



Planning Inspectorate

Report to Lancaster City Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Climate Emergency Review of the Lancaster District Strategic Policies & Land Allocation Development Plan Document 2020 – 2031 and Development Management Development Plan Document 2020 - 2031

The Plans were submitted for examination on 31 March 2022

The examination hearings were held between 4 and 7 October 2022

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Abbreviations used in this report

BREEAM	Building Research Establishment Environmental Assessment Methodology
DM DPD	The Climate Emergency Review of the Lancaster District Development Management Development Plan Document 2020 – 2031
FHS	Future Homes Standard
FMM(s)	Further Main Modification(s)
FVA	Financial Viability Assessment
HRA	Habitats Regulations Assessment
MM(s)	Main Modification(s)
NPA(s)	Neighbourhood Plan Area(s)
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SAP	Standard Assessment Procedure
SPLA DPD	The Climate Emergency Review of the Lancaster District Strategic Policies & Land Allocation Development Plan Document 2020 – 2031
TER	Target Emissions Rate
WHO	World Health Organization
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Climate Emergency Review of the Lancaster District Strategic Policies & Land Allocation Development Plan Document 2020 – 2031 and Development Management Development Plan Document 2020 – 2031 provide an appropriate basis for the planning of the district, provided that a number of main modifications (MM(s)) are made to them. Lancaster City Council has specifically requested that I recommend any MMs necessary to enable the Plans to be adopted.

Following the hearings, the Council prepared schedules of the proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs were subject to public consultation over a six-week period from 15 June to 28 July 2023.

Resulting primarily from the publication of the Written Ministerial Statement on Planning – Local Energy Efficiency Standards on 13 December 2023 (2023 WMS), there was a further focussed consultation on Further Main Modifications (FMM(s)) in respect of **MM14** and **MM25** for a six week period from 22 March to 3 May 2024.

Having assessed the representations to both the MMs and the FMMs consultations, I have amended the detailed wording of the MMs and FMMs for clarity and added consequential modifications where necessary. I have recommended their inclusion in the Plans after considering the SA and HRA together with all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Identification of the strategic policies of the Plans consistent with national policy;
- Amendments in respect of carbon emissions against Part L of the Building Regulations 2013 expressed as a percentage uplift of the dwelling's Target Emissions Rate (TER) for consistency with the 2023 WMS;
- Removal of requirements for electric vehicle charging over and above Building Regulations in order to be justified;
- Revisions to the monitoring framework for effectiveness; and
- Several other modifications to ensure that the Plans are positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Climate Emergency Review of the Lancaster District Strategic Policies & Land Allocation Development Plan Document 2020 – 2031 (SPLA DPD) and Development Management Development Plan Document 2020 – 2031 (DM DPD) (also referred to hereafter as the Plans when mentioned together) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plans' preparation has complied with the duty to co-operate. It then considers whether the Plans are compliant with the legal requirements and whether they are sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. At the time the Plans were submitted for examination, the 2021 NPPF was in place. Revisions to the NPPF were published in September 2023 and December 2023. The December 2023 NPPF makes it clear at paragraph 230 within Annex 1: Implementation that for the Plans before me the policies in the December 2023 NPPF do not apply and that the Plans should be examined under the 2021 NPPF. Accordingly, all subsequent references to the NPPF in this report are to the 2021 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be sound plans. The Plans submitted in March 2022 are the basis for my examination. They are the same documents as were published for consultation in January 2022.

Main Modifications

4. In accordance with Section 20(7C) of the 2004 Act, the Council requested that I should recommend any MMs necessary to rectify matters that make the Plans unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report as **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs, and where necessary, carried out SA and HRA of them. The MM schedule was subject to public consultation for a six-week period from 15 June to 28 July 2023.
6. Following consideration of the MM consultation responses and partially as a result of the publication of the 2023 WMS, I concluded that FMMs were necessary to amend the wording of **MM14** and **MM25** for soundness. The FMM

schedule was subject to a separate public consultation process for six weeks from 22 March to 3 May 2024.

7. Where an MM has been amended as a result of the FMMs, I have confirmed this within the relevant section of the report and noted it within the schedule of MMs in the attached Appendix. I have taken account of the consultation responses to both consultations in coming to my conclusions in this report and I have amended the detailed wording of the MMs and FMMs and made a limited number of consequential modifications where necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation on either occasion or undermines the participatory processes, or the SA and HRA that have been undertaken. Where necessary, I have highlighted these amendments in the report.
8. Some of the MMs and FMMs put forward by the Council include factual corrections or updates, changes which are consequential to the MMs or FMMs, or amend typographical or other errors in the Plans. These do not amount to MMs or FMMs necessary for soundness or affect my findings, and so I have not recommended them. The Council has produced schedules of additional modifications and further additional modifications which include further minor changes to the Plans. The Council is entitled to make additional modifications which (taken together) do not materially affect the policies that would be set out in the Plans if they were adopted. As such, I make no further comment on them.

