

Lancaster City Council

**The Examination of the Climate Emergency Review
of the Lancaster District Strategic Policies and Land
Allocations Development Plan Document (DPD) and
the Development Management DPD**

Matters, Issues and Questions

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Introduction

1. This document sets out Matters, Issues and Questions regarding the soundness of the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations Development Plan Document (DPD) and the Development Management DPD (the Plans or Part 1 Plan or Part 2 Plan where relevant).
2. Prior to the forthcoming hearing sessions, responses are invited from participants on the Matters, Issues and Questions. The Matters, Issues and Questions do not cover every policy within the scope of the Climate Emergency Review. Instead, they are based on the issues identified, taking account of representations made in respect of policies which are within the scope of the Climate Emergency Review of the Plans. The examination will be focussed on the tests of soundness set out in paragraph 35 of the National Planning Policy Framework 2021 (the Framework).
3. Participants should only respond to the questions which directly relate to the written representations they submitted to the proposed submission consultation for both Plans.
4. Further information about the examination is provided in the accompanying guidance note and the provisional hearings programme, which should be read alongside the Matters, Issues and Questions.
5. Please respond to the Matters, Issues and Questions with separate statements for each Matter, with page and paragraph numbers to allow for ease of reference during the hearings.
6. All responses to the Matters, Issues and Questions should use the single colour tracked change versions of the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations Development Plan Document (DPD)(SD_01.1) and the Development Management DPD (SD02.1) as this will be referred to during the hearings.

Matter 1: Procedural and Legal Compliance

Issue: Have all statutory and regulatory requirements been met?

- 1.1 Have the Plans been prepared and publicised in accordance with the statutory procedures of the Planning and Compulsory Purchase Act 2004 (as amended) and the consultation requirements in the Town and Country Planning (Local Planning) (England) Regulations 2012?
- 1.2 Have the Plans been produced in compliance with the Council's Statement of Community Involvement?
- 1.3 To what extent has the Plans' production been consistent with the Council's Local Development Scheme?
- 1.4 How has the Sustainability Appraisal (SA) informed the Plans' preparation at each stage of their development and how were options considered?
- 1.5 Does the SA adequately and accurately assess the likely effects of the Plans' policies and proposals? Does the SA test against reasonable alternatives? Is the SA's methodology appropriate?
- 1.6 Does the SA meet the requirements of the relevant Regulations?
- 1.7 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate? Does the HRA meet the requirements of the relevant Regulations?
- 1.8 Has the Duty to Co-operate been fulfilled? Are there any strategic matters to be addressed through co-operation and what are the resulting outcomes?
- 1.9 In what way do the Plans seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?
- 1.10 How do the Plans meet the requirements of paragraph 11 a) of the National Planning Policy Framework (the Framework) and contribute to the mitigation of, and adaptation to, climate change in accordance with s19(1A) of the Planning and Compulsory Purchase Act 2004?
- 1.11 Is the geographical illustration of all relevant policies shown on the Council's Policies Map?
- 1.12 Are the submitted Plans sufficiently clear on which development plan policies would be superseded or amended on adoption of the Plans, with reference to

the requirements of Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012?

- 1.13 Are the Plans consistent with other existing DPDs? Is it evident which Plan will have primacy in the event of conflict between policies?
- 1.14 Is the Plans' relationship to existing and emerging Neighbourhood Plans justified and reasonable, including the identification of strategic policies which Neighbourhood Plans would be required to be in general conformity with?

Matter 2: Climate Change and Economic Prosperity

Issue: Are the proposed policies on climate change and economic prosperity justified, effective and consistent with national policy?

- 2.1 Is Policy CC1 justified, effective and consistent with national policy, including paragraph 16 of the Framework?
- 2.2 Is Policy SP4 justified, effective and consistent with national policy? Is the final bullet point of Policy SP4 appropriately drafted?
- 2.3 Would Policy SP4 allow for renewable energy projects to come forward in areas which form part of green and blue infrastructure networks?
- 2.4 Has sufficient consideration been given in Policy SP4 to the effect of major renewable energy projects on existing businesses locally?
- 2.5 Do the requirements of Policy SP9 duplicate other policies?
- 2.6 Is new criterion V of Policy DM57 on resilience to climate change justified?
- 2.7 Do the requirements of criterion IX of Policy DM57 unnecessarily duplicate the requirements of policies on transport?

Matter 3: Sustainable Design, Energy Efficiency and Renewable Energy

Issue: Whether the policies relating to sustainable design, energy efficiency and renewable energy are positively prepared, justified, effective and consistent with national policy

- 3.1 Is Policy DM29 positively prepared, justified, effective, and consistent with national policy?

