between Units 2a and 2b has been severely damaged by heat and large structural cracks were noted to the wall.

The walls within the majority of the office accommodation to Unit 2b have been damaged by both smoke and water from the fire service. We anticipate that large portions of the wall areas within 2b will require either substantial repair or full replacement / replastering.

Recommended Repair Works

The lining panels which are factory coated to the warehouse area of 2a may be salvageable to some areas by way of professional cleaning, however, the most heavily smoke damaged areas are likely to require replacing.

The painted plastered walls to the welfare areas in 2a are lightly smoke damaged so will require cleaning down and redecorating.

The concrete blockwork wall which forms a party wall between Units 2a and 2b will require assessing by a structural engineer and we anticipate that either partial or full rebuilding of the wall will be required.

The walls to the office accommodation in 2b have been heavily smoke damaged in the areas close to the seat of the fire. Some plastered surfaces particularly to the first floor offices and server room require full refurbishment due to the extensive damage caused by the fire.

Walls within Unit 3 have not been particularly badly damaged and professional cleaning of the walls may be sufficient. Some areas may require redecoration.

7.3. Doors

Internal doors to Unit 2a are generally formed from timber and are fitted within timber frames. Some smoke damage / soiling has occurred to all doors within the property which require professional cleaning.

The doors within Uni 2b are also formed from timber. A number of doors which were in close proximity to the seat of the main fire have been badly damaged. However, the majority of the doors have only suffered smoke soiling.

Doors to Unit 3 are generally in reasonable condition with only light surface smoke soiling.

A large steel sliding door which originally provided access between Units 2a and 3 has been severely damaged by the fire to the extent that it has warped beyond economical repair.

Recommended Repair Works

Soiled doors to all three units should be professionally cleaned and ironmongery checked to ensure they all operate correctly.

There may be water damage to some of the doors within Unit 2b due to the volume of water used by the fire service in extinguishing the fire. A detailed review of the doors should be completed and a door schedule prepared detailing the works required to each individual door set.

On the basis that Units 2a and 3 do not require direct access to each other the large sliding door should be removed, and the aperture should be blocked up and sealed. This is likely to be more cost effective than replacing the industrial sliding doors.

7.4. Floors

The concrete floor slab at the seat of the fire in Unit 2a is was obscured by burnt debris at to the time of inspection so we were not able to carry out a detailed inspection. The concrete slab may have been damaged by extreme heat and should be inspected once the debris has been cleared.

The other areas of the floor slab within Unit 2a are smoke soiled and require professional cleaning.

Within Unit 2b the majority of the floor coverings comprise carpets. The carpets to all areas of Unit 2b have been damaged beyond economical repair by fire, smoke and water damage. Due to the large volumes of water used to extinguish the fire the floor substrates in units 2b should be allowed to dry sufficiently prior to new floor coverings being installed as part of the general refurbishment works which are required.

Recommended Repair Works

Inspect the concrete floor slab in Unit 2a and carryout specialist repairs if required to the concrete where the seat of the fire was located. Professionally clean the floor slab and coverings throughout Unit 2a.

Within Unit 2b all existing carpets and floor coverings require removing, the floor substrates must be allowed to dry sufficiently prior to the installation of new coverings as part of the general refurbishment works.

7.5. Welfare Accommodation

The welfare accommodation within Units 2a, 2b and 3 have suffered some smoke damage and soiling but are generally in salvageable condition subject to professional cleaning and redecoration where appropriate.

Recommended Repair Works

Professionally clean down retained surfaces.

Complete plumbing tests to ensure that all water and waste pipework is functioning correctly and is free from leakage.

7.6. Decoration

The decorative and factory coated finishes throughout Unit 2a are soiled and damaged and the majority require replacement.

The finishes to the cladding in some locations internally may be cleanable, however, until works are commenced it is not clear if cleaning would provide a suitable and acceptable quality of finish.

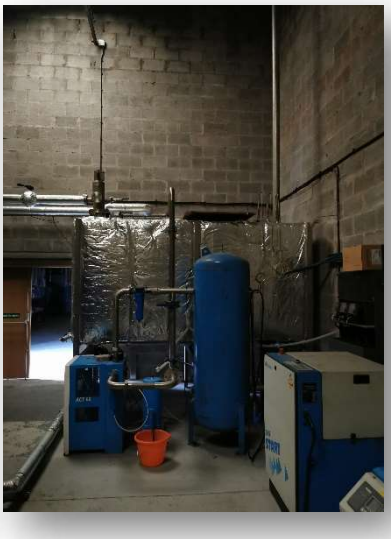
Unit 2b has been damaged extensively and requires a full scheme of redecoration as part of a full office refurbishment scheme.

Recommended Repair Works

Full redecoration of all previously painted areas of Units 2a and 2b including professional cleaning of retained factory coated surfaces such as some internal cladding surfaces.

7.7. Plant Rooms

The main plant room within Unit 2a has not been particularly badly affected by fire and smoke damage, however it is not clear if the boiler and other plan equipment has been damaged by heat and smoke. We recommend that a Mechanical and Electrical Consultant engineer is appointed to assess the condition of the retained building services plant.



Recommended Repair Works

Other than general cleaning of smoke soiled surfaces no significant works are required in the plantroom in relation to the building fabric.

The underside of the roof has been quite substantially smoke soiled, however, the roof is to be replaced so there is no reason to the clean the roof linings on the basis they will be eventually replaced.

8. Services

8.1. Limitations to Inspection

Please note that we have not engaged a specialist consultant to inspect and comment upon the services, nor have we carried out any tests or design checks upon the performance of the equipment. The comments made below are for descriptive purposes only and are given following our building surveyor's visual inspection. Inspection of below ground drainage is outside the scope of our instruction.

8.2. Electrical

Units 2a, 2b and 3 are all provided with mains electrical power. The power systems to Units 2a and 2b appear to have been severely damaged by the fire.

We anticipate that most of the fixed electrical installations within Units 2a and 2b will require replacing as part of the fire reinstatement works.

Recommended Repair Works

We recommend that a Mechanical and Electrical Consultant Engineer is appointed to review the condition of the electrical system and prepare a specification to be incorporated into the main tender package.

We anticipate that a full electrical rewire of Units 2a and 2b will be required including for new lighting and power distribution.