Policies Map

9. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a Submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the Submission Policies Map comprises the set of plans identified as Strategic Policies and Land Allocations Policies Map, Adopted Policies Map Insert 1 – Main Urban Areas and Adopted Policies Map Insert 3 - Carnforth as set out in P_01.1.1, P_01.1.2, and P_01.1.3.
10. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, **MM8**, **MM18** and **MM25** to the Plans' policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.

11. Changes to the Policies Map were published for consultation alongside the MMs within the Consequential Changes to the Policies Map schedule. In this report, I identify any amendments that are needed to those changes to the Policies Map in the light of the consultation responses.
12. When the Plans are adopted, in order to comply with the legislation and give effect to the Plans' policies, the Council will need to update the adopted Policies Map to include the changes proposed in Consequential Changes to the Policies Map schedule published alongside the MMs, incorporating any necessary amendments identified in this report.

Context of the Plans

13. The Council declared a Climate Emergency in January 2019. At this point, the examination of the Lancaster District Strategic Policies and Land Allocation Development Plan Document and the Development Management Development Plan Document (referred to hereafter as the adopted Plans) was advanced and the adopted Plans were subsequently adopted in July 2020. Immediately following adoption, the Council entered into a partial review of the adopted Plans to deliver more far-reaching policies in terms of climate change adaptation and mitigation. The remit of the examination is therefore limited in scope. Accordingly, the changes proposed in the submitted Plans are specific to those areas of the adopted Plans which can be altered without significantly amending the overall spatial strategy and strategic policies.
14. The area covered by the submitted Plans includes the North Lancashire Green Belt between Lancaster, Morecambe and Carnforth. Amongst other important habitats and landscapes, there are also protected habitats such as Morecambe Bay and Leighton Moss Special Areas of Conservation and Ramsar sites and the protected areas of the Arnside and Silverdale and Forest of Bowland National Landscapes (formerly Areas of Outstanding Natural Beauty). Additionally, large areas of the district are at risk of coastal or fluvial flooding from the River Lune and its tributaries and the Rivers Keer and Conder.

Public Sector Equality Duty

15. Through the examination, I have had due regard to the equality impacts of the Plans in accordance with the Public Sector Equality Duty (PSED) expressed in S149(1) of the Equality Act 2010. Amongst other things, this requires a public authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

16. I have had regard to the Equality Impact Assessment (P_05). The Plans' policies will enhance the environment, by supporting local communities in adapting to and mitigating the effects of climate change, encouraging sustainable travel and access for disabled people.

Assessment of Duty to Co-operate

17. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plans' preparation. Section 33A requires local planning authorities and other bodies subject to the duty to co-operate to engage constructively, actively, and on an on-going basis with one another in order to maximise the effectiveness of plan preparation. The duty to co-operate applies to the preparation of local plans, and to activities that prepare the way for or support the preparation of local plans, so far as relating to a strategic matter. As climate change is a global issue, with implications which are not limited by local authority boundaries, the duty to co-operate is engaged.
18. The Council has engaged with other local authorities and other bodies subject to the duty to co-operate in preparing the Plans and the implications of climate change have been recognised by those organisations. The Plans have a limited scope, with the focus on the adaptation to and mitigation of climate change.
19. All authorities involved in duty to co-operate discussions locally accept the significance of addressing the challenges of climate change and the role which the plan-making process can have in tackling its impacts. While it is recognised that different authorities' approaches to addressing climate change through planning policy will vary dependent on their local circumstances, the Council's Duty to Co-operate Statement of Common Ground (January 2022) (P_10) underlines the importance of consistency and ongoing engagement and co-operation in addressing climate change, where possible. This is of particular importance for cross-boundary areas such as the Arnsdale and Silverdale National Landscape where a joint Arnsdale and Silverdale Area of Outstanding Natural Beauty Development Plan Document is in place with Westmorland and Furness Council (formerly South Lakeland District Council for the purposes of this development plan document).
20. I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plans and that the duty to co-operate has been met.

