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The final piece of the jigsaw!

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**EXAMINATION OF THE CLIMATE EMERGENCY REVIEW OF THE LANCASTER DISTRICT STRATEGIC  
POLICIES AND LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD) AND THE  
DEVELOPMENT MANAGEMENT DPD**

**Inspector: Joanna Gilbert MA (Hons) MTP MRTPI**

28 June 2022

Dear

On 31 March 2022, the Lancaster City Council formally submitted Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations DPD and the Development Management DPD (the Plans) to the Secretary of State for Communities and Local Government.

The Secretary of State then appointed Inspector Joanna Gilbert MA (Hons) MTP MRTPI of the Planning Inspectorate to conduct the Examination to determine whether the Development Plan Document is sound and meets legal and procedural requirements.

I was appointed as the Programme Officer for the Examination of the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations DPD and the Development Management DPD to assist the Inspector with all aspects of the examination administration. I am independent of the Council during this process.

**It is anticipated that the initial hearings will commence Tuesday 4 October 2022 and will be held virtually.** Formal notification and further information about the hearings will be published shortly.

An important element in the organisation of the hearings is identifying representors who wish to appear and present their representation orally. Please note that written representations made as part of the Regulation 19 consultation will carry the same weight as representations that are made in person during the hearing sessions. The Inspector would like to stress that the right to appear and be heard is limited to those persons defined in section 20 (6) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (i.e. any person(s) that has made representations seeking a change to the Plans). Consequently, supporters of policies or allocations do not have a right to appear as it is for the Council to justify the contents of its Plan.

In order to assist in drawing up the draft hearings programme I would be grateful if you would confirm whether or not you wish to take part in the hearings and present your representation orally. **Please respond to me no later than 17.00 Monday 18 July 2022 if your intention is to participate in the examination hearings.** If I do not hear from you by that date, I will presume that you do NOT wish to be invited to participate at the hearings.

The Inspector has published three documents (attached to this letter):

EX/INS/02 Lancaster CER Draft Hearing Programme v.1. June 2022

EX/INS/03 Lancaster CER Guidance Notes v.1 June 2022

EX/INS/04 Lancaster CER Matters, Issues and Questions June 2022

**The deadline for submission of the hearing statements in response to the Inspector's MIQs is 17.00 Monday 5 September 2022.**

**Statements of Common Ground should be submitted no later than 17.00 Monday 25 July 2022.**

Updates and all documents relating to the preparation of the Plan and examination are available to download or view online at: [Lancaster CER Examination](#)

If you require any further information, please do not hesitate to contact me.

Yours faithfully

*Carole Crookes*

Carole Crookes  
Programme Officer

**Summary of key dates:**

- 1700 on Monday 18 July 2022 - Deadline to confirm with the Programme Officer whether you wish to exercise your right to appear and be heard at an examination hearing session
- 1700 on Monday 25 July 2022 - Deadline for submission of statements of common ground
- 1700 on Monday 5 September 2022 - Deadline for submission of hearing statements
- 1000 on Tuesday 4 October 2022 - Hearing sessions begin

**EX/INS/02**

**Lancaster City Council**

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

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**Webpage:** <https://www.lancaster.gov.uk/planning/planning-policy/local-plan-examination>

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## **DRAFT HEARING PROGRAMME V1 – JUNE 2022**

The draft hearing programme is liable to change prior to the hearing sessions. Morning and afternoon hearing sessions are likely to be introduced once the number of likely participants is established. Please check the examination webpage for updates.

### **Hearing Day 1 – Tuesday 4 October 2022**

Introduction and Inspector's Opening Remarks

Opening statement on behalf of Lancaster City Council

Matter 1: Procedural and Legal Compliance

Matter 2: Climate Change and Economic Prosperity

### **Hearing Day 2 – Wednesday 5 October 2022**

Matter 3: Sustainable Design, Energy Efficiency and Renewable Energy

Matter 4: Transport

**Hearing Day 3 – Thursday 6 October 2022**

Matter 5: Heritage

Matter 6: Water Management

Matter 7: Green and Blue Infrastructure

Matter 9: Implementation and Monitoring

**Hearing Day 4: Friday 7 October 2022**

Matter 8: Viability and First Homes

Inspector review of any actions for the Council

**EX/INS/03**

**Lancaster City Council**

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

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## **GUIDANCE NOTE**

### **Purpose**

1. Before a local plan can be formally adopted, it must be subject to an independent examination. The Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations Development Plan Document (DPD) and the Development Management DPD were submitted for examination on 31 March 2022 and I have been appointed by the Secretary of State to examine them. This note provides guidance on how the examination will be run.
2. More information on the examination process can be found in the Planning Inspectorate's [Procedure Guide for Local Plan Examinations](#). There is also a [short guide](#), which may be helpful, especially if you have not previously been involved in an examination.