- 3.2 Is the cross-referencing to other policies within Policy DM29 correctly drafted and necessary?
- 3.3 How would opportunities being taken to maximise solar gain at new criterion II of Policy DM29 work with building at higher densities?
- 3.4 If the content of the supporting text at paragraph 9.5 is an expectation, should it form part of policy? Will the expectations set out in paragraph 9.5 affect the delivery of homes?
- 3.5 Is Policy DM30a justified, effective, and consistent with national policy?
- 3.6 Are the requirements to provide a Sustainable Design Statement and Energy Statement necessary?
- 3.7 Is Policy DM30b justified and consistent with national policy?
- 3.8 Does the Council area meet the Planning Practice Guidance's (PPG) parameters for applying the optional requirement of 110 litres of water per person per day?
- 3.9 Is Policy DM30c justified and consistent with national policy?
- 3.10 Is Policy DM53 justified, effective and consistent with national policy?
- 3.11 Is Policy DM53 consistent with the Arnside & Silverdale Area of Outstanding Natural Beauty Development Plan Document?
- 3.12 Should Policy DM53 refer to impact on nationally designated landscapes instead of or as well as referring to the impact on the setting of nationally designated landscapes?
- 3.13 What is Figure 13.1? Does it represent opportunities or constraints for wind energy? Are these opportunities and constraints adequately replicated on the Policies Map?

Matter 4: Transport

Issue: Whether the policies relating to transport are positively prepared, justified, effective and consistent with national policy

- 4.1 Is Policy T2 as drafted sufficiently flexible to allow for different circumstances?
- 4.2 What would secure cycle parking mean in Policies T2 and T4?
- 4.3 Is Policy T4 positively prepared and consistent with national policy?
- 4.4 Are the requirements of Policy T4 in respect of provision of new services and enhancement of existing services deliverable?

- 4.5 How will any deficiencies in existing public transport services be identified for the purposes of Policy T4?
- 4.6 How is a frequent high-quality public transport service defined in Policy T4?
- 4.7 What is the difference between a 'Bus Rapid Transit System' and a 'Better Buses Scheme' in Policy T4 and elsewhere in the Plans?
- 4.8 Is the definition of a 400m walking distance soundly based in Policy T4?
- 4.9 Should reference be made in Policies SP10, T2 and T4 to the need for the realignment of Junction 33 of the M6?
- 4.10 Is Policy SP10 effective and justified?
- 4.11 Is Policy SG12 effective and justified?
- 4.12 Are the policies and supporting text of the Plans consistent in how accessibility is referred to?
- 4.13 Does Policy DM31's supporting text represent a reasonable approach to addressing air pollution? Should references to the Environment Bill in the supporting text to Policy DM31 refer to the Act?
- 4.14 How will the Council ensure that development proposals are located where sustainable travel patterns can be achieved as per Policy DM60? Are the proposed changes to criterion II of Policy DM60 necessary given that criterion III of Policy DM60 refers to buildings and places being easily accessible?
- 4.15 Which paragraph of the Framework should criterion VIII of Policy DM60 be referring to?
- 4.16 Should the final paragraph of the Walking section of Policy DM61 refer to the additional criterion IV on accessibility?
- 4.17 What status does Local Transport Note 1/20 have? Will there be flexibility in applying this document?
- 4.18 With reference to Policy DM61, what does equitable implementation of cycling improvements look like? Furthermore, what is an aspirational route?
- 4.19 Should the staff numbers for provision of shower facilities be included in Policy DM61 rather than in the supporting text?
- 4.20 Is Policy DM62 positively prepared, justified, effective, and consistent with national policy?
- 4.21 Does Policy DM62's coverage of electric vehicle charging overlap with Part S of Building Regulations?

- 4.22 Is there sufficient grid capacity to support electric vehicle charging requirements and has account been taken of the need to upgrade or reinforce electrical supply infrastructure?
- 4.23 Is there sufficient certainty about which applications the electric vehicle requirements in Policy DM62 would be applied to?
- 4.24 Does Policy DM62 conflict with the energy hierarchy in Policy DM30a in respect of the use of renewable or low carbon energy generated on-site?
- 4.25 Are the requirements for covered and secure cycle parking in Appendix E of the Part 2 Plan reasonable?
- 4.26 Is Policy DM64 effective?

Matter 5: Heritage

Issue: Are the heritage policies justified, effective and consistent with national policy?

- 5.1 Is Policy DMCCH1 justified, effective and consistent with national policy and with Building Regulations?
- 5.2 Does Policy DMCCH1 and its supporting text appropriately reflect the importance of not harming the significance of heritage assets?
- 5.3 How is 'responsible' defined in the first sentence of Policy DMCCH1? How would this be applied to heritage assets?
- 5.4 How is it determined when Policy DMCCH1 is applicable? What constitutes a historic building? Is it a heritage asset as defined by the Framework?
- 5.5 Is Policy DMCCH2 justified, effective, and consistent with national policy?
- 5.6 Does Policy DMCCH2 work effectively with other policies in the Plans?
- 5.7 Are Conservation Areas, Registered Parks and Gardens, Scheduled Monuments and other heritage assets appropriately addressed by Policy DMCCH2?
- 5.8 Are Policies DMCCH1 and DMCCH2 intended to address both designated and non-designated heritage assets?