Assessment of Other Aspects of Legal Compliance

21. The Plans were prepared in accordance with the Council's Local Development Scheme (December 2021) (P_LDS) and its predecessor documents.
22. Consultation on the Plans, the MMs and the FMMs was carried out in compliance with the Council's Statement of Community Involvement (Version 7.0 June 2020) (P_SCI) and subsequent Statements of Community Involvement.
23. The Council carried out a sustainability appraisal (SA) of the Plans, prepared a report of the findings of the SA (P_03), and published the report along with the Plans and other submission documents under Regulation 19. The SA was updated to assess the MMs. However, further work on SA was not carried out for the FMMs consultation as this predominantly reverted to the Council's approach within the submitted Plans and had already been subject to SA. SA has been carried out in line with the relevant Regulations.
24. The Habitats Regulations Assessment Screening of the Climate Emergency Review of the Lancaster Local Plan Development Plan Documents (December 2021) (P_04) sets out that the policies within the Plans, alone or in combination, will not result in likely significant effects and confirms why an Appropriate Assessment is not necessary.
25. Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. The Plans fail to do this and are therefore not legally compliant in these terms. DM DPD Appendix C is therefore needed, which sets out the policy changes arising from the review of the Plans. This modification **MM32** is necessary to be consistent with Regulation 8 (4) and (5) of the Town and Country Planning (Local Planning)(England) Regulations 2012.
26. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. Whether or not the Plans are sound and comply with national policy will be considered throughout the report. The Plans comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, except where indicated and MMs are recommended.
27. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change. Policies within the Plans address sustainable transport, renewable and low carbon energy, flood risk and water quality, green

infrastructure and biodiversity. Throughout the report, I consider the soundness of the development plan's climate change policies that are before me.

Assessment of Soundness

Main Issues

28. Taking account of all representations, the written evidence and the discussions that took place at the examination hearings, I have identified seven main issues upon which the soundness of the Plans depend. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plans.

Issue 1 – Are the proposed policies on climate change and economic prosperity positively prepared, justified, effective and consistent with national policy?

Responding to climate change and creating environmental sustainability

29. SPLA DPD Policy CC1 is the Council's strategic policy on climate change, setting out a vision for a low carbon, water sensitive district with a thriving economy and outlining overarching strategic requirements which are reflected in other policies within the Plans. However, the third paragraph of Policy CC1 is missing a verb to clarify the policy's requirements, while paragraph 4 of the same policy sets out numerous policy requirements, which may not be possible to achieve fully within every proposal. These issues render the policy ineffective and not justified. **MM1** therefore modifies the third paragraph of the policy to indicate that all development "should" integrate principles of sustainable design and construction. Additionally, **MM1** amends the policy's fourth paragraph to ensure that the policy's strategic requirements are applied, where appropriate.
30. NPPF paragraph 21 requires plans to make explicit which policies are strategic policies, but the SPLA DPD fails to do this for Policy CC1. Consequently, in order to accord with this requirement and to be consistent with national policy and the Plans' approach to other strategic policies, **MM11** clarifies that Policy CC1 is strategic.
31. NPPF paragraph 22 requires strategic policies to look ahead over a minimum 15 year period from adoption, in order to anticipate and respond to long-term requirements and opportunities. However, the adopted Plans were adopted in 2020 and covered a plan period of 2011 to 2031. These Plans represent a partial review of the adopted Plans to deliver more far-reaching policies in terms of climate change adaptation and mitigation. I understand that the Council has commenced a full review and undertook the Issues and Opportunities Consultation on the new Local Plan from 19 July to 20 September 2024.

32. It is envisaged that the new Local Plan will supersede the existing adopted Plans and the submitted Plans currently at examination. However, the full review is identified for adoption no earlier than late 2026, but prior to the end of the plan period for the adopted and submitted Plans. While the strategic policies would not cover the 15 year period expected in NPPF paragraph 22, I find that this inconsistency with national policy is justified for other reasons including the desirability of having up-to-date plans in place as per NPPF paragraph 15.

Economic prosperity

33. Setting out priorities for sustainable economic prosperity, SPLA DPD Policy SP4 looks to drive forward a Green Economic Recovery. Policy SP4 lacks clarity about the locations where major renewable energy projects would be supported and is therefore ineffective. Accordingly, **MM2** is necessary which modifies the final bullet point of the policy for effectiveness to clarify locations in which major renewable energy projects would be supported. **MM2** has been amended slightly following consultation to highlight that “locations” are referred to rather than the “location” in the submitted SPLA DPD.

