

Matter 7: Environment

Main Issue: Are the DPDs in accordance with the NPPF in respect of open space, recreation, design and renewables.

Questions:

a) Would policies DM26, DM27, DM30, DM31, DM55, DM56, DM57 and DM58 adversely affect development viability?

Policy DM26: Public Realm and Civic Space

- 7A.1 The policy is generic and whilst new development should incorporate areas of public realm and civic space as standard there are no specific requirements, therefore the viability study allowance of 20% for external works is considered to be sufficient without a need for a specific uplift in costs.

Policy DM27: Open Space, Sports and Recreational facilities

- 7A.2 The Council commissioned consultants Knight, Kavanagh & Page to undertake an Open Space Assessment which was completed in October 2018. As part of this study a Standards Paper was provided. Charge rates for different types of open space including Amenity greenspace, Play provision for children and young people, Allotments, Natural/semi-natural greenspace. The viability study was set up to provide an allowance for Section 106 developer contributions. In some circumstances site specific viability will determine whether all requirements can be achieved for example where there are an unusually large amount of abnormal costs. In terms of strategic sites specific uplift in costs were accounted for. It should be noted that site SG12 allows for significant surplus for which it is expected any costs of the recreational hub combined with national grants will be sufficient to enable delivery.

DM30: Sustainable Design

- 7A.3 The policy seeks to ensure sustainable design through a range of options, however, there are no specific S106 type requirements contained within the policy. Therefore, it is not considered that the policy would result in any need for specific costs over and above build costs and external works already accounted for.

Policy DM31: Air Quality Management and Pollution

- 7A.4 The cost of electric vehicle charging points is likely to be around £800 per dwelling (source Scarborough Borough Council), a cost which decreases if the unit is installed as part of the construction process. It is not considered that such a cost would be detrimental to scheme viability. However, for the purposes of clarity it should be noted that this has not been built into the viability study.

Policy DM55: Protection of local services and community facilities

- 7A.5 The policy again does not require specific contributions from development proposals. The policy requirements are not considered to be detrimental to scheme viability.

Policy DM56: Health and well-being

- 7A.6 Health Impact Assessments – the impact of undertaking development in accordance with measures set out HIA's will need to be determined at the time of application. However, health and well-being should be considered a standard component of good design principles and therefore there should not need to be an uplift in costs which would put the viability of development at risk. The cost of undertaking an HIA should be factored into the professional fees which have been allowed for as part of the typologies.

DM57: Infrastructure Delivery and funding

- 7A.7 This policy is a general approach to infrastructure and viability and therefore raises no viability issues in itself. The approach to viability set out within the policy is considered rational and in alignment with Planning Practice Guidance. The Council is committed to bringing forward a Viability Protocol SPD as identified in the Local Development Scheme once the local plan has been adopted to provide more detailed understanding on viability assumptions to complement national guidance.

DM58: Telecommunications and Broadband Improvements

- 7A.8 There has been liaison with BT Openreach on this. On schemes of 30 or more dwellings FTTP will be provided free of charge by BT Openreach. On schemes of 2-29 dwellings BT Openreach will review the available technology in the area, if FTTC infrastructure is not available free of charge then developers can choose to make a contribution to receive this technology and an offer will be issued at registration. As such on larger schemes the provision of FTTP is considered cost neutral, this may also be the case on schemes of 2-29 dwellings. The policy is considered reasoned in its approach to only requiring major schemes to enable FTTP.

b) Are policies DM29, DM33, DM34, DM52 and DM56 in accordance with the policies of the NPPF in respect of design, flood risk, drainage, low carbon energy generation and health and well-being? Does the Development Management DPD require a flood risk document to be added to Appendix B?