8.3. Fire Alarm and Smoke Detection

Our inspection was limited to a visual inspection of the systems only and no testing was performed. The fire alarm systems to units 2a and 2b will require testing and we anticipate that the majority of the systems will require replacing as part of the fire reinstatement works.

Recommended Repair Works

Test the existing fire alarm systems / panels and undertake necessary repairs / replacement in accordance with current Building Regulation requirements.

We anticipate that full replacement of the fire alarm systems will be required.

8.4. Heating and Gas Installations

The majority of the warehouse heating plant within Unit 2a and office heating within 2b appears to have been severely damaged by fire / heat.

The main boiler located in the plant room to Unit 2a appears to be in reasonable order and has been relatively well protected due to it being enclosed within the concrete blockwork plant room.

Recommended Repair Works

A Mechanical and Electrical Consultant Engineer should be appointed to assess the condition of the systems and establish if any parts are salvageable, for example the twin heating boilers in Unit 2b may be salvageable, however we anticipate that most of the system will require replacement as part of the general fire reinstatement works.

An inspection of the plant in the plant room in Unit 2a should be undertaken to establish is any damage has been sustained to the main items of plant.

8.5. Hot and Cold Water

We have not tested any of the hot or cold water systems. Most of the services to the welfare and office block to Unit 2a appeared to be in repairable condition. Pipework nearer to the sear of the fire are anticipated to have been damaged beyond repair.

Damage to the pipework in Unit 2b is likely to have been sustained as a result of fire and heat in the ceiling void.

Recommended Repair Works

As part of the fire reinstatement works, we recommend that a Mechanical and Electrical Consultant is appointed to advise on the works required to repair the water supply systems within the Units. Without conducting pressure and leakage tests it is difficult to determine the condition of the systems.

The welfare facilities within Unit 2b appeared to be in reasonable condition however, any pipework in the ceiling void will need to be inspected for fire damage and potential leaks issues before recommissioning of the facilities.

8.6. Air Conditioning and Ventilation

All of the main existing air conditioning and ventilation equipment within units 2a and 2b has been severely damaged by the fire and will require replacement.

The ventilation system to the welfare and offices to Unit 2a may be repairable.

Recommended Repair Works

We recommend that a Mechanical and Electrical Consultant is appointed to advise on the specification of a new air conditioning and ventilation system to the Units to replace the existing system.

8.7. Drainage

We have not undertaken a visual inspection of the below ground or concealed drainage routes, including the lifting of any manholes or inspection chambers as part of our survey. We are therefore unable to comment upon the condition of those installations.

We do not anticipate that the below ground drainage system has suffered any damage as a result of the fire but it would be good practise to instruct a CCTV drainage survey of the underground systems to ascertain if any blockages or damage is present. There is the possibility that due to the large volumes of water used by the fire surface some of the gulleys in the main warehouse to Unit 2a have become blocked with debris.

The above ground drainage pipework has been damaged by the fire in some locations and will required replacement. Fir instance the internal downpipes adjacent to the seat of the fire have been severely damaged beyond repair.

Recommended Repair Works

CCTV drainage survey should be undertaken as a precautionary measure.

8.8. Lifts

No lifts are installed at the property.

8.9. Fire Fighting Equipment

The property is fitted with a sprinkler system that is understood to have been decommissioned circa 3 years ago. The sprinkler system is part of the landlord's demise and is fed from redundant tanks which used to feed the system to the entire estate.

As part of the fire reinstatement works, we recommend that the redundant sprinkler system is removed from Units 2a and 2b as the pipework has been smoke soiled and likely damaged in locations close to the seat of the fire.

9. Legal and Regulatory Matters

9.1. Lease Obligations

We understand that Units 2a, 2b and 3 are occupied under leases by the tenants as follows:

- Unit 2a – Westmoreland Laundry
- Unit 2b – Balltec Engineered Solutions
- Unit 3 – Balltec Engineered Solutions

We have not been provided with copies of any leases or been party to any discussions between the landlord and the tenant's in respect of procurement of the fire reinstatement works.

In order to complete the fire reinstatement works the landlord will have to hand units 2a, 2b and 3 over to a contractor to complete the works. During this time the tenant's will not be permitted to access the properties without the consent of the contractor who will take control of the site for the duration of the works.

We recommend early dialogue is entered into with the tenants to discuss the works programme and any removals the tenants may need to complete prior to the works commencing. The majority of the building contents to Units 2a and 2b is anticipated to be beyond repair due to smoke and water damage so will need to be removed prior to the main fire reinstatement works commencing.

9.2. Rights of Way and or Shared Access

We are not aware of any rights of way or shared access issues that would impact on the fire remediation works.

9.3. As Built & Construction Documentation

We are not aware of any as built information being available for units 2a, 2b and 3.

We have been provided with a copy of as existing floor plans for the units which are appended to the rear of this report for reference purposes.

9.4. Building Regulations Consent

Elements of the fire reinstatement works will require Building Regulations approval. The key works which will require building regulations approval are summarised below:

- Replacement roof covering to Units 2a and 2b.
- Structural repair works.
- Electrical and Gas system works.
- Emergency systems.

9.5. Planning Permissions, Listed Building and Conservation Consent

Planning permission should not be required prior to the commencement of any fire reinstatement works. The only potential planing issue we are aware of is in relation to the new roof covering. If the depth of the new roof cannot be accommodated by slimmer purlins then the roof above Units 2a and 2b may be slightly higher than the adjoining roof above Unit 1. In theory this may require planning permission.

We recommend that early discussions are entered into with the Local Planning Authority to establish if a planing application would be required for the new roof covering.

9.6. Fire Risk Assessment and Fire Protection Provision

The Regulatory Reform Fire Safety Order 2005 was introduced in 2006 and replaced the historic requirement for buildings to hold a Fire Certificates, pursuant to the now repealed Fire Precautions Act 1971. The Order requires the 'responsible person' (that may be a corporate entity) to produce a Fire Risk Assessment of the property, identifying risks and applying alterations to the physical nature of the property, management of the risk or other such measures to minimise the risk.

The obligation to prepare a Fire Risk Assessment applies only to the portion of the property within their management control of each 'responsible person', hence in multi-let properties there may be various 'responsible persons' within the building.

We have not been commissioned to carry out a Fire Risk Assessment as part of our instruction..

As we have not been instructed to perform a Fire Risk Assessment of the building we recommend that you commission an updated Fire Risk Assessment to determine and inherent risks within the premises, immediately upon your acquisition. If you have concerns prior to acquisition, you should commission a specialist to advise you on this aspect.

9.7. Asbestos Management

The Control of Asbestos Regulations 2012 was introduced on 6 April 2012 and places an obligation on the entity that controls the maintenance of the property to identify, record, maintain, inform persons likely to work within the vicinity of the materials and manage the risks associated with the presence of asbestos containing materials within the property.

We have been provided with a copy of an Asbestos Management Survey Report prepared by Santia Asbestos Management Limited dated 19 April 2021 in respect of the Gateway, Southgate, White Lund Industrial Estate.

The report confirms that some asbestos containing materials (ACMs) are located in Units 2a, 2b and 3 comprising parts of the heating and electrical systems, insulating boards in ceiling voids, door linings and pipe gaskets and boxing in. Some low risk ACMs have been identified including vinyl floor tiles in some locations.

Prior to commencement of any stripping out and repair works we a pre-refurbishment asbestos survey report will be required.

Some ACMs have undoubtably been damaged during the fire and will require stripping out by a specialist licensed asbestos contractor.

9.8. Health and Safety Audit

We have not been commissioned to carry out a Health and Safety Audit of the building as part of our instruction.

9.9. Disabled Access

Since the introduction of the Disability Discrimination Act 1995, which has been superseded by the Equality Act 2010, those responsible for the control of access into a building are required to take reasonable steps to remove any physical or management barriers to the free use of that property by persons of all mobility/dexterity or any other impairment.

We have not been commissioned to carry out an Access Audit of the building as part of our instruction, however we recommend that reasonable consideration is given to any changes that could be made as part of the fire reinstatement works that could help to improve accessibility to the properties.

10. Third Party Clause

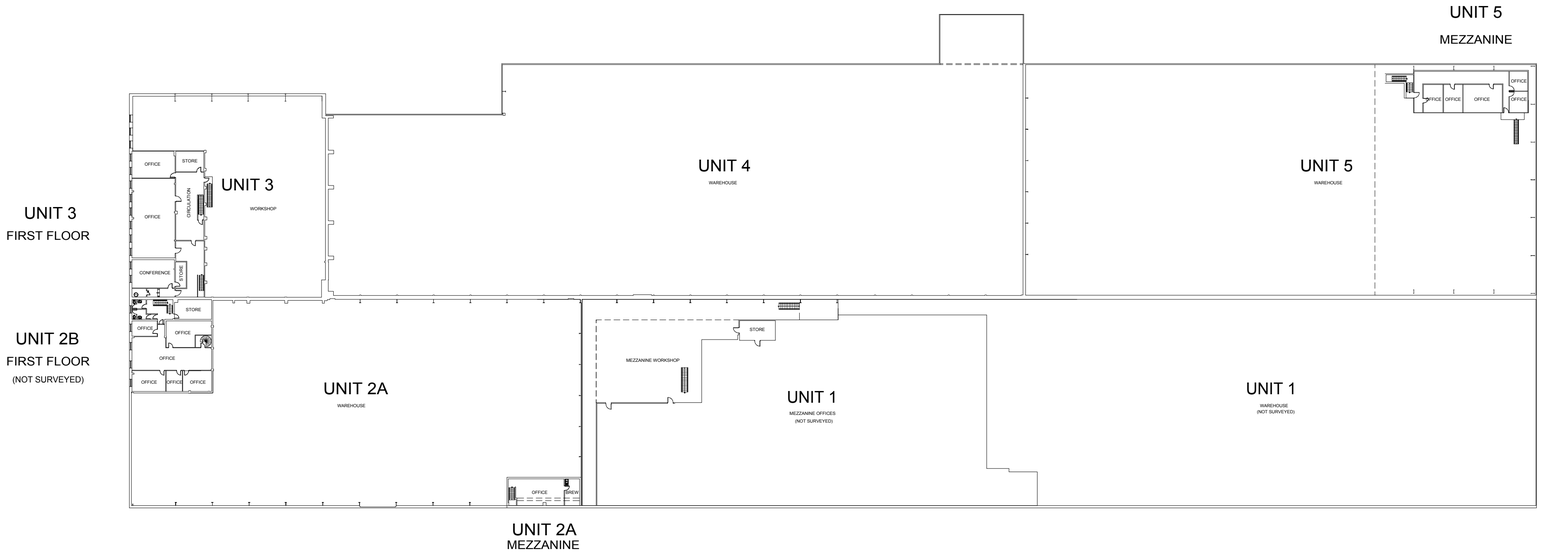
In accordance with our standard practice we must state this report is confidential to the party to whom it is addressed and their professional advisors, and no responsibility is accepted to any third party whether under the Contracts (Rights of Third Parties) Act 1999 as amended or otherwise for the whole or any part of its contents.

11. Quality Assurance

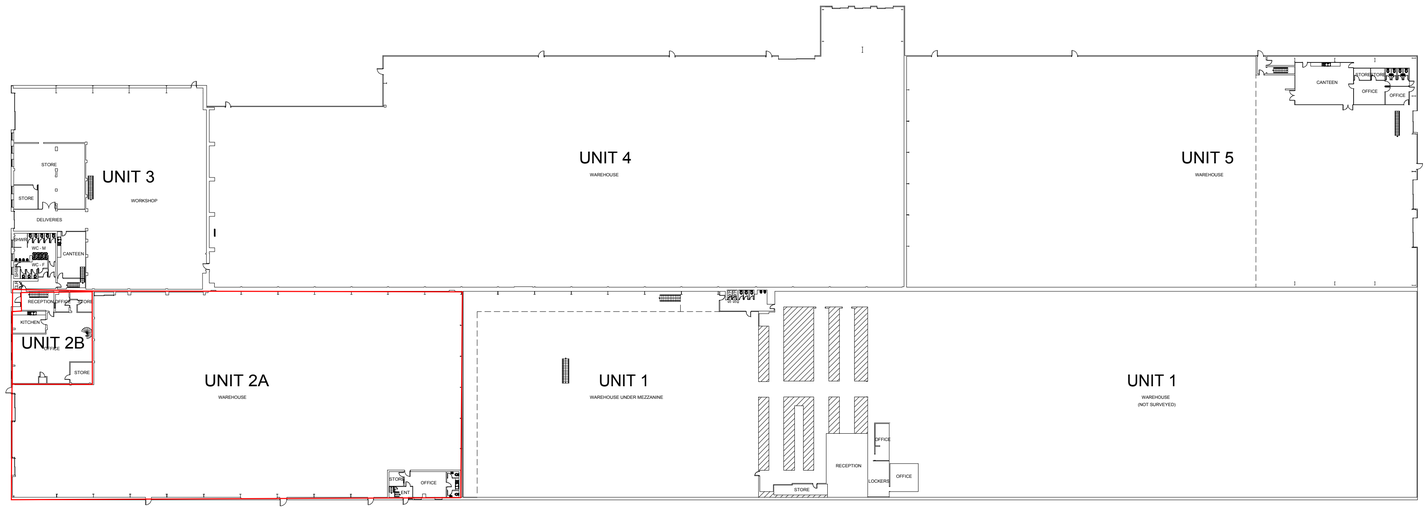
	Name	Signature	Position	Date
Prepared by	Guy Owen		Partner	07.02.2022
Approved by	Philip Kenny		Partner	07.02.2022