Health and well-being

34. DM DPD Policy DM57 expects development to promote health and well-being and contribute to addressing health inequalities. Criterion V of the policy seeks to improve the environmental quality of development and its resilience to climate change, with reference to extremes in temperature and rainfall. However, this is not sufficiently flexible to recognise that adaption measures may not always be possible. Policy DM57 is modified by **MM26** for effectiveness to recognise that not all elements of a development may be able to ensure such resilience.

Infrastructure provision

35. DM DPD Policy DM58 seeks to co-ordinate development proposals and infrastructure provision to ensure growth and respond to the needs of local people, the local environment and economy. However, it is not clear in the fifth paragraph of Policy DM58 whether the infrastructure provision referred to would only be that made by means of financial contributions or in the form of actual provision. For effectiveness, **MM27** clarifies this paragraph refers to infrastructure provided by means of financial contributions and on and off-site provision.

Conclusion

36. Subject to the MMs above, the proposed policies on climate change and economic prosperity are positively prepared, justified, effective and consistent with national policy.

Issue 2 – Are the policies relating to sustainable design, energy efficiency and renewable energy positively prepared, justified, effective and consistent with national policy?

Key design principles

37. DM DPD Policy DM29 outlines key design principles for new development. However, the policy's requirement to maximise site layout, orientation and design appears inconsistent with national policy and unjustified. Accordingly, Policy DM29 is modified by **MM13** to seek to optimise the efficient use of land and therefore optimise, rather than maximise, solar gain, solar electric and solar thermal energy. This allows for a balance to be sought between solar gain and energy generation and other considerations such as site density and layout, topography, viability and deliverability. In order to be justified, a corresponding modification is also made as part of **MM13** to the supporting text to the policy with regard to optimising energy and heat production.
38. As drafted, criterion VII of Policy DM29 fails to refer to relevant policies on sustainable design and construction. In order to be effective, **MM13** therefore amends criterion VII to refer to DM DPD Policies DM30b and DM30c to ensure that development contributes to mitigating and adapting to climate change.
39. Policy DM29 contains criteria VIII and IX which both deal with accessibility. However, they are repetitious. Furthermore, both criteria are not entirely consistent with the supporting text of the same policy in terms of how accessibility is referred to. For effectiveness, consistency throughout the Plans, and to avoid repetition, **MM13** alters criterion VIII of Policy DM29 to require accessibility for all sectors of the community and deletes criterion IX. For effectiveness, **MM13** also amends the supporting text to Policy DM29 with regard to accessibility.
40. Following consultation, I have amended **MM13** in relation to paragraph 9.6 of the policy's supporting text for clarity as the submitted DM DPD erroneously deleted the last sentence of this paragraph and this was not shown in the MM consultation. As part of **MM13**, the paragraph immediately following Policy DM29 titled Site Layout and Design was also amended following consultation to correct "recreational" to "recreation". This would not fundamentally alter the supporting text.

Sustainable design and construction

41. DM Policy DM30a is one of the key elements of the Council's approach to addressing the climate emergency. Policy DM30a provides a stepped approach to carbon reduction and the energy efficiency of new homes through the setting of energy performance requirements.

42. The three steps within Policy DM30a include a minimum 31% reduction in carbon emissions against Part L of Building Regulations (2013) at adoption of the Plans; a further minimum 75% reduction against Part L of Building Regulations (2013) by January 2025 with reduced energy consumption achieved via a fabric first approach; and net zero carbon to be achieved by January 2028. Net zero in the context of Policy DM30a refers to having zero or negative CO₂ emissions associated with a building's annual operational energy consumption. All steps are to be achieved by using a fabric first approach with an emphasis on minimising demand for energy and maximising energy efficiency prior to use of renewable energy, low carbon energy, and alternative energy sources.
43. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 outlines that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The Climate Change Act 2008, as amended, requires the net UK carbon account for 2050 to be at least 100% lower than the 1990 baseline.
44. The Planning and Energy Act 2008 states that a local planning authority in England may include policies in their development plan documents imposing reasonable requirements for development in their area to comply with energy efficiency standards that exceed the energy requirements of Building Regulations. The Act confirms that those policies included in development plan documents must not be inconsistent with relevant national policies for England.
45. NPPF paragraph 8 c) confirms that the environmental objective of sustainable development includes mitigating and adapting to climate change, including moving to a low carbon economy. NPPF paragraph 152 asserts that the planning system should support the transition to a low carbon future in a changing climate, including contributing to radical reductions in greenhouse gas emissions and supporting renewable and low carbon energy. NPPF paragraph 154 b) states that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. This paragraph also discusses the need for new development to be planned for in ways which can help to reduce greenhouse gas emissions, such as through its location, orientation and design.
46. When the examination commenced, the Written Ministerial Statement – Planning Update dated 25 March 2015 (HCWS488) (2015 WMS) on energy efficiency standards and requirements remained extant. This was notwithstanding that Part L of Building Regulations was updated in 2021 to achieve a 31% reduction in carbon emissions for new dwellings. Current Building Regulations, which took effect on 15 June 2022, therefore exceed Level 4 of the Code for Sustainable Homes.