### [Inspector's role and purpose of the examination](#)

3. My task is to examine whether the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations DPD and the Development Management DPD (the Plans) are 'sound' and if they meet legal and procedural requirements. The 'tests of soundness' are set out in the government's [National Planning Policy Framework](#) at paragraph 35. Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy.

4. The potential outcomes of the examination are that:
  - the submitted Plans are sound, meet the relevant legal requirements and do not need to be changed;
  - the submitted Plans are not sound and/or do not meet the relevant legal requirements, but could be made to do so by changing them (these changes are known as main modifications). If necessary, this may follow the preparation of additional evidence; or
  - the submitted Plans are not sound and/or do not meet the relevant legal requirements and could not be made sound by changes. If so, I would recommend that the Council withdraws the Plans.

### **Programme Officer**

5. The Programme Officer plays a key role in organising the examination and acts as the first point of contact for everyone. They work with the Inspector and independently of the Council. The contact details for the Programme Officer are given above and any questions should be directed to them.

### **Examination webpage**

6. This will provide information about the examination, including the hearings. It is maintained by the Programme Officer and will be updated regularly. A link is provided above.
7. If you do not have access to the internet, please contact the Programme Officer so that alternative arrangements can be put in place.

### **The examination process**

8. A summary of the examination programme and some key sources of information are set out in the annex to this note.
9. The examination will now move through the following stages, which are outlined in more detail in the Procedure Guide:
  - preparation of statements in advance of hearing sessions;
  - hearing sessions;
  - consultation on any main modifications (changes to the Plans);
  - my final report
10. The timing and nature of the process is subject to variation depending on how the examination proceeds. For example, there may be additional stages if I

conclude that more evidence needs to be prepared to help justify the Plans or to inform changes.

11. The starting point is that the Council has submitted Plans which it considers are ready for examination. The Council should rely on the evidence put together while preparing the Plans to show that they are sound. Anyone wanting to change the Plans should explain why they think the Plans are not sound and how their suggestion would make the Plans sound.

### **Changes to the Plans**

12. Once the Plans have been submitted for examination, there are only two ways in which they can be changed:

**Main modifications** – these are any changes that are necessary to achieve sound Plans. During the examination I will say if I think any are needed. They would then be subject to public consultation, and I will consider any comments, before concluding on them. They may also need to be subject to sustainability appraisal.

**Additional modifications** – these are changes which do not materially affect the policies in the Plans. They are made by the Council when they adopt the Plans and are not a matter for the examination. They are sometimes referred to as minor modifications.

13. I will also take account of any other potential main modifications suggested by the Council or others during the examination. However, if the Plans are already sound, it is not the purpose of the examination to improve them.

### **Representations made on the Plans**

14. The Council has prepared the Lancaster District Local Plan 2011 – 2031 Representations Statement (Regulation 22) (1) (c) (v-vi) [SD\_07] and a Statement of Consultation (January 2022) [P\_07], which together include details of the consultation that has taken place on the Plans, and summarise the main issues raised in the representations to both Plans.
15. A full set of the representations made on the submitted Plans has been provided to me and I will take them all into account. These are sometimes referred to as responses to the 'Regulation 19' consultation, after the legal regulation relating to this stage. I will not consider representations made on any earlier draft versions of the Plans (which are sometimes referred to as the Regulation 18 stage).

## Matters, Issues and Questions

16. Based on my initial assessment, I have identified a number of Matters, Issues, and Questions I want to explore. Essentially, they are a series of grouped questions on specific topics, intended to give an ordered structure to the examination. They are set out in my Matters, Issues and Questions document which has been issued at the same time as this guidance note.

## Hearing statements

17. The Plans submitted form the Climate Emergency Review of the Lancaster District Strategic Policies and Land Allocations DPD and the Development Management DPD. The changes proposed represent a partial update to the Plans and are set out as single colour track changes in documents SD\_01.1 Climate Emergency Review of the Strategic Policies & Land Allocations DPD Document Submission Local Plan 2020 – 2031 Single Track Change Version and SD\_02.1 Climate Emergency Review of the Development Management DPD Submission Local Plan 2020 – 2031 Single Track Change Version. When producing hearing statements, please use the single colour track changes version of each Plan which can be found on the examination webpage.
18. The Council should produce a statement for each matter responding to all my Matters, Issues and Questions.
19. Other participants should only submit hearing statements on topics they made representations about. However, if you feel that your representation adequately answers the issues and questions I have raised, there is no need to submit a hearing statement.
20. Statements should be focussed and as short as possible, and in any event must contain no more than 3,000 words for each matter. They should:
  - clearly identify (by reference to matter and question number) which specific matters, issues and questions are being answered;
  - only answer the specific matters, issues and questions which are of direct relevance to your original representation; and
  - not introduce new evidence or arguments.
21. Appendices should only be included exceptionally if they are directly relevant and necessary and should not be used as a means of increasing the word-count.
22. As the Council must answer every question, it may be justified to go over the limit of 3,000 words per matter in some cases.
23. Please email electronic versions of your statement(s) to the Programme Officer in Word or PDF format by **1700 on Monday 5 September 2022**. If you



are unable to email your statement, please contact the Programme Officer so that alternative arrangements can be made.

24. All hearing statements will be posted on the examination webpage after the submission date. They will not be circulated directly to participants. Anyone who is unable to access them on the webpage should contact the Programme Officer.
25. Once the date for submitting hearing statements has passed, no other written evidence will be accepted, unless I specifically request it. To be fair to all participants, the hearings should not be used to introduce additional evidence.

### **Statements of Common Ground**

26. The National Planning Policy Framework (in paragraphs 24 to 27) states that local authorities should demonstrate effective and on-going joint working with neighbouring authorities and other prescribed bodies (the 'duty to cooperate') by preparing one or more statements of common ground.
27. It is also helpful for statements of common ground to be agreed between the Council and other participants - for example, with other Councils, public bodies and those promoting the development of particular sites. This is particularly desirable where there are significant unresolved issues relating to soundness or compliance with legal requirements. Wherever possible statements of common ground should be used to resolve these problems. Failing that they should define any remaining unresolved disagreements that could affect soundness.
28. If any further statements of common ground are to be prepared then they should, wherever possible, be completed and provided to the Programme Officer by **1700 on Monday 25 July 2022**. They will be published as examination documents so that other representors are aware of their contents before submitting their hearing statements. This should not preclude the Council from continuing to engage on outstanding issues with other bodies, which may then result in an update to any existing statements of common ground, if that would help the examination.

### **Examination hearing sessions**

29. The hearings are an important part of the examination and will start at **1000 on Tuesday 4 October 2022**. The hearings will be held virtually. Participants in the hearings will be advised in due course how they will access the hearings. The hearings programme is being issued at the same time as this guidance note and will be placed on the examination webpage.
30. Each hearing session will consider a specific topic based on my matters, issues and questions which has been issued alongside this guidance note

and the hearings programme. The hearing sessions will be run as structured discussion which I will lead. There will be no formal presentation of cases or cross-examination of participants.

31. Anyone may attend a hearing as an observer, but only those who made a representation seeking to change the Plans have a right to speak and take part. The right to be heard only applies to the sessions relevant to the original representation. It is up to you whether you want to rely on the consultation response you made or if you want to take part in the hearing. However, the hearing sessions are not an opportunity to simply repeat a case already set out in written representations. All representations will be taken into account, regardless of whether they are made verbally at a hearing or in writing.
32. If you have a right to take part and wish to do so, please contact the Programme Officer by **1700 on Monday 18 July 2022** indicating which matters in the published hearing programme you wish to take part in and which are relevant to your representations. You must do this regardless of what you may have indicated in your original representations. Please note that if you do not contact the Programme Officer by that date, it will be assumed that you do not wish to take part and you will not be listed as a participant in the hearing sessions. Participants may choose to be represented by someone else, for example a professional expert.
33. Those who made representations which did not seek changes to the Plans, including those supporting them, do not have a right to take part in the hearings. However, I may invite additional people to take part if this would help me assess the Plans.
34. Where several representors or organisations wishing to take part in the hearings have similar points, it will help me if they can arrange to be represented by one or two spokesperson(s). Please contact the Programme Officer to discuss this.
35. Please let the Programme Officer know as soon as possible if you have any specific needs or requirements to enable your participation in the hearing sessions.
36. The issues considered in examinations can be controversial, sometimes leading to strong and conflicting views. At all times during the examination, participants and observers are expected to act in a courteous, respectful and helpful manner towards each other. I will ensure that all participants are given a fair opportunity to express their views. Inappropriate material submitted during the examination will not be accepted. Threatening or aggressive behaviour of any kind will not be tolerated.

**Representations proposing changes to policies outside the scope of the review and/or proposing additional site allocations**

37. Some representations objecting to the Plans have proposed that additional policies require amendment and that different sites from those in the submitted Plans should be allocated for development. However, my role is to examine the soundness of the submitted Plans, not the soundness of sites that are not within them or policies which have not formed part of the scope of the Climate Emergency Review.
38. This examination is concerned with the changes proposed to the adopted Plans by the Council through the Climate Emergency Review. Consequently, I will not be asking questions about elements of the Plans which are not proposed to be changed. The elements of the adopted Plans which are not before me in this examination will therefore remain unchanged after the examination concludes.
39. It is not my intention to hold hearing sessions about policies of the existing Plans which are not proposed to be changed as part of the Climate Emergency Review. This would not represent an appropriate use of resources and would not be fair to other representors. Instead, those objecting to the Plans should focus on what they consider makes the submitted Plans unsound in respect of the changes which form part of the Climate Emergency Review.
40. Any hearing statements and/or evidence given at hearings should be with regard to the changes proposed in the submitted Plans. Any evidence on parts of the Plans not before me at this examination lies outside my remit and will not therefore result in further discussion at hearings or modifications being made to the submitted Plans. Such matters are most appropriately addressed through a full review of the Council's Plans in the future.

### **After the hearings**

41. During the hearings I will let the Council know about any changes to the Plans (main modifications) I think may be necessary. I may also write to the Council after the hearings have ended, for example, if I am unable to reach conclusions in the hearings on the need for some main modifications.
42. The Council will then draft the main modifications and agree them with me, before making them available for public consultation. I will consider any representations about them before reaching my final conclusions.
43. I will then prepare a report for the Council setting out my conclusions and my recommendations on any main modifications that are needed. My report will deal with the main issues of soundness and any procedural and legal issues. I will consider all the points made during the course of the examination. However, I will not be reporting on every issue, question or representation.

44. Unless I specifically request them, no further representations or evidence will be accepted after the hearing sessions have finished. Late or unsolicited material may be returned.

### **Close of the examination**

45. The examination will close when my report is submitted to the Council. The Council must then decide whether to formally adopt the Plans. However, the Plans can only be adopted if they include any changes I have recommended to make them sound.
46. The Council should publish my report as soon as they reasonably can after receiving it. Once the report has been issued, my involvement in the Plans ceases.

*Joanna Gilbert*

INSPECTOR

June 2022

## Annex

### Summary of the examination programme

Inspector's Matters, Issues and Questions, draft hearing programme and this guidance note published

1700 on Monday 18 July 2022 - Deadline to confirm with the Programme Officer whether you wish to exercise your right to appear and be heard at an examination hearing session

1700 on Monday 25 July 2022 - Deadline for submission of statements of common ground

1700 on Monday 5 September 2022 - Deadline for submission of hearing statements

1000 on Tuesday 4 October 2022 - Hearing sessions begin

### Further sources of information

Further information about the preparation and examination of Local Plans is available as follows:

National planning policy and guidance

- the Government's planning policy - [National Planning Policy Framework](#)
- the Government's [Planning Practice Guidance](#)
- the Government's planning practice guidance specifically on local plans - [Plan-making](#)

The Local Plan examination process and the role the Planning Inspectorate plays in that - [local plans and the examination process](#). This page includes:

- the Procedure Guide for Local Plan Examinations
- a short guide to taking part in local plan examinations

Relevant legislation – is available at <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

**EX/INS/04**

**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**

**June 2022**

**Inspector:** Joanna Gilbert MA (Hons) MTP MRTPI

## **Programme Officer: Carole Crookes**

### **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