Matter 6: Water Management

Issue: Are the policies on water management justified, effective and consistent with national policy?

- 6.1 Is Policy DM33 justified, effective and consistent with national policy?

- 6.2 Has sufficient regard been given to the PPG's advice in terms of flood risk vulnerability?
- 6.3 Are criteria III f. and g. of Policy DM33 sufficiently clear in respect of other sources of flooding?
- 6.4 Are the requirements of Policy DM34 justified, effective, and consistent with national policy? Is Policy DM34 sufficiently flexible?
- 6.5 Is Policy DM36 consistent with national policy?
- 6.6 Should Policy DM36 make specific reference to how development within defined Groundwater Source Protection Zones would be assessed?
- 6.7 Has sufficient consideration been given to developments on public water supply catchment land?

Matter 7: Green and Blue Infrastructure

Issue: Are the policies on green and blue infrastructure justified, effective and consistent with national policy?

- 7.1 Is Policy SC4 justified and effective? Would Policy SC4 prevent renewable energy projects from occurring within green and blue infrastructure areas?
- 7.2 Is the coverage of green and blue infrastructure on the Policies Map and within Figure 23.2 of the Part 1 Plan appropriate?
- 7.3 Is it clear what the existing green and blue infrastructure network is?
- 7.4 Policy SC5 refers to opportunity areas to be in accordance with Policy DM43. Are the two policies consistent?
- 7.5 Is Policy SP8 justified and consistent with national policy?
- 7.6 Should reference be made in Policy SP8 to the Environment Act 2021?
- 7.7 Has sufficient consideration been given in Policy SP8 to site constraints, such as utilities infrastructure?
- 7.8 With reference to new criterion III of Policy DM27, will it be clear to developers what form an assessment of the environmental, climate mitigation and climate adaptation value of an open space will take?
- 7.9 What is the evidential basis for the change in dwelling thresholds for on and off-site provision of open space and financial contributions in Appendix D of the Part 2 Plan?
- 7.10 Is it necessary to cross-reference between Policies DM27 and DM43?

- 7.11 Is Policy DM43 effective and consistent with national policy?
- 7.12 Will all development proposals be expected to integrate green and blue infrastructure and forge linkages with the wider network?
- 7.13 Does Policy DM43 provide sufficient certainty that green and blue infrastructure will be provided and retained?
- 7.14 Does Policy DM43 exclude any possible value that green and blue infrastructure networks can have?
- 7.15 Is Policy DM45 positively prepared, justified, and consistent with national policy?

Matter 8: Viability and First Homes

Issue: Do the Plans take a justified and effective approach to the viability and deliverability of sites and policies?

- 8.1 Is the Council's approach to viability consistent with national policy, the PPG, and RICS guidance?
- 8.2 Does the Council's viability work adequately reflect local circumstances? Were appraisal inputs appropriate?
- 8.3 Has there been meaningful engagement with stakeholders on viability assumptions?
- 8.4 Taking account of the Council's viability work, would the requirements of the Plans' policies put the viability of the implementation of the Plans at serious risk? Have all of the Plans' policy requirements, including requirements of Policies CC1, T2, T4, SC4, SP8, DM29, DM30a, DM30b, DM30c, DM33, DM34, DM45, DM59, and DM62 been factored in?
- 8.5 Has development other than housing development been assessed as part of the viability assessment work?
- 8.6 Is there scope for any requirements to be relaxed in instances where development would not be viable? Is the appropriate mechanism for this within Policy DM58 or should it be included in other policies throughout the Plans?
- 8.7 Was consideration given in the Council's viability work to the phasing of strategic sites and any consequential effects on viability?

8.8 Should there be any transitional arrangements for the introduction of additional policy requirements for viability reasons?

Issue: Is the approach to First Homes consistent with national policy?

8.9 Is Policy DM3 justified or consistent with national policy and the PPG's advice?

8.10 Are Policy DM3 and the supporting text consistent in how First Homes are dealt with?

Matter 9: Implementation and Monitoring

Issue: Does the Plan have a clear and effective framework for monitoring the implementation of the policies?

9.1 Do the Plans contain an adequate framework for monitoring the implementation of the Plans' policies? Are the monitoring indicators, targets, triggers, and actions sufficiently precise to be effective? Is it clear what action will be taken if targets are not met?

As part of responding to these Matters, Issues and Questions, the Council should assess each policy indicator, target, trigger and action of each new or amended policy within the scope of the Climate Emergency Review in terms of whether they are sufficiently specific, measurable, achievable, relevant, and time-bound. Any modifications should be put forward as part of the Council's hearing statement.

Joanna Gilbert

INSPECTOR