12. Appendices

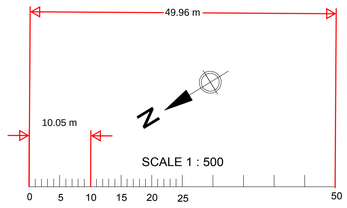
Appendix 1 – As Existing Floor Plans



FIRST FLOOR



GROUND FLOOR



NOTES:

Room heights are to suspended ceiling unless otherwise stated.

True structural position may not be shown due to some columns being obscured by plaster, fireboarding or concrete casing.

MURTON & CO
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Registered in England 7254725
Regulated by RICS

ADDRESS

GATEWAY
WHITE LUND IND ESTATE
MORECAMBE
LA3 3PB

TITLE

EXISTING FLOOR PLANS

Date:	Drawn:
3 MAY 2020	JPMM
Scale: 1:500 @ A1 or use Scale Bar	DRG. No. J000832
	Rev.

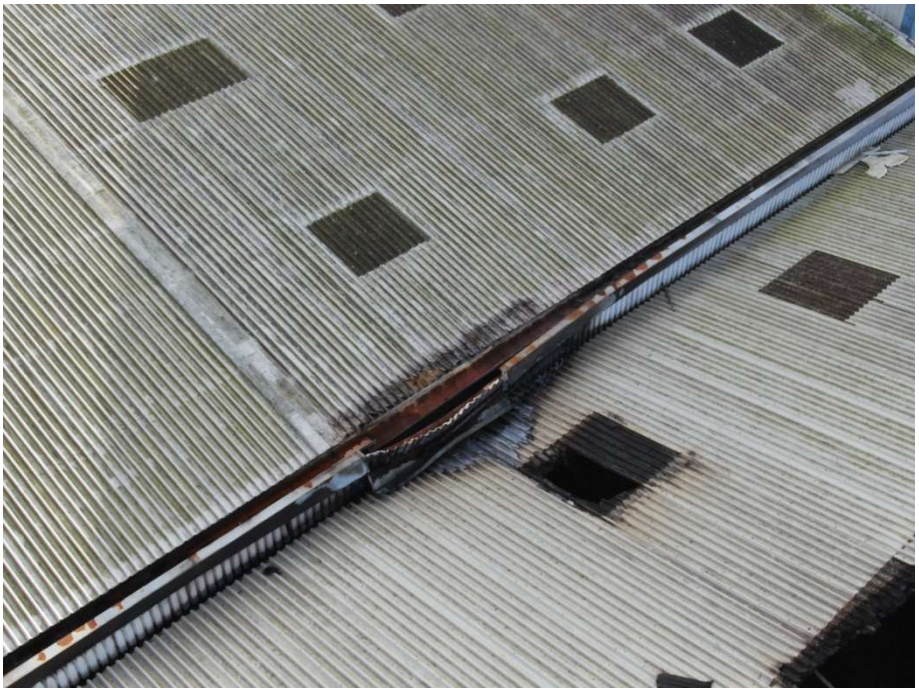
Appendix 2 – Photographic Record

1. Overview of roller shutter entrances to Unit 2a.

2. Front elevation of Unit 2a.

3. Damaged door to Unit 2b.

4. Overview of roof showing damage caused by the fire.



5. Overview of roof showing damage caused by the fire.

6. Smoke damage below the verge trim.

7. High level overview of the unit.

8. Fire damaged caused to the roof.

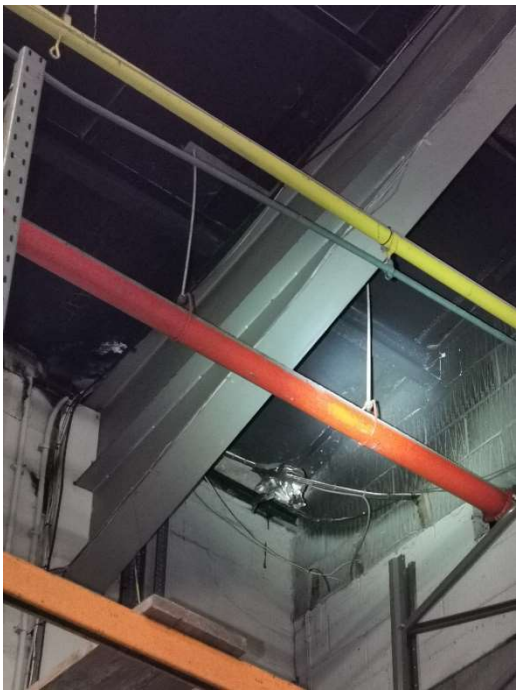
9. Fire damaged caused to the roof.

10. Server room at first floor level within Unit 2b.

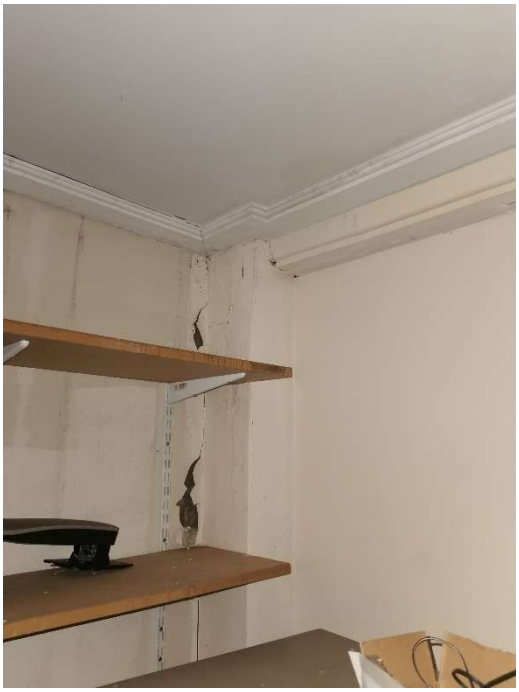
11. Server room at first floor level within Unit 2b.

