



Lancaster Climate Emergency Review of the Local Plan Examination in Public: Hearing Statement

Matter 6: Water Management

On behalf of Taylor Wimpey UK Limited
September 2022

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1 INTRODUCTION

- 1.1 Asteer Planning LLP ('Asteer') has been instructed by Taylor Wimpey UK Limited ('Taylor Wimpey') to prepare this Hearing Statement in relation to the Lancaster Climate Emergency Review of the Local Plan ('CCLPR') Examination in Public (EiP) and the Matters, Issues and Questions ('MIQs') posed by the Inspector.
- 1.2 Taylor Wimpey has submitted representations to each stage of consultation on the Climate Emergency Review of the Local Plan. This statement, like the representations submitted to date, is made in the context of Taylor Wimpey's interest in the North Lancaster Strategic Site, which is allocated for residential-led development in the Lancaster Local Plan (Strategic Policies and Land Allocations DPD - adopted July 2020) under Policy SG9.
- 1.3 This Statement responds directly to the Inspector's MIQs in relation to Matter 6 'Water Management'.
- 1.4 Taylor Wimpey is also part of a consortium of housebuilders/developers who have engaged Cushman and Wakefield ('C&W') to prepare a separate hearing statement relating to Matter 8. This statement refers, where necessary to C&W's Matter 8 hearing statement.
- 1.5 Separate statements have been prepared in respect of the following matters and should be read in conjunction with this Statement:
 - **Matter 3** 'Sustainable Design, Energy Efficiency and Renewable Energy';
 - **Matter 4** 'Transport';
 - **Matter 7** 'Green and Blue Infrastructure'; and
 - **Matter 8** 'Viability and Finance'.

2 WATER MANAGEMENT

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

2.1 The CCLPR seeks to introduce several additional policy requirements to Policy DM33. Such requirements could, in the context of all other Local Plan policy requirements and s106 contributions, threaten the viability and/or delivery of housing. Therefore, **in order to be effective**, Policy DM33 must include a specific robust and flexible mechanism whereby these additional requirements and/or other requirements can be relaxed if viability is threatened.

2.2 In particular, proposed criterion IX states that:

“Sites must ~~should~~ be drained on a separate system with foul water draining to the public sewer (or package treatment plant where a public sewer is not available) and surface water draining in the most sustainable way, in accordance with the Sustainable Drainage Hierarchy in policy DM34.

2.3 This will not always be physically possible (or possible without threatening viability) on certain sites with topography constraints. Such situations appear to be allowed for in Policy DM43 criterion v, which states (in relation to surface water discharge):

“v. In exceptional cases, controlled discharge to a sewer or other drainage system, via above ground attenuation, and if this is not possible, underground attenuation.”

2.4 In order to be **consistent with Policy DM34, and therefore effective**, Taylor Wimpey requests that the adopted policy wording for Policy DM33 is retained (e.g. retain the struck through text above).

Has sufficient regard been given to the PPG’s advice in terms of flood risk vulnerability?

2.5 Vulnerability is important to flood risk as it defines the development that can take place in certain flood zones and also sets the parameters for the application of the Exception test. I.e. More Vulnerable development (housing) requires the Exception test to be applied for development in Flood Zone 3a. DM33 only states that Flood Zone 3b, functional floodplain will be protected from new development.

Are criteria III f. and g. of Policy DM33 sufficiently clear in respect of other sources of flooding?

2.6 Policy DM33 refers to (Asteer emphasis in bold) *“Proposals for new development in areas at risk of flooding **from all sources, as defined by National Planning Policy and surface***

water and ground water flooding . However, criteria III f. and g.. refer to ‘other sources’ which presumably relates to sources included within ‘all sources’ with the exception of ‘surface water flooding’ which is covered at III c. The Policy should be made clearer by adding text into criteria f and g. For example (suggested changes in red):

*f. Where the site is at risk of flooding from ~~any-other~~ sources of flooding **as defined by National Planning Policy and surface water and ground water flooding** or at residual risk*

*g. Where development is subject to a change of use to a higher vulnerability classification which may be subject to ~~any other~~ sources of flooding **as defined by National Planning Policy and surface water and ground water flooding.***

Are the requirements of Policy DM34 justified, effective, and consistent with national policy? Is Policy DM34 sufficiently flexible?

- 2.7 The City council previously proposed to insert the following statement into Policy DM34,
- “Only where evidence is supplied to justify why this level of attenuation is not achievable on a site, will the lower rate be acceptable.”*
- 2.8 The Council’s Regulation 19 consultation however then proposed the removal of this statement. Taylor Wimpey’s Regulation 19 representations raised objection to the removal of the statement as it did provide the necessary scope for development to deviate from the policy requirements for practical (e.g. topography constraints) and/or viability reasons. Such flexibility is critical to ensuring the delivery of development, and its removal means that Policy DM34 as currently worded is not sound, as the removal of the ability to provide evidence to justify a lower rate of attenuation on site:

- Will affect the delivery of housing development, which could in turn mean that the area cannot meet its identified housing need. Therefore, the Policy is **not positively prepared**.
- Has not been robustly tested in the viability evidence, as detailed further in C&W’s Matter 8 hearing statement. Therefore, the Policy is **not justified**.
- Will impact on the viability of new housing development, which could reduce the rate of housing delivery. Therefore, the Policy is **not effective**.
- Will hinder the development of housing, contrary to the Government’s objective of significantly boosting the supply of homes (NPPF Paragraph 60). Therefore, the Policy would **not be consistent with national policy**.

- 2.9 Therefore, the statement that *“Only where evidence is supplied to justify why this level of attenuation is not achievable on a site, will the lower rate be acceptable”* must be included within Policy DM34.
- 2.10 Furthermore, where the CCLPR seeks to introduce additional policy requirements that could threaten the viability and/or delivery of housing, there must be a robust and flexible mechanism whereby these additional requirements and/or other requirements (such as affordable housing or other developer contributions) can be relaxed if viability is threatened.
- 2.11 In this context, Taylor Wimpey acknowledges Policy DM58, which includes a proposed mechanism for relaxing requirements where viability is threatened. However, to ensure that Policy DM34 is **effective**, there should be a specific reference to the relaxing of requirements on viability grounds either in Policy DM34 or its sub-text.