



Hearing Statement

Matter 4

Transport

On behalf of:

Derwent Development Management Ltd

In respect of:

Lancaster Local Plan: Climate Emergency Review

Examination in Public

Date:

September 2022

Reference:

MA/DDML/018-10/R002m

1.0 **Introduction**

1.1 This Hearing Statement is submitted in respect of document EX INS 04 as it pertains to Matter 4 in the context of those questions regarding "Transport".

1.2 We have also submitted a Hearing Statement which responds to other topics within Matter 3.

1.3 This comprises responses to the following question from EX INS 04:

- 4.3
- 4.13
- 4.20
- 4.21
- 4.23

1.4 We reserve the right to respond to the Council's comments regarding EX INS 04.

2.0 Responses to Key Questions

Matter 4 - Transport

Q4.3 Is Policy T4 positively prepared and consistent with national policy?

2.1 The proposed revisions to adopted Policy T4 includes consideration of existing network deficiencies and an expectation developers would be required to fund works necessary to ensure that services are effective thereafter.

2.2 The standard approach is that it is appropriate to seek contributions from development to mitigate the impacts that it would itself create, where a failure to do so would result in a severe and unacceptable highway impact. That would not extend to obliging a developer to simply alleviate pre-existing issues. We do note however that in circumstances where there are pre-existing network issues, it could be the case that a lower threshold is applied to ascertain what could be a material and severe impact that requires mitigation.

2.3 We would recommend that the application of this policy should be clarified by the addition of the following phrasing to the new section of Policy T4:

"Developments that generate significant levels of traffic movements that would otherwise result in severe impact should be supported by frequent high quality public transport linking them to Lancaster City Centre or other key destinations, such as the main urban centres and employment areas. Where there are deficiencies in existing services, it will be particularly important for applicants to consider the potential for severe impact. If highways impact is concluded to be severe, developers will be required to mitigate and this could include funding the provision of such new services or enhanced existing services, as necessary. The commencement of such services and the duration of support will be considered on a case by case basis. For all development, public transport services should be within reasonable safe walking and cycling travel distance of all parts of the development. Secure cycle parking should be provided at public transport hubs."

2.4 Assuming that the proposed revisions to Policy T4 are accepted, then we confirm that our stated concerns re Policy T4 would be withdrawn. In the event that our proposed revisions to policy T4 are not accepted then we would conclude that this policy is not positively prepared or justified.

Q4.13 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?

2.5 Policy DM31 includes supporting text at paragraph 9.17 that clarifies the extent of defined Air Quality Management Areas, with further text providing clarity as to how this framework is updated as necessary.

- 2.6 Paragraph 9.22 from the adopted Local Plan adopts a reasonable approach through which it ensures that development proposals within an adopted AQMA would need to carefully consider air quality impacts, both on an individual and cumulative basis.
- 2.7 Paragraph 9.24 then goes on to clarify where AQAs may be required, which includes reference to development proposals located within or to otherwise have the potential to adversely impact the AQMA in the context of emission levels relative to the recommended thresholds.
- 2.8 The proposed revisions to paragraph 9.22 would now seek to adjust this approach to capture development proposals “close to” an AQMA and cross-refers to a future SPD in this respect. There is no clarification within the supporting text as to the scale and type of development that would require any such AQA and also any evidence-based definition of “close” insofar as it might be demonstrated to have a material impact upon the AQMA itself.
- 2.9 The supporting text then goes on to consider mitigation measures including electric vehicle charging and a longer bulleted list at new paragraph 9.34.
- 2.10 New paragraph 9.35 seeks to justify the need for these measures by reference to PM₁₀ and PM_{2.5} levels and wider Governmental objectives to ensure that there would be considerable reductions in the levels of exceedance by 2025. The relevance of this to Lancaster is unclear, given that there are no current exceedances in these respects- the AQMAs that have been identified are consequent from nitrogen dioxide emissions levels only.
- 2.11 It is unclear that the supporting text at paragraph 9.22 is properly justified and precise, and we also query the relevance of new paragraph 9.35. As such, we would conclude that this content would impede any positive conclusion in terms of the revised policy being justified and effective.

Q4.20 Is Policy DM62 positively prepared, justified, effective and consistent with national policy?

- 2.12 The Inspector will be aware that the Council has recently consulted upon a draft SPD which would provide additional clarity to this draft Policy DM62. We have set out that the consultation on that draft SPD was premature because it relied upon these emerging revisions to the DM62 policy that were subject of unresolved objections that focus upon the material changes from the adopted Plan. As such, the draft SPD goes well beyond clarification and fails to align with the definition of an SPD as set out in the 2012 Regulations.
- 2.13 The adopted Local Plan from July 2020 includes a Policy DM62 which is concerned with provision of parking facilities. It makes no express reference within the policy or the

accompanying text to any objectives or aspirations to seek that new development should provide EV charging facilities.