12. Server room at first floor level within Unit 2b.

13. Cracking to part wall between units “a and 2b.



14. Smoke damage to roof in Unit 3.



15. Water and smoke damage to Unit 2b at ground floor level.

16. Water and smoke damage to Unit 2b at ground floor level.

17. General overview of fire damage in Unit 2a.

18. General overview of fire damage in Unit 2a.

19. General overview of fire damage in Unit 2a.

20. General overview of fire damage in Unit 2a.

21. General overview of fire damage in Unit 2a.

22. Overview of welfare area to Unit 2a.

23. Smoke damage to staircase leading up to meeting room in Unit 2a.

24. Cleaning test panels in Unit 2a.

25. Overview of boiler located in plant room to Unit 2a.

26. Smoke damage to the underside of the roof to Unit 1 at the party wall junction with Unit 2a.

Appendix 3 – Standard Terms and Conditions of Business

Standard Terms and Conditions of Business

General.

This section and the foregoing proposals set out the terms on which we accept your appointment. These terms will apply to all our work for you unless expressly varied in writing.

We will rely on you to supply in a timely manner, all instructions and information needed by us to act on your behalf. We will rely on you to inform us of any changes to those instructions or that information and to any other relevant circumstances. We are not under any obligation to check the accuracy of information you supply unless it is agreed in writing that we should do so.

Unless otherwise agreed in writing the services we provide are for the benefit only of the party to whom these terms and conditions are sent and as specified in the accompanying appointment letter. A person who is not a party to our appointment has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of our appointment.

Recovery of Fees.

In the case of dispute work, you should be aware that if you are successful it will not usually be possible to recover all your costs because of the way in which the Court/Arbitrator assess them. Costs are not usually awarded to the parties to an adjudication. In these cases, you will remain responsible for the full payment of our invoices when you receive them.

Suspending and Terminating Instructions.

If either party becomes insolvent the other may terminate the appointment forthwith by giving written notice to the other.

In the event that you default in payment we may, on giving seven days written notice, suspend performance of our services. Performance will be resumed upon payment unless the suspension exceeds 6 months.

We may terminate the appointment if:

- you materially breach your obligations and have failed to remedy the breach within 14 days following written notice given by us and/or.
- without good reason you fail to give us information or instructions in a timely manner and/or.
- there is a serious breakdown in confidence between you and us and/or
- any other circumstances arise, which as a matter of law or practice, entitle us to terminate our appointment and/or
- our services are suspended for more than six months.

Within 21 days following suspension or termination you shall pay all fees and expenses due, commensurate with the services performed, up to the date of suspension or termination including time spent in the seven day period following any termination in closing down the instruction.

Payment Terms.

Our fee invoices are due for payment in full on presentation, in sterling and without any deduction, set off abatement or counterclaim. In accordance with the Late Payment of Commercial Debts (Interest) Act 1998, we reserve the right to charge interest at 8% above the Bank of England's base rate on any fee invoices that are not paid within 21 days from the date of issue.

If you disagree with, or have queries about a fee invoice we request that you notify us within 14 days from the invoice date, after which time we will assume that you have agreed its content. If you do dispute any part of the invoice and so notify us you shall nonetheless pay all items which you do not dispute pending resolution of the balance.

We will be entitled to keep all your papers and documents while there is any money properly owing to us for our fees and expenses.

Exclusions and Limitations on Liability.

Where you have a number of advisers including Sanderson Weatherall advising on a matter our liability shall be limited to that proportion of any loss or damage suffered by you as it would be just for us to pay having regard to our responsibility for it and on the basis that all other advisers liable for the same loss or damage shall be deemed to have paid you such proportion which it is just for them to pay having regard to the extent of their responsibility.

The liability of Sanderson Weatherall for any actions claims demands losses costs and expenses howsoever arising out of any breach of the terms of the Appointment, the Standard Terms and Tort shall be limited to a sum not exceeding twenty times the total fee paid for the services or £1 million, whichever is the lesser, irrespective of the number of incidents or causes of action giving rise to a claim or claims

Asbestos.

If we undertake any services in relation to a building or structure containing asbestos or asbestos containing materials in addition to the limitations on liability set out in paragraphs A1.5 our liability is limited to the direct result of our negligence or breach of contract and to the cost of re-performance of our services and/or rectification or remediation (as appropriate) or the diminution in value of any buildings or structures we survey.

We shall not be liable for:

- Any damage to property other than the building/or structure or any part thereof which requires re-performance of our services and/or rectification and/or remediation.
- death, injury, illness or disease whether bodily or mental.
- physical impairment or damage to any ecological system.
- consequential indirect, economic or financial loss.
- any analysis and/or testing undertaken by asbestos testing organisations on your behalf whether instructed by your or us.
- due to or arising from the presence or release of asbestos or asbestos containing materials.

Complaints

We operate a Complaints Handling Procedure, a copy of which is available upon request.

We will tell you the name of the Director responsible for work carried out by us. The Director is the person you should contact first if at any time you wish to discuss any matter we are handling for you so that any concerns can be addressed. If he is unable to resolve the complaint to your satisfaction please contact our Mr M Archer who will arrange for the complaint to be investigated and report to you.

Data Protection Act 1998 ("the Act")

Any personal data which we obtain from you for the purposes of or in performing our services will not be disclosed to third parties without your consent or as required by law.

Your name and contact details will be placed on our marketing database which we use for the purpose of sending mailings by post and email which you have requested or which we believe may be of interest to you. If you have any objection to your details being held on our marketing database please inform us and will arrange for your details to be removed from our database.

Copyright

Copyright in all documents produced or used by us in connection with any appointment shall remain with Sanderson Weatherall but subject to the payment of our fees in accordance with these terms and conditions we grant you a licence to copy and use the documents in connection with the subject matter of the appointment.