47. On 13 December 2023, the Government published the 2023 WMS which confirmed that as the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those in the 2015 WMS, the energy efficiency requirements and standards of the 2015 WMS were rendered effectively moot.
48. Despite discouraging going beyond Building Regulations, the 2023 WMS does not prevent plan-makers from setting local energy efficiency standards. This is subject to the local standards meeting certain parameters in relation to viability and how the requirements are expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP). The 2023 WMS is consistent with the Planning and Energy Act 2008 and is further supported by the Government's Local government and the path to net zero: government response to the Select Committee report dated 13 January 2022, which stated that "*in the immediate term we will not amend the Planning and Energy Act 2008, which means that local authorities still retain powers to set local energy efficiency standards that go beyond the minimum standards set through the Building Regulations. In addition, there are clear policies in the NPPF on climate change as set out above. The Framework does not set out an exhaustive list of the steps local authorities might take to meet the challenge of climate change and they can go beyond this.*" A recent High Court judgment¹ in respect of the Inspectors' Report into the Salt Cross Garden Village Area Action Plan supports this stance.
49. The 2023 WMS confirms that the Planning Practice Guidance (PPG) will be updated to align with the 2023 WMS. However, this has not been undertaken and the relevant PPG paragraph² remains as published in March 2019. However, as the 2023 WMS is the Government's most recent expression of national policy, I have had regard to it for local energy efficiency standards.
50. Following the consultation on MMs in June and July 2023 and the publication of the 2023 WMS, at my request the Council produced amendments to **MM14** which were consulted on from 22 March to 3 May 2024 as part of the FMMs consultation. For clarity, all references to **MM14** in this report are to **MM14** as consulted on at FMM consultation and as inserted into the schedule of MMs accompanying this report as Appendix 1.
51. The first step set out in Policy DM30a seeks to reach the same carbon emissions' reduction as existing Part L of Building Regulations. While on the face of it, this may appear unnecessary, it remains justified as it emphasises the

¹ R (on the application of Rights Community Action Ltd) V Secretary of State for Levelling Up, Housing and Communities, West Oxfordshire District Council and Grosvenor Developments Ltd [2024] EWHC 359 (Admin).

² Paragraph 6-012-20190315

Council's focus on the fabric first approach to addressing carbon reduction and is consistent with current Building Regulations.

52. The second step of Policy DM30a sets out a further minimum 75% reduction against Part L of Building Regulations (2013) by January 2025 with reduced energy consumption achieved via a fabric first approach. The 2023 WMS outlines that further change to Building Regulations is planned for 2025 to ensure that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. This has been the subject of consultation as the Future Homes Standard (FHS). As the second step of Policy DM30a is generally consistent with the planned Building Regulations in terms of the percentage carbon reductions expected for new homes, I find that the second step of Policy DM30a is justified in this regard.
53. The third step of Policy DM30a aims to achieve 100% reduction (net zero) in carbon emissions associated with regulated energy from January 2028. I have viewed this in light of local authorities' retention of powers to set local standards that go beyond the minimum standards set through Building Regulations. However, I have also had regard to the nationally binding targets in the Climate Change Act and the Council's declared Climate Emergency. Furthermore, it is clear from the Council's stepped fabric first approach that the second step of the policy would make the most sizeable difference to energy efficiency in terms of both building fabric and building systems, and that this third step would build on the earlier steps, likely through renewable energy generation. I find that it is reasonable and justified for the Council to take the approach that they have in respect of the third step of Policy DM30a.
54. Although I consider the Council's broad approach to be justified in respect of setting local energy efficiency standards, the policy does not set out its requirements by reference to the TER in each of the three steps and is therefore presently inconsistent with national policy. Furthermore, the supporting text to the policy at new paragraph 7 does not refer to the TER and explain how it has been calculated. Consequently, **MM14** is necessary to ensure that the TER is addressed appropriately and to achieve consistency with national policy.
55. Turning to the other key requirement of the 2023 WMS, it is necessary to address viability. It should be noted that the concept of the fabric first approach seeks to minimise the impact of implementing carbon reduction requirements on viability. This is consistent with NPPF paragraph 154 b) in respect of planning new development with regard to location, orientation and design.
56. The Plans are supported by the Climate Change Local Plan Review Viability Assessment – Main Report – May 2021 (P_20.1) and its Appendices 1 (P_20.2) and 2 (P_20.3) and the Local Plan Viability Assessment – Addendum –

