

Barton Willmore, now Stantec on behalf of Story Homes

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

Hearing Statement

Matter 3 – Sustainable Design, Energy Efficiency and Renewable Energy

Q3.1. Is Policy DM29 positively prepared, justified, effective, and consistent with national policy?

1. No. Policy DM29 is not justified, as it fails to properly balance competing elements associated with sustainable development. It is also not consistent with national policy as it conflicts with paragraph 16 of the NPPF.
2. These soundness issues are confined to the section that as currently worded to ensure opportunities are taken to maximise solar gain and solar electric / thermal energy generation.
3. It is agreed that solar gain and solar electric / thermal energy generation are important considerations in the design of development proposals. However, this needs to be balanced with other competing design considerations which also contribute towards a sustainable development.
4. Examples of this are building at sufficient density to minimise land take from development, whilst also ensuring sufficient scale of development to support existing of new local services such as buses and local shops, thus reducing the reliance on the private car.
5. Building at such densities may, in some cases, limit the potential to maximise solar gain.
6. It is therefore suggested that limb II of Policy DM29 is amended to include the words 'where appropriate' at the start. This will ensure sufficient flexibility to allow other sustainable design considerations to be considered as well as solar gain.

Q3.3 How would opportunities being taken to maximise solar gain at new criterion II of Policy DM29 work with building at higher densities?

7. Please see response to Q3.1 above.

Q3.5 Is Policy DM30a justified, effective, and consistent with national policy?

8. No. The policy is neither justified, nor is it consistent with national policy.
9. The policy cannot be considered justified as appropriate evidence has not been produced as to why the policy is required considering it achieves the same goal of reducing carbon emissions by 31% as the latest building regulations.
10. Furthermore, the Future Homes Standard will require a 75% reduction in carbon emissions from development from 2025. Again, this aligns with the requirements of the policy.
11. While it is accepted that the use of fabric first methods in order to achieve this reduction may impact on the design of development when compared to the use of building regulations, the Council has not justified why this approach is preferable.
12. In addition to this, the insistence of using fabric first methods, rather than the nationally standardised Building Regulations has the potential to result in the presence of dual consenting regimes which may not fully align.
13. An example of this is if the fabric first methods required by Policy DM30a do not align with the requirements of the Building Regulations. In this case, the development will achieve the necessary 31% reduction, gain planning consent, but then would not be able to be completed as it would not gain consent from Building Control.
14. It is also noted that while the viability work produced by the Council (P_20.1) makes reference to the costs of following the fabric first approach being the same as following the 2022 Building Regulations, no detailed evidence appears to be available to support this. As such, the policy cannot be justified based on proportionate evidence. Detailed analysis of this has been undertaken as part of the Cumbria Housebuilder Association's representations on the Regulation 19 consultation draft by Cushman & Wakefield.
15. Economies of scale dictate that the introduction of standardised measures across the country that can be accommodated to meet the requirements of Building Regulations can be cost effective. The use of localised measures that differ substantially from these are often more costly and can serve to limit the viability of schemes. Given that carbon emission aim is the same, it is not clear why a different approach is being sought.
16. Viability is a key issue in relation to the review of the Plan. This is because despite the Council adopting its Local Plan in 2019, it currently has a 2.6 year housing land supply (Authority Monitoring Report 2020/21 published January 2022). It is Story's experience that the non-viability of allocated sites against policy requirements has played a part in slowing the delivery of new homes.
17. The imposition of further requirements without a robust evidential basis would potentially further serve to harm the delivery of housing.

Q3.6 Are the requirements to provide a Sustainable Design Statement and Energy Statement necessary?

18. No, the requirement is superfluous.
19. The main element of the Sustainable Design Statement and Energy Statement based on the wording of the policy is an Energy Statement. However, an Energy Statement is already required to support applications based on the Local Validation List.
20. Other elements of sustainable design would be covered in a Design and Access Statement which is a national requirement.
21. The requirement should therefore be removed from Policy DM30a.

Q3.9 Is Policy DM30c justified and consistent with national policy?

22. No. Policy 30c is neither justified or consistent with national policy as it is not informed by viability evidence that properly considers the impact of the requirement for green / blue roofs and walls.
23. As previously stated, the Council's housing land supply position is currently 2.6 years which represents a significant shortfall. This is particularly concerning as the Local Plan was adopted relatively recently and contained significant housing allocations.
24. One of the reasons for a lack of delivery are viability issues relating to current policy requirements. These issues are likely to become more acute with the imposition of further requirements, such as green / blue roofs.
25. It is therefore imperative that the cost implications of this are factored in to the viability evidence. This is not the case and therefore this element of the policy cannot currently be considered to be justified.