Jurisdiction and Disputes

These Terms and Conditions and our appointments are governed by English law.

Any dispute arising from or under these Terms and Conditions and/or any appointment shall be referred to and determined by an arbitrator to be agreed between you and us or in default of agreement, shall be appointed upon the application of either party by on behalf of the Vice President or President for the time being of the Royal Institution of Chartered Surveyors.

Appendix 4 – Limitations Applying to Our Professional Service

SUPPLEMENTAL TERMS OF BUSINESS

BUILDING SURVEYING

The definitions and rules of interpretation in our Terms and Conditions are incorporated into these supplemental terms of business (the **Supplemental Terms**).

1. RECOVERY OF FEES

In the case of dispute work, you should be aware that if you are successful it will not usually be possible to recover all your costs because of the way in which the Court/Arbitrator assess them. Costs are not usually awarded to the parties to an adjudication. In these cases, you will remain responsible for the full payment of our invoices when you receive them.

2. SUSPENDING AND TERMINATING INSTRUCTIONS

In the event that you default in payment we may, on giving seven (7) days written notice, suspend performance of our Services. Performance will be resumed upon payment unless the suspension exceeds six (6) months.

2.1 We may terminate our Services if:

2.1.1 without good reason you fail to give us information or instructions in a timely manner; and/or

2.1.2 there is a serious breakdown in confidence between you and us;

2.1.3 any other circumstances arise, which as a matter of law or practice, entitle us to terminate our Services; and/or

2.1.4 our Services are suspended for more than six (6) months.

2.2 Within twenty-one (21) days following suspension or termination of the Agreement, you shall pay all fees and expenses due, commensurate with the Services performed, up to the date of suspension or termination including time spent in the seven (7) day period following any termination in closing down the instruction.

3. ASBESTOS

3.1 If we undertake any Services in relation to a building or structure containing asbestos or asbestos containing materials in addition to the limitations on liability set out in the Terms and Conditions, our liability is limited to the direct result of our negligence or breach of contract and to the cost of re-performance of our Services and/or rectification or remediation (as appropriate) or the diminution in value of any buildings or structures we survey.

3.2 We shall not be liable for:

3.2.1 any damage to property other than the building/or structure or any part thereof which requires re-performance of our Services and/or rectification and/or remediation;

3.2.2 death, injury, illness or disease whether bodily or mental;

3.2.3 physical impairment or damage to any ecological system;

3.2.4 consequential indirect, economic or financial loss;

3.2.5 any analysis and/or testing undertaken by asbestos testing organisations on your behalf whether instructed by your or us; and

3.2.6 due to or arising from the presence or release of asbestos or asbestos containing materials.

4. EXCLUSIONS AND LIMITATIONS ON LIABILITY.

4.1. Unless otherwise set out below, the provisions of Condition 11 of the General Terms and Conditions are applicable to the Services provided to you which are subject to these Supplemental Terms.

4.2. Notwithstanding Condition 11.4 of the General Terms and Conditions, and unless otherwise specified in the Letter of Engagement or set out below, subject to Paragraph 7 our total liability to you in relation to all claims, whether in contract, tort (including negligence), breach of statutory duty, or otherwise, arising under or in connection with any Services provided to you subject to these Supplemental Terms, will be limited to the lesser of: (a) £1 million; and (b) twenty (20) times the total Fee paid for the Services (but in no event will this limit be less than £10,000).

4.3. Where we are one of a number of advisers or suppliers providing you with services in relation to a particular project, our liability on that project shall be limited to the percentage of the loss or damage you suffer in a proportionate amount equal to the percentage of the Fees you paid to us in relation to the total fees paid by you for services on that project to us and all of your other advisors and suppliers. We shall bear no responsibility, and shall not be liable, for any loss or damage caused by any of your other advisors or suppliers.

4.4. Unless we agree otherwise, any advice we provide to you may only be relied on by you and you may not share it with any other third party. We will not be liable for any use of that advice by a third party without our consent.

4.5. Subject to Paragraph 7, if you suffer any loss or damage arising from any Services we provide directly in relation to a building or structure containing asbestos or asbestos containing materials, then as your exclusive remedy in relation that loss or damage, we will take the following actions at our discretion (provided that the liability cap set out in Paragraph 2 shall be reduced by the associated costs of taking the actions set out in this Paragraph 5: (a) re-performing our Services; and/or (b) providing rectification or remediation services (as appropriate).

4.6. Subject to Paragraph 7, we shall not be liable for:

4.6.1. Any damage to a property, building, and/or structure which is not the specific subject of the Services we provide to you.

4.6.2. Unless caused as a direct result of our negligence, any loss or damage resulting in physical impairment or damage to any ecological system.

4.6.3. The results of any analysis, testing, or any other related service undertaken by third-party asbestos testing organisations on your behalf whether instructed by you or us.

4.6.4. Loss or damage due to or arising from the presence or release of asbestos or asbestos containing materials, unless the Services we provide directly relate to addressing or otherwise remediating those materials.

4.6.5. Unless caused as a direct result of our negligence, any loss or damage resulting from any defect or inadequacy in the installation of (if that installation is not provided by us), or the fire resistance, combustibility, fire safety, and/or fire retardant characteristics of any: (i) balcony; (ii) external cladding system; (iii) glazing; (iv) doors; (v) external or internal wall system; (vi) internal ductwork; (vii) fire stopping barriers and doors; (viii) fire protection systems; and (ix) all façade materials (including but not limited to external cladding, composite panels, high pressure laminate, associated core, filler, and insulation, and signage and insulation).

4.7. For the avoidance of doubt:

4.7.1. As set out in the General Terms and Conditions, if you are engaging with us as a Consumer, you may have certain legal rights regarding claims in respect of losses caused by our negligence or failure to carry out our obligations. Nothing in these Supplemental Terms is intended to limit your legal rights as a consumer. For further information about your legal rights you can contact your local authority Trading Standards Department or Citizens Advice Bureau.

4.7.2. Nothing in these Supplemental Terms will limit or exclude our liability for:

i. death or personal injury caused by our negligence, or the negligence of our employees, agents, or subcontractors;
ii. fraud or fraudulent misrepresentation; or
iii. any other liability which cannot be limited or excluded by applicable law.