Response to representations January 2022 (P_20.4). The Council's viability testing reviewed broad costs associated with addressing the policies in the Plans. It tested the quantum and broad form of proposed development; and was designed to assess the balance around development contributions including the amount of Community Infrastructure Levy that residential development could support. It also considered whether there are differences in viability across the district or between different types of development that are sufficient to justify different policy approaches.

57. The Council's viability testing also considered a range of carbon reduction scenarios, including Building Regulations Part L 2021, FHS; and fabric first based approaches equivalent to PassivHaus Classic and PassivHaus Plus. The Council's viability assessment work sets out the percentage uplift on base build costs required to meet each of the tested standards. Assuming that the base build cost is compliant with 2013 Building Regulations, the additional costs can be summarised as a 4% uplift for Part L of Building Regulations 2021; an 11% uplift for FHS; and 4% and 7% uplifts respectively for fabric first based approaches equivalent to PassivHaus Classic and PassivHaus Plus. Bearing in mind the scope for additional costs arising from the FHS approach, the Council has instead focussed on a fabric first approach.
58. The Council's viability assessment work found that the majority of development across the district should be viable, while providing affordable housing in compliance with local policy as well as planning obligations and contributions towards infrastructure. In the limited instances where development may be unviable, this would trigger policies in the Plans with viability mechanisms, as outlined below. However, the findings of the Council's viability assessment work do not support an upfront reduction in the expected energy efficiency standards or other requirements of the Plans.
59. DM DPD Policy DM1 on new residential development and meeting housing needs refers to supporting proposals for developments that ensure that available land is used effectively, taking into account the characteristics of different locations and the specific circumstances of individual sites including viability. Additionally, DM DPD Policies DM2 on space and accessibility standards, DM3 on affordable housing, DM5 on rural exception sites, DM6 on housing in the Forest of Bowland, DM16 on town centre development, DM27 on open space provision, and DM43 on green and blue infrastructure all refer to the need to consider development viability within the policies themselves or in their supporting text. This provides flexibility to consider viability on a case-by-case basis.
60. Additionally, DM DPD Policy DM58 deals with infrastructure delivery and funding. It confirms that development viability is a material consideration in assessing development proposals, and outlines that where a developer is

seeking to reduce contributions or affordable housing provision, they must submit a Financial Viability Assessment (FVA) at the application stage, which takes account of the Viability Protocol Supplementary Planning Document. Where an FVA, using an agreed methodology, finds that a development proposal is unviable, the Council will consider applications on a case-by-case basis taking account of wider material considerations. As such, and when considered in the round with other policies which refer to viability, Policy DM58 is sufficiently flexible to allow for particular circumstances affecting viability to be considered and for requirements to be altered where necessary.

61. If considering viability on a site-specific basis due to costs differing from the allowances made in the Council's viability assessments, it is also expected that the benchmark land value should take account of "the implications of abnormal costs; site-specific infrastructure costs; and professional site fees" as per the PPG³. The requirements within the policies of the Plans will therefore not place the plan implementation at risk. Having taken both the Council's viability assessment work and the viability considerations set out in the DM, I consider that Policy DM30a would satisfactorily address the viability requirements in the 2023 WMS, in terms of having a robustly costed rationale for setting higher standards. Taken together with my findings on the other aspects of the policy set out above, this indicates that all of the requirements of the 2023 WMS are met. The Council's approach is justified and consistent with national policy.
62. With regard to transitional arrangements, the development industry will have been aware of the possibility of Lancaster bringing forward Policy DM30a for some time. Additionally, the first two steps of Policy DM30a are generally consistent with current and planned Building Regulations and the FHS. While I recognise that the third step of Policy DM30a requires 100% reduction in carbon emissions associated with regulated energy by January 2028, this allows sufficient time for developers to factor this consideration into their activities.
63. Paragraph 5 of Policy DM30a deals with new major non-residential development, but there is a lack of clarity over whether this part of the policy only applies to new build development. This is not effective. Accordingly, **MM14** amends paragraph 5 of the policy to clarify the application of the policy in respect of new build major non-residential development. Paragraph 7 of Policy DM30a which covers conversion of existing buildings is not sufficiently clear as to whether this applies to material changes of use where there is a change in the energy status of the building as defined in Building Regulations. For effectiveness, it is necessary to modify paragraph 7 of the policy and add a supporting footnote as part of **MM14**. The policy will address material changes of use and changes in the energy status with energy demand having been

³ Paragraph 10-014-20190509.

addressed in line with the energy hierarchy, while the footnote refers to Building Regulations.