- 2.14 In terms of national policy and guidance as regards the provision of electric vehicle charging, it is important to consider broader guidance in addition to planning advice. Specifically, we refer here to Building Regulations which we understand to be the principal focus for the delivery and realization of climate change objectives.
- 2.15 As we set out in more detail to our response to MIQ Q4.21, the Government has recently enacted changes to Building Regulations and the rationale for this was considered in the December 2021 Impact Assessments. These set out that the most important ambition was to provide ducting at point of construction, then recognizing that demand for facilities would increase over time. The approach would seek that 10% of new spaces in larger non-residential schemes would have active charging and a further 20% would have passive infrastructure.
- 2.16 Lancaster's approach would instead seek a minimum of 20% active infrastructure and all spaces with passive infrastructure. It goes on to identify an aspiration for even greater provision within AQMA areas. This is clearly not aligned to the Government approach insofar that the extent of active charging facilities and associated infrastructure (such as substations) sought will be much higher. This runs the risk of facilities being provided that do not align with market requirements and represent irrecoverable upfront costs.
- 2.17 The draft SPD takes a position which is to seek EV provision on a blanket basis and then would anticipate even greater provision within AQMA areas. We feel that this approach is unsound as there is no evidence to show that the "blanket" aspirations for 20% active infrastructure remotely reflect market requirements, let alone seeking even greater provision within AQMA areas. The proposed approach lacks justification and is not positively prepared.
- 2.18 The more credible approach would be to align to newly adopted Building Regulations standards across the district, giving positive support to proposals which would deliver higher levels of provision. Finally, we note (on a hypothetical basis) that there could be scope to adopt ambitions to seek higher levels of provision within AQMA zones subject to appropriately worded and justified policies.

Q4.21 Does Policy DM62's coverage of electric vehicle charging overlap with Part S of Building Regulations?

- 2.19 In terms of national policy and guidance as regards the provision of electric vehicle charging, we would argue that Part S of the recently enacted Building Regulations is a much more

important tool (relative to planning advice) because it can capture construction activity that does not constitute development in a planning sense.

- 2.20 These recently enacted changes (and the evidential basis for reaching these targets and requirements) are considered in the December 2021 Impact Assessments. We would also note that this was underpinned by a recognition that the Government should act to ensure that realistic increases in the demand for EV parking can be accommodated in the future. To that extent, a credible analysis as to the scale of demand (and any factors which would influence demand) is crucial.
- 2.21 The 2021 Impact Assessments do include consideration of cost, and it did recognise the significant dis-benefits of seeking to retrofit EV charging facilities into existing buildings, both in terms of cost and disruption. The much preferable option was to introduce these as part of new build development. It is also important to note that this analysis does assume continuation of Government grants to support charge point installation. We note for completeness that the Government has since announced that it will close down these grants, which would presumably serve to suppress the demand for new charge point installations.
- 2.22 The most important ambition was to provide ducting at point of construction, then recognizing that demand for facilities would increase over time and technological advances might provide for more efficient equipment in due course. The approach would seek that 10% of new spaces in larger non-residential schemes would have active charging and a further 20% would have passive infrastructure.
- 2.23 Lancaster's approach is to seek a minimum of 20% active infrastructure and all spaces with passive infrastructure. Lancaster's approach is clearly not aligned to the Government approach insofar that the extent of active charging facilities sought will be much higher. This runs the risk of facilities being provided that do not align with market requirements.

Q4.23 Is there sufficient certainty about which applications the electric vehicle requirements in Policy DM62 would be applied to?

- 2.24 These elements of Policy DM62 provides no express guidance within the policy text (or indeed accompanying text) as to any forms of development that would be excluded, and as such we would envisage that its requirements could be imposed on a blanket basis.
- 2.25 Even setting aside whether the imposition of this policy has been shown to have no adverse impact upon deliverability of Plan-led objectives, we would strongly recommend that the scope of this policy should only be applied to those development proposals where its

implementation would contribute to these ambitions and secure tangible benefit.

- 2.26 As has been set out previously, other legislation (Building Regulations) provides an effective framework which would capture ad hoc minor proposals and contribute towards the realisation of tackling the climate change agenda at a national level. If there is an additional requirement for planning policy to be engaged in this agenda, it makes more sense if this is in the context of more strategic developments or those which are located within AQMA areas.
- 2.27 Whilst this could include reference to thresholds for strategic development (i.e. Schedule 2 development as defined in the EIA Regulations) by way of pragmatic compromise it should refer to "major development" that would generate significant numbers of vehicular trips.
- 2.28 We would recommend that (at least in the context of non-residential development) that the application of this policy should be clarified by the addition of the following phrasing to this section of Policy DM62:

Electric Vehicle Charging Points

*All new development and changes of use with associated car parking shall provide **EV charging facilities as required through Building Regulations. In the context of major development proposals located within AQMAs or those that would result in significant numbers of vehicular trips, these should seek to provide ~~as~~ a minimum:***

- 1. One charging unit for each dwelling with an associated space.*
- 2. 20% of communal parking spaces to be provided with standalone chargers. Ducting/cabling/supply capacity must also be provided/ensured for all parking spaces.*

Electric vehicle charging infrastructure should be designed to respect the character of the surrounding built environment, streetscape, and public realm. Particular regard should be given to the impact upon the historic environment and associated planning policies. Charging infrastructure must also be accessible to drivers with disabilities, including those using a wheelchair or walking frame.

Wherever possible, electricity provision should be provided through renewable and/or low carbon energy generated on site.

Further detail is provided within the Promotion of Electric Vehicles and Associated Charging Infrastructure Provision for Electric Vehicle Charging Points for Development Supplementary Planning Document.

- 2.29 Assuming that the proposed revisions set out above are accepted through the Examination, we conclude that this responds to our stated concerns and we cordially withdraw any outstanding objection in this respect.