Limitations Applying to Our Professional Service

A1.1. Concealed Parts

If we have observed evidence to suggest that concealed parts of the structure and fabric might be defective, we have advised you accordingly and made recommendations for further investigations. However, unless otherwise instructed by you, we have not opened up for inspection any permanently enclosed or concealed parts of the structure and fabric.

A1.2. Deleterious and Hazardous Materials

We have advised you if we consider that there exists a significant possibility that deleterious or hazardous materials exist at the property. Unless otherwise instructed, we have not undertaken, or commissioned, any inspections or laboratory tests to confirm the extent and precise nature of any deleterious and hazardous materials that might be present.

A1.3. Services Installations

Our report on the services installations has been based on a cursory inspection only in order to include a general description in this report. We have not tested any of the installations.

Unless otherwise instructed, we have not commissioned the inspection and testing of any installations by specialist consulting engineers. If we found visual evidence to suggest that there might be significant problems with any of the installations, or if they are particularly sophisticated or complex, we have advised you accordingly, and made recommendations for further investigation and/or testing by specialists.

A1.4. Building Access

Access to some areas could have been restricted or denied. If we found that our inspection was excessively limited we have advised you accordingly and sought your further instructions.

A1.5. Land Contamination

We have not made any formal enquiries or carried out investigations into the potential contamination of the site or neighbouring land.

A1.6. Compliance with Legislation

Our inspection involved a general review of the state of compliance with statutory requirements such as the Building Regulations, Workplace Regulations, Fire Regulations and the Equality Act. However, compliance with these regulations requires a more detailed study and involves the preparation of a detailed risk assessment. Such studies and risk assessments are beyond the scope of this type of inspection and report.

A1.7. Liability and Confidentiality

This building inspection report may be relied upon by the client, only to whom we owe a duty of care. This report must not be passed for information, or for any other purpose, to any third party without our prior written consent; such consent will not be unreasonably withheld or delayed. Such consent shall not entitle the third party to place any reliance on the report and shall not confer or purport to confer on any third party any benefit or right pursuant to the Contracts (Rights of Third Parties) Act 1999.

Deleterious, Hazardous and Problematic Materials

The UK property and construction industry has developed an unofficial list of materials that are considered to be unsuitable for use in buildings. There is no industry standard defined list and so the following represents some of those materials most commonly referred to. These materials will fall into one or more of the following categories:

- Hazardous - These pose a risk to the health and safety of persons coming into contact with them
- Deleterious - These can cause a deterioration to other materials in the building.
- Problematic - These are generally considered as undesirable components within a building, in that they may not perform to a satisfactory standard.

Very few of the deleterious materials in the following list can be detected without some form of specialist testing, which is beyond the scope of this report.

A1.8. High Alumina Cement (HAC).

High alumina cement will deteriorate in the presence of higher temperatures or humidities. It was used in the 1950s, 1960s and 1970s to form structural members and there have been some high profile collapses.

A1.9. Calcium Chloride Additives.

Calcium chloride was added as a concrete additive to improve its properties in the 1960's and 1970's. This material reduces the passivity of concrete in the presence of moisture and increases the risk to embedded steel reinforcement.

A1.10. Composite Cladding Panels to Roofs and Walls.

Consequential to the Grenfell Tower disaster on 14 June 2017 the UK construction property and property industries are reviewing the use of certain insulation types contained within composite cladding panels within new and existing buildings. Historically, the subject of insulation types and the level of their susceptibility to fire spread and conflagration has been primarily concentrated by the standards set by the Loss Prevention Certification Board (LPBC) in approving insulation cores within composite panels that may lead to the inability to insure the building, if found to be present within the insulation core of the property's cladding.

The LPCB non-approved cores are Expanded Polystyrene (EPS), Extruded Polystyrene (XPS) or Styrofoam and Polyurethane (PUR). The LPCB approved cores comprise of Polyisocyanurate (PIR), Modified Phenolic Foam (MPHEN) and Mineral Wool.

Pending the results of the Grenfell Tower fire inquiry, it is currently believed that the fire spread was accelerated by the use of Polyethylene insulation contained within the core of the composite cladding, that was accelerated by the use of a void between the original external wall of the property and the internal face of the cladding, creating a chimney effect to increase the rate of combustion and conflagration to different material surfaces. To that end, the construction industry is identifying and removing composite cladding panels containing Polyethylene.

Without testing of the insulation materials we are unable to confirm if any of those used in the construction of buildings are of non LPCB -approved specification or if they may promote the spread of fire within the property.

Insurance companies are inclined to simply turn down cover for premises containing some types of composite panel. Others will offer cover at a price but will insist on risk management initiatives being put in place as a condition of the policy.

It is important therefore to establish the nature of composite panels and disclose their presence to your insurers at an early date.

A1.11. Nickel Sulphide inclusions in toughened glazing.

Nickel Sulphide is one of several chemical contaminants which can occur during the manufacture of glass. All glass has some of these inclusions present as they are impossible to eliminate entirely. They are therefore not considered a product defect.

In untreated (annealed) glass they are not a problem. But when glass is heat treated (toughened or tempered), the inclusions are modified into a state which transforms with temperature and time and which is accompanied by an increase in volume.

In most cases this has little effect but dependent on size and proximity to the centre of the pane where the forces are greatest, this can eventually cause the glass to break.

A1.12. Non-compliant Aggregates.

The effect of sodium chloride from the sea salts is to increase the risk of corrosion to embedded steel. It has also been linked to increased alkali silica reaction. Other aggregates not compliant with British Standards could have a similar effect.

A1.13. Mundic Blocks and Mundic Concrete.

Mundic is concrete manufactured from quarry shale and is prone to loss of integrity in damp conditions. It is commonly found in the West Country, but further investigation is needed to establish its use elsewhere.

A1.14. Calcium Silicate Bricks.

These bricks are particularly prone to shrinkage and moisture movement. They are not inherently a problem if correctly detailed. Unfortunately, there are many instances where they are not. Concrete bricks can display a similar effect.

A1.15. Woodwool Slabs.

In the 1960's and 1970's this material was used as permanent shuttering to form concrete members in-situ. It was subsequently discovered that the highly absorbent nature of the material would draw the cement and fine aggregate from the adjoining concrete, weakening the concrete and reducing its resistance to carbonation. This led to early failure of the reinforcing steel. Not all woodwool slabs affect concrete in this way but the concrete should be tested if this form of construction is found in structures.