64. Paragraphs 7, 9, 10 and 11 of Policy DM30a all refer to the Energy Statement, rather than the Energy and Carbon Statement. Additionally, paragraph 11 of Policy DM30a refers to viability, where the focus of this part of the policy should be on how the energy hierarchy has been used to reduce carbon emissions. However, for effectiveness, paragraphs 7, 9, 10 and 11 of the policy are modified by **MM14** to refer to the Energy and Carbon Statement, while paragraph 11 of the policy is amended to address the need to minimise carbon emissions.
65. The supporting text to Policy DM30a deals with a range of matters such as achieving a fabric first approach; achieving net zero; transitional arrangements for carbon reduction measures; the energy hierarchy; the energy statement; PassivHaus; and Building Research Establishment Environmental Assessment Methodology (BREEAM) standards. However, the supporting text is unclear and therefore ineffective. New paragraphs 8 - 14, additional paragraphs between paragraphs 8 and 9 and 21 and 22, new paragraphs 19 – 22, 24 and 25 of the supporting text to Policy DM30a are modified or added with regard to policy implementation by **MM14**. Following MM and FMM consultation, new paragraph 9 of the supporting text has been amended to remove an additional “an” for clarity only.
66. A new paragraph is inserted between new paragraphs 8 and 9 to refer to energy status and Energy and Carbon Statements. New paragraph 14 is amended to remove reference to active travel networks as this is addressed by other policies. New paragraph 19 is altered to refer specifically to reducing carbon emissions. New paragraph 20 is amended to address low carbon, while new paragraph 21 is modified to refer to heat networks. Modifications to new paragraphs 22, 24 and 25 refer to provision of a full Energy and Carbon Statement, while an additional paragraph prior to new paragraph 22 outlines the requirements of the Sustainable Design Statement.
67. SPLA DPD site-specific policies SG7, SG9 and SG11 all refer to sustainable design and construction and erroneously mention only Policy DM30. As there is no policy named DM30 dealing with sustainable design and construction, **MM4**, **MM5** and **MM6** to Policies SG7, SG9 and SG11 are all necessary for effectiveness to ensure that consideration is given to DM DPD Policies DM30a, DM30b, and DM30c when development comes forward. I have amended **MM4**, **MM5** and **MM6** slightly and in a very similar manner to each other following consultation in order to provide clarity on the original text of each policy and to clearly show the deleted text. This does not fundamentally alter the content of **MM4**, **MM5** and **MM6** as consulted on.

Water efficiency

68. DM DPD Policy DM30b seeks to comply with the requirements of NPPF paragraph 153, which amongst other things encourages plans to take a proactive approach to mitigating and adapting to climate change in respect of water supply. It requires all new residential development to achieve, as a minimum, the optional requirement within Approved Document G of Building Regulations for water efficiency of 110 litres per person per day.
69. The PPG⁴ provides guidance on sources of evidence for tighter water efficiency requirements and consultation with local water and sewerage companies as well as the Environment Agency and catchment partnerships. While Lancaster is not within an identified area of serious water stress as set out by the Environment Agency in their Water Stressed Areas – Final Classification 2021, this does not automatically exclude use of the optional requirement.
70. In this instance, the North West River Basin Management Plan (December 2015) and Water Resources West: Water Efficiency in New Homes (October 2021) strongly support the use of the tighter water efficiency standard due to existing stress on water resources and expected population growth giving rise to further pressure on water resources. In terms of viability, it is evident that water efficiency measures have been factored into the Plans' overall viability work and that the installation of water efficiency measures in new housing has only a very minimal effect on overall costs. The use of the optional requirement for water efficiency is therefore justified and consistent with national policy.
71. However, Policy DM30b's wording, which requires water efficiency and consumption measures, including green roofs, to be maximised is not adequately supported by detailed viability evidence. Notwithstanding this, it is important to promote a wide range of measures, which could include green/blue walls and roofs. **MM15** therefore modifies the policy to optimise water efficiency and consumption measures and to encourage the use of green/blue walls and roofs in development. This modification is necessary to be justified and effective.

