

OVERVIEW & SCRUTINY

Climate Emergency Review of the Local Plan for Lancaster District – Progress on preparing a Consultation Draft (Regulation 18 Stage)

30th June 2021

Report of Service Manager - Planning and Housing Strategy

PURPOSE OF REPORT

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

This report is public

RECOMMENDATIONS

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

1.0 Introduction

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

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

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

2.0 Process of Preparing a Local Plan

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

month of July.

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

better address climate change from the same quantum of development at the same locations described in the just-adopted local plan.

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

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

2.8 The Topic Paper themes were as follows:

- Topic Paper 1: Water Management
- Topic Paper 2: Green & Blue Infrastructure
- Topic Paper 3: Strategic transport
- Topic Paper 4: Heritage
- Topic Paper 5: Sustainable Design, Energy Efficiency & Renewable Energy
- Topic Paper 6: Miscellaneous policies

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

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

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

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

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

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

3.0 Conclusion

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

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

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

LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. The process of preparing the Climate Emergency Local Plan Review is currently fully funded and resourced from within existing budgets. Any future decisions or variations that result in further costs must be reported and approved as appropriate prior to their commencement.

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

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

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

N/a

Contact Officer: Maurice Brophy

Telephone: 01524 582330

Email: mbrophy@lancaster.gov.uk

Ref: