

# Hearing Statement

## Lancaster University

Response to Matter 2: Climate Change and Economic Prosperity

CBRE Limited  
On Behalf of Lancaster University

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# 1.0 Introduction

- 1.1 This Hearing Statement has been produced by CBRE Limited, on behalf of Lancaster University, in relation to Matter 2 of the Inspector's Matters, Issues and Questions.
- 1.2 CBRE Limited, on behalf of Lancaster University, has previously submitted representations in relation to Lancaster City Council's (LCC) Climate Emergency Local Plan Review (CELPR) 2020-2031. CBRE Limited (hereafter referred to as 'CBRE') acts on behalf of Lancaster University in relation to its wider estate in Lancaster.
- 1.3 Representations have been made to the following stages of the CELPR to date:
  - Scoping Consultation (November 2020);
  - Regulation 18, Draft version (letter dated 17<sup>th</sup> September 2021); and
  - Regulation 19, Publication version (letter dated 14<sup>th</sup> March 2022 and completed Regulation 19 Response Forms).
- 1.4 The representations made to date have supported many aspects of the proposed amendments to the adopted Strategic Policies & Land Allocation Development Plan Document (DPD) (examination document ref. SD\_01.1) and the Development Management DPD (examination document ref. SD\_02.1). There is significant alignment between the Council's CELPR and the University's own climate emergency declaration.
- 1.5 Lancaster University shares the view of the Council that there is simply no greater global challenge than addressing the climate emergency and that the duty to address this challenge is a collective one. The University declared a climate emergency on 23<sup>rd</sup> November 2020 and is committed to reaching net zero for carbon emissions from electricity and heating by 2030 and net zero from all other emissions by 2035. The University has already implemented a range of projects which have directly reduced the University's carbon footprint and driven significant behavioural changes amongst students and staff.
- 1.6 Lancaster University is the highest producer of renewable energy of all UK Universities and has already reduced its heating and electricity emissions by 50% since 2005.
- 1.7 Lancaster University is committed to the sustainable operation and growth of its campus and recognises its role in addressing the climate emergency. In order to achieve its ambitious targets it is essential that the Local Plan and planning policy framework underpin and support the delivery of these key University objectives.
- 1.8 The remainder of this Hearing Statement refers specifically to Policy CC1 *Responding to Climate Change and Creating Environmental Sustainability* of the CELPR Strategic Policies and Land Allocation DPD (examination document ref. SD\_01.1). Specifically, this Statement seeks amendments to the flood risk clause (Clause 6) to ensure it is consistent with national policy and seeks additional text to ensure the policy is justified and effective with regards to net zero ambitions.
- 1.9 This Hearing Statement responds to the following Issues and Questions as raised by the Inspector:
  - Matter 2, Question 2.1: *Is Policy CC1 justified, effective and consistent with national policy, including paragraph 16 of the Framework?*

# 2.0 Matter 2, Issue 1, Question 2.1

- 2.1 This section relates to Matter 2, Issue 1, Question 2.1: *Is Policy CC1 justified, effective and consistent with national policy, including paragraph 16 of the Framework?*
- 2.2 Paragraph 16 of the National Planning Policy Framework (NPPF 2021) requires plans to be prepared with the objective of contributing to the achievement of sustainable development; be prepared positively in a way that is aspirational but deliverable; be shaped by early, proportionate and effective engagement; contain policies that are clearly written and unambiguous so it is evident how a decision maker should react to development proposals; be accessible through the use of digital tools; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including policies in the NPPF.
- 2.3 The University is generally supportive of the introduction of Policy CC1, which embeds the overarching themes and objectives of the Council's climate ambitions into an overarching strategic policy. However, as stated in previous representations to the CELPR the policy could go further in order to ensure it is justified, effective and aligns with paragraph 16 of the NPPF and should be amended to ensure it is consistent with national policy.

## 2.1 Supporting the net zero ambition

### 2.1.1 Renewable energy

- 2.4 Policy CC1 (examination document ref. SD\_01.1) is a strategic policy. The NPPF states that strategic policies should make sufficient provision for the provision of energy (including heat) (para. 20b).
- 2.5 Policy CC1, as drafted in examination document ref. SD\_01.1, refers to the aim for Lancaster District to become low carbon. The policy refers to ensuring appropriate mitigation for the environmental and climatic impacts of development and integrating principles of sustainable design and construction into proposals as methods to achieve this.
- 2.6 The policy then establishes the Council's ambitions to reduce carbon emissions to net zero by 2030. The Plan will support this ambition through a number of measures, including the requirement for new and existing developments to minimise emissions and maximise the use of renewable energy and resources.
- 2.7 However, the policy omits any reference to proposals for standalone renewable or low carbon energy projects. Renewable or low carbon energy generation is a critical part of achieving net zero carbon targets and standalone renewable / low carbon projects should therefore be listed in the measures detailed in Policy CC1.
- 2.8 Although the need to '*maximise the use of renewable energy and resources*' is mentioned in the policy, this refers to renewable energy measures as part of a proposed development (e.g. solar panels on the roof of a proposed building) rather than standalone, larger scale energy generation projects.
- 2.9 Failing to mention standalone renewable energy projects is a lost opportunity to link the strategic Policy CC1 of examination document ref. SD\_01.1 to Policy DM53 of examination document ref. SD\_02.1. Including reference to renewable energy generation in Policy CC1 would ensure that the Council's support for renewable energy is clear across both DPDs.
- 2.10 Without reference to renewable energy projects in Policy CC1, we consider that the policy fails to identify an appropriate strategy that can deliver the net zero carbon targets within the plan period and so is currently not meeting the NPPF requirements to be justified or effective (NPPF, para. 35). Furthermore, the policy as drafted does not satisfy paragraph 16b of the NPPF, which requires plans to be prepared positively in a way which is aspirational but also deliverable.
- 2.11 To address this, we propose that an additional policy criteria is added to Policy CC1 (suggested changes highlighted in RED text):

*...In response to the climate emergency declaration made by Lancaster City Council, the content of this Plan Review will aim to assist in the Council's ambitions towards a reduction of carbon emissions to net zero by 2030. This Plan will support those ambitions by ensuring...*

*...8. New renewable energy and infrastructure projects that will accelerate the move towards a low carbon future are supported, where in compliance with other plan policies;*

### **2.1.2 Collaborative working**

2.12 We consider that Policy CC1, as drafted in examination document ref. SD\_01.1, could be strengthened through reference to *how* the Council will address net zero carbon targets, in terms of collaboration with key stakeholders. The journey to net zero is a significant challenge and it cannot be achieved by the Council working in isolation.

2.13 We consider that a change to the policy should be made in order to ensure that the policy is consistent with the NPPF requirement for plans to be prepared positively in a way that is deliverable and shaped by effective engagement with local organisations/businesses (para. 16b & 16c). The proposed amendment is to refer to collaboration between the Council and major institutions to collectively address the challenge of the Climate Emergency.

2.14 To address this, we propose that an additional policy criteria is added to Policy CC1 (suggested changes highlighted in RED text):

*...In response to the climate emergency declaration made by Lancaster City Council, the content of this Plan Review will aim to assist in the Council's ambitions towards a reduction of carbon emissions to net zero by 2030. This Plan will support those ambitions by ensuring...*

*9. That the Council works collaboratively with the district's major institutions, including its Universities, to lead on sustainable growth and development and to demonstrate how the Council and these institutions can work together to address the Climate Emergency.*

## **2.2 Approach to flood risk**

2.15 As stated in the representations made by CBRE Limited, on behalf of Lancaster University, to the Regulation 19, Publication version consultation, it is not considered that Policy CC1 as currently worded is consistent with national policy in relation to flood risk.

2.16 As set out in examination document ref. SD\_01.1, Policy CC1 states:

*...In response to the climate emergency declaration made by Lancaster City Council, the content of this Plan Review will aim to assist in the Council's ambitions towards a reduction of carbon emissions to net zero by 2030. This Plan will support those ambitions by ensuring:*

*...6. That the natural functioning of river processes are improved or maintained, avoiding placing development in areas at risk of flooding and ensuring new development contributes to reducing flood risk on and off site.*

2.17 As drafted this policy is not in accordance with the NPPF. The NPPF acknowledges that development may be necessary in flood risk areas (para. 159); whereas Policy CC1 of examination document ref. SD\_01.1, as drafted, does not.

2.18 The NPPF requires a sequential approach to be taken to the location of development '...so as to avoid, where possible, flood risk to people and property' (para. 161). The inclusion of the phrase 'where possible' acknowledges that in some instances this may not be possible.

2.19 In cases where it is not possible for development to be located in areas with a lower risk of flooding, the exception test may be applied (NPPF, para. 163). This demonstrates that national planning policy acknowledges it is not always possible to avoid development in flood risk areas and therefore there are policy tests for such instances.

- 2.20 This is reflected in Policy DM33 ‘Development and Flood Risk’ of the CELPR Development Management DPD (examination document ref. SD\_02.1), which follows national policy in establishing the requirements for the sequential and exception tests and requires development proposals in areas at risk of flooding to meet clauses i-x.
- 2.21 However, this is contrary to Policy CC1 which states that development in areas at risk of flooding will be avoided. This lack of alignment between Policy CC1 and Policy DM33 does not satisfy the NPPF requirement for policies to be clearly written and unambiguous so it is evident how a decision maker should react to development proposals (para. 16).
- 2.22 It is unclear whether the requirements of the Local Plan, in terms of delivery targets for housing, employment land and other infrastructure could be delivered whilst avoiding development in areas at risk of flooding.
- 2.23 The NPPF recognises that development should be made safe for its lifetime without increasing flood risk elsewhere (para. 159 & para. 167).
- 2.24 Policy CC1, as drafted, is more onerous and requires development to reduce flood risk both on and off site. Although this policy ambition is supported by the University, it is not clear to what extent flood risk must be reduced on and off site (including geographical extent and quantifying the reduction) in order to meet this policy requirement and what happens if this is not achievable.
- 2.25 In summary, this clause of Policy CC1 as currently worded does not align with the wording of national policy and Policy DM33.
- 2.26 To ensure that Policy CC1 is consistent with national policy (and consistent with Policy DM33), we propose the following amendments, as shown in red text:
- ...In response to the climate emergency declaration made by Lancaster City Council, the content of this Plan Review will aim to assist in the Council's ambitions towards a reduction of carbon emissions to net zero by 2030. This Plan will support those ambitions by ensuring:*
- ...6. That the natural functioning of river processes are improved or maintained, avoiding placing development in areas at risk of flooding, **where possible**, and ensuring new development contributes to reducing flood risk on and off site, **where feasible**.*
- 2.27 This proposed amendment, although minor, will bring the policy in line with national policy whilst still allowing the policy to go further in terms of encouraging the reduction of flood risk on and off site, *where feasible*.

# 3.0 Conclusion

3.1 In summary, we do not consider that Policy CC1 as currently drafted is justified, effective or consistent with national policy with regards to the approach to delivering net zero targets and flood risk.

3.2 In order to address these concerns, we have proposed amendments to the wording of Policy CC1, as set out in this statement and summarised below (suggested changes highlighted in RED text):

*...In response to the climate emergency declaration made by Lancaster City Council, the content of this Plan Review will aim to assist in the Council's ambitions towards a reduction of carbon emissions to net zero by 2030. This Plan will support those ambitions by ensuring:*

*...6. That the natural functioning of river processes are improved or maintained, avoiding placing development in areas at risk of flooding, **where possible**, and ensuring new development contributes to reducing flood risk on and off site, **where feasible**;*

*...8. **New renewable energy and infrastructure projects that will accelerate the move towards a low carbon future are supported, where in compliance with other plan policies; and***

*9. **That the Council works collaboratively with the district's major institutions, including its Universities, to lead on sustainable growth and development and to demonstrate how the Council and these institutions can work together to address the Climate Emergency.***

3.3 Making the above amendments to the policy wording would ensure that Policy CC1 is sound and this will assist in the plan progressing to adoption as soon as possible.