Woodwool slabs have also been used for roof and other decking and whilst prone to early failure in the presence of moisture, their use in this situation is not considered deleterious.

A1.16. Asbestos.

This is known to cause respiratory problems and lung problems including Asbestosis, Lung Cancer and Mesotheliomia. The use of Asbestos is now banned in the UK but significant amounts are still to be found in existing buildings.

A1.17. Manmade Mineral Fibres.

When these fibres are loose and have a diameter of 3 microns or less and a length of between 5 and 100 microns they are thought to possibly cause lung problems when inhaled. The common name for this material is glass fibre. When new, this material is not considered to be hazardous. However, as it ages the fibres can break down into smaller sections and it is when they reach a critical size they become potentially hazardous.

A1.18. Urea Formaldehyde Foam.

The vapour given off from this material is thought possibly to be a carcinogenic. It can cause irritation to the airways. Large quantities were used as cavity insulation in the 1970's and the most critical time was shortly after its installation. It is unlikely to still be giving off vapour from the initial installation but can deteriorate in the presence of water.

The presence of this material can deter potential purchasers.

A1.19. Lead Based Paint.

Lead has been linked to brain damage and also the lack of development in young children. This paint was used regularly in the late 19th and early 20th century and may be found below more modern paint finishes. It becomes hazardous during removal when being burnt off or when ingested by young children if chewed.

A1.20. Lead used for drinking water pipework

Lead pipework has been used regularly until the mid-20th century for the supply of drinking water. The dangers are similar to those for lead paint but the exposure is greater. Not all lead pipes pose a risk; it depends on the hardness of the water, as hard water coats the pipes with limescale and this reduces the absorption of lead by the water.

Similar absorption of lead occurs from lead based solders used in fittings but the contamination rate is much lower.

Whilst lead pipework is determinable by the naked eye, lead solder in fittings is not.

Notes on Environmental Hazards

A1.21. Land Contamination.

We were not instructed to and have not undertaken a detailed examination of the site for potential contamination.

Where, in passing, we observed something that has caused us concern then we have made reference to it in the body of the report. However, land contamination is something that is rarely visible to the naked eye and we recommend for all purchases that, as a minimum, a phase 1 desktop environmental audit be undertaken.

A1.22. Flooding Risk.

We have not undertaken a detailed investigation for the potential for flooding of the property.

A1.23. Tree Proximity.

Trees in proximity to buildings usually cause structural problems due to extraction of moisture from the ground on which the building is founded. In clay sub soils, the extraction of water can cause shrinkage and movement. Trees can also cause direct physical damage by expansion of roots or above ground members dislodging masonry.

Certain trees are known to cause more damage than others and the extent of the damage is also dependent on the nature of the sub soil.

A1.24. Radon Risk

Radon is a radioactive gas. It comes from the natural decay of uranium that is found in nearly all soils. It typically moves up through the ground to the air above and into properties through cracks and other holes in the foundation. A building can trap radon inside, where it can build up. When this happens, there may be health hazards associated with lung cancer.

In areas of high risk, it is necessary to introduce protective barriers and forced ventilation to prevent the gas entering or removing it before it can affect occupiers.

Further information on can be obtained from the UK Health Protection Agency (HPA). Their website address is www.hpa.org.uk/radiation.

A1.25. Electromagnetic Fields

It is claimed buy some occupiers that strong electromagnetic fields interfere with the body's natural electronic signals and cause a range of illnesses. There is various anecdotal evidence regarding the symptoms, but no firm evidence one way or the other on the matter. Artificial sources usually comprise overhead or underground high voltage power cables.

You should be aware that the presence of power cabling in the vicinity of a building can affect its value and potentially dissuade future purchasers. This is in addition to the health concerns of those occupying the property.

A1.26. Microwave Exposure.

Health concerns regarding microwave emissions from microwave transmissions masts used for a variety of communications systems have arisen from anecdotal evidence regarding illnesses, but no firm evidence one way or the other on the matter has been published.

You should be aware that the presence of radio transmission masts in the vicinity of a building can affect its value and potentially dissuade future purchasers. This is in addition to the health concerns of those occupying the property.

A1.27. Vermin.

Vermin can take a variety of forms including insects, animals and birds. Whilst inspecting the property we looked, in passing, for any indications of vermin such as bait traps and deterrents. Identification of tracks and traces of vermin is a specialist skill that is beyond the scope of our inspection and report and we cannot advise if vermin may be present even if there are no alternative indications.

A1.28. Japanese Knotweed and Giant Hogweed.

Japanese Knotweed was brought to Britain as an ornamental garden plant in the mid-nineteenth century and since then it has become widespread in the wild and causes serious problems by displacing native flora and causing structural damage.

Giant Hogweed was introduced to Britain in 1893 as an ornamental plant. It escaped from gardens and now colonises many areas of wasteland and riverbanks. It forms dense colonies that suppress the growth of native plants and grasses. The stems, edges and undersides of the leaves bear small hairs containing poisonous sap, and the slightest touch causes painful blistering and severe skin irritation.

The Wildlife and Countryside Act 1981 provides the primary controls on the release of non-native species into the wild in Great Britain. It is an offence under section 14(2) of the Act to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9, Part II. This includes Japanese Knotweed and Giant Hogweed and all parts of the plant are considered as controlled waste under the Waste Regulations.

A1.29. Toxic Mould

Toxic mould, known as Stachybotrys Chartarum, produces substances called mycotoxins, chemicals alleged to cause seizures, skin rashes, respiratory difficulties, fatigue and other allergies and has already triggered a wave of multi-million dollar claims in the United States. Claims in the UK to date are limited but there is the possibility that the matter could escalate here.

Toxic mould often grows unseen behind walls and under floorboards but is frequently tolerated because it has not yet been seen as a danger to health. The increased perception that mould and damp conditions could now present a serious threat to health may persuade property occupiers to remove the mould where, in the past, they would not have done so.

If toxic mould is discovered in a place of work, employees might have reasonable grounds to refuse to work until the building is detoxified. The cost of relocating workers and disruption to business could be significant. Whether insurers, tenants or landlords pay for the clean-up of commercial buildings could be a potential source of conflict.

Condensation and damp are the main causes of conditions that promote the growth to toxic mould and can be combated by adequate natural and artificial ventilation. Fungicides and biocides can be used to make paints and other products resistant.

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