DM29: Key Design Principles

- 7B.1 In accordance with the NPPF, policy DM29 will ensure that developments function well and add to the overall quality of the area over the lifetime of the development. It requires development to make a positive contribution to the surrounding landscape/townscape by having regard to the local distinctiveness and history. It also requires buildings and spaces that are adaptable to changing social, environmental, technological and economic conditions.
- 7B.2 It places particular focus upon 'gateway locations' and the high standard of design required to create a positive environment for residents, workers and visitors. The policy also seeks to promote and enhance access and permeability by creating places that have good connectivity with new and existing development and services which contribute towards attractive, accessible and comfortable places.

- 7B.3 The policy expects proposals to deliver net gains in green infrastructure, and provide sufficient landscaping areas and buffer zones to protect adjoining sensitive uses and enhance the setting of the proposed development.
- 7B.4 It also promotes a balanced mix of compatible buildings and uses by promoting diversity and choice.
- 7B.5 DM29 specifically states that all development should ensure that safety and security are fully considered throughout the design process, with careful consideration given to the appropriate siting, layout and orientation of development. This includes incorporating suitable and safe access to the existing highway network.
- 7B.6 Therefore policy DM29 is in accordance with the NPPF.

DM33: Development and Flood Risk

- 7B.7 Policy DM33 opens with the principle that new development proposals are required to minimise the risk of flooding to people and property by taking a sequential approach which directs proposals to the areas at the lowest risk of flooding.
- 7B.8 The Council's approach through the Local Plan, and specifically DM33, has been informed and underpinned by a Strategic Flood Risk Assessment of the entire district, which has also taken into account the impacts of climate change. This has been undertaken in accordance with the NPPF, seeking advice from the Environment Agency and other relevant flood risk management bodies, including the Lead Local Flood Authority.
- 7B.9 The policy will ensure that the determination of applications is consistent with the sequential approach in the NPPF. It also specifically states that the functional flood plain will be protected from new development, and that development which fails to satisfy the requirements of these tests, and consequently is at risk of flooding, will be refused.
- 7B.10 The policy seeks to ensure that flood risk is not increased elsewhere, is flood resilient and development has no adverse effect on the functioning of any watercourse or existing flood defence structure.
- 7B.11 The NPPF also makes specific reference to coastal areas, and the need to reduce risk from coastal change, highlighting that the Council should take account of the UK Marine Policy Statement and marine plans and apply integrated Coastal Zone Management. Account has been taken of the UK Marine Policy Statement (2011) and the Council have met with the Marine Management Organisation to discuss the current progress of the North West Marine Plan and the Lancaster District Local Plan, recognising the importance of aligning terrestrial planning with marine planning. Policy DM33 also clearly states that consideration should be given to all sources of flood risk, and so this includes that arising from coastal change.
- 7B.12 The Council acknowledges the issue raised by the Inspector with regards to Appendix B: Background Documents for the Development Management DPD. This will be updated accordingly to include the Strategic Flood Risk

Assessment to reflect the most up-to-date evidence base. Therefore policy DM33 is considered to be in accordance with the NPPF.

DM34: Surface Water Run-Off and Sustainable Drainage

7B.13 Policy DM34 requires that proposals for all new development should use Suds in accordance with the Surface Water Drainage Hierarchy to mitigate and minimise the risk of flooding in accordance with paragraph 100 of the NPPF.

7B.14 Therefore policy DM34 is in accordance with the NPPF.

DM52: Renewable and Low Carbon Energy Generation

7B.15 Policy DM52 outlines the Council's commitment to supporting the transition to a lower carbon future and to maximising renewable and low carbon energy generation, where this is compatible with other sustainability objectives. To ensure the potential adverse impacts of a development proposal are thoroughly addressed, a set of criteria has been established, assessing both individual and cumulative impacts.

7B.16 In accordance with the Written Ministerial Statement (HCWS42) from 18th June 2015, areas which are considered suitable for wind energy, subject to compliance with the criteria outlined in the policy, have been mapped. The Written Ministerial Statement also outlined the need to demonstrate that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing, and this is reflected within policy DM52.

7B. 17 The Council recognises the responsibility on all communities to contribute to renewable and low carbon energy generation, and where proposals are in accordance with policy DM52 which is in line with the NPPF, proposals will be positively assessed. The Council will also support Neighbourhood Plan Groups if they choose to explore possible community-led initiatives as Neighbourhood Plan Areas currently lie outside of the identified suitable areas.

7B.18 Therefore policy DM52 is considered to be in accordance with the NPPF.

7B.19 The Council's latest position on renewable and low carbon energy is reported in the Renewable Energy Position Statement (SD_024).

DM56: Health and Well-being

7B.20 Policy DM56 promotes health and well-being across the district, for all members of each community and seeks to contribute towards addressing health inequalities.

7B.21 It seeks to protect and improve local facilities and services by ensuring new development contributes to health and well-being.

7B.22 Policy DM56 promotes physical activity, integrating development with public realm to create attractive environments with good connections to walking and cycling routes to encourage their usage. Expanding linkages to existing

networks wherever possible, in accordance with the Lancaster District Highways and Transport Masterplan and the Cycling and Walking Strategy.

- 7B.23 Opportunities will also be sought to protect, increase and enhance open space provision across the district and encourage food growing initiatives to provide people with access to a healthier eating lifestyle. A particular concern is the accessibility of hot food takeaways to school pupils, and so a threshold has been set to establish a minimum distance of the establishments to secondary schools to encourage people to adopt healthier eating regimes.
- 7B.24 The policy supports the green and accessibility requirements within the allocation policies and Infrastructure Delivery Plan as a tool for decision making.
- 7B.25 Therefore policy DM56 is in accordance with the NPPF.

c) Could the Council clarify the scope of policy EN11 (Air Quality Management Areas)?

- 7C.1 *Under Section 82 of Part IV of the Environment Act, District Council's should carry out periodic review and assessment of air quality within their area. This involves measuring air pollution and assessing whether air quality Objectives are being met within the district. The results and detail on progress are set out within the Annual Status Report, available at: <https://www.lancaster.gov.uk/environmental-health/environmental-protection/air-quality/air-quality-reviews-and-assessments>*
- 7C.2 *Under Section 83 of the Environment Act, if a Local Authority finds any places where the Objectives are unlikely to be met, it must declare an Air Quality Management Area (AQMA). (The District Council can amend or remove an area as appropriate in light of the subsequent reviews).*
- 7C.3 *Within the Lancaster District, three AQMA's have been declared. On 12th March 2004 the City of Lancaster AQMA was designated by order. The order was amended by a replacement order on the 1 April 2017. This is described as "an area encompassing the city centre gyratory system, extending 20m from the roadside (and including any property partially encompassed by this area)", designated due to road traffic exhaust emissions resulting in nitrogen dioxide NO₂ (annual average and 1 hour objectives only).*
- 7C.4 Then on 10th April 2007 an area in Carnforth was declared an AQMA. The roads associated with this AQMA are: Market Street (between the Haws Hill junction and the A6 Lancaster Road/Lancaster Road junction), A6 Lancaster Road (between the Market Street junction and the North Road junction), A6 Scotland Road (between the Market Street junction and the Booths supermarket access road junction). On 16th November 2009, an AQMA was declared in Galgate. This includes the area encompassing properties along both side of the A6 Main Road in Galgate, extending from the railway bridge south of the crossroads, to just north of Whitley Beck Bridge. Both the Carnforth and Galgate AQMA's were designated due to the likely breach of the annual mean air quality Objective for nitrogen dioxide (NO₂).

7C.5 *These AQMA's are therefore areas within the district where air quality is a key consideration. Their spatial extent has been identified on the Local Plan Policies Map to ensure they are taken into consideration during the plan-making and decision-making process. The policy states that any development proposals which are located within or near to AQMA's will be expected to ensure that they do not contribute to increasing levels of air pollutants within the locality and adequately protect their users from the effects of poor air quality. Therefore this policy seeks to highlight where the main areas of concerns are, and to subsequently manage and mitigate the potential air quality impacts in these areas.*