Materials, waste and construction

72. DM DPD Policy DM30c requires major development to demonstrate reuse and recycling of demolition and refurbishment materials. It focusses on lifecycle carbon emissions from sourcing and creating materials, their transport and use in construction. Consideration is also given to emissions during the lifespan of the building and to its eventual demolition and disposal. However, Policy DM30c's wording is unclear in respect of major developments where no substantive construction or demolition would occur as part of a change of use,

⁴ Paragraphs 56-013-20150327 – 56-017-20150327.

for example. This is neither effective nor justified, Consequently, **MM16** clarifies that any change of use which would fall within the definition of major development and would not involve construction or demolition would be exempt from the requirements of this policy.

Renewable and low carbon energy generation

73. DM DPD Policy DM53 deals with renewable and low carbon energy generation. As a result, it covers a wide range of issues. Criterion I of Policy DM53 refers to the setting of nationally designated landscapes, but does not address the nationally designated landscapes themselves. **MM25** is therefore necessary for effectiveness to refer to nationally designated landscapes and their settings.
74. Policy DM53 is also modified by **MM25** to remove reference to pumped storage hydroelectricity in order to be consistent with national policy as such provision is now excluded from The Infrastructure Planning (Electricity Storage Facilities) Order 2020.
75. Paragraph 5 of Policy DM53 states that proposals for wind turbines will only be supported within an area identified as suitable for wind energy as shown on the Policies Map and in Figure 13.1. In the submitted DM DPD, the Council sought to identify where there were opportunities for wind proposals by preparing two versions of Figure 13.1; one which identified only constraints, and one which identified areas of opportunity.
76. However, the two constraints and opportunities diagrams for Figure 13.1 created inconsistencies with the areas demarcated as suitable for wind development shown on the Policies Map, with particular reference to Neighbourhood Plan Areas (NPAs) and buffers for development. These buffers are 350m around residential areas and 150m around roads, railways and public rights of way. In order to resolve the inconsistencies between the two diagrams in Figure 13.1 and the Policies Map, the Council proposed to revert to the adopted Figure 13.1 in the adopted DM DPD as this has previously been found sound. This reversion was subject to consultation as part of the FMM consultation as **MM25**.
77. Notwithstanding the adopted Figure 13.1 having previously been found sound, there appears to be an inconsistency between Figure 13.1 and the Policies Map as Figure 13.1 implies that NPAs are constraints in principle within which wind development would not be supported. Figure 13.1 shows NPAs in solid red, while the Policies Map shows NPAs with red outlines only and therefore shows the blue stripes that indicate areas that are suitable for wind development in principle. While I recognise that Neighbourhood Plans may come forward and provide additional locally specific policy on wind development within an NPA, the Council has confirmed that it did not intend to illustrate that NPAs were

categorically not suitable for wind development. In the context of this, the Policies Map is correctly annotated, while Figure 13.1 is not. This is not effective.

78. Furthermore, Figure 13.1 shows fewer NPAs than the Policies Map itself. I understand that this reflects the timing of designation of further NPAs between the initial preparation and finalisation of both Figure 13.1 and the Policies Map. This is not effective. Additionally, I recognise that there is some uncertainty about the application of the aforementioned buffer zones. As there is doubt as to when and how the buffer would be applied, it is important that this is clarified by **MM25** for effectiveness.
79. As the Council has confirmed that it is seeking to resolve all the aforementioned inconsistencies through the full review of the Plans, which is underway and is expected to result in submission of the new Plans for examination in 2026, I consider that it is pragmatic and reasonable to proceed with Figure 13.1 from the adopted DM DPD, with modification as set out in **MM25**.
80. For clarity, **MM25** within the Appendix attached to this report consists of the modifications brought forward through the FMM consultation, with some further minor changes made following FMM consultation. Notwithstanding the minor changes I have outlined below, these are generally consistent with **MM25** as consulted on in the FMM consultation. In addition to reverting to Figure 13.1, **MM25** includes modification to a footnote with regard to the application of buffers only at planning application stage.
81. However, following FMM consultation, it has become clear that paragraph 13.16 of the supporting text to Policy DM53 also requires modification through **MM25** to be consistent with Figure 13.1 as consulted upon. This is for effectiveness and involves identifying areas in white or red within the district and as shown on Figure 13.1 where wind energy schemes may be suitable, subject to other planning policy considerations. Furthermore, for effectiveness and in order to ensure consistency between Figure 13.1 and the Policies Map, **MM25** has been amended further in respect of the title of Figure 13.1 to refer to NPAs shown in red and to explain the differing designation of NPAs on Figure 13.1 and the Policies Map.
82. A consequential change is also necessary to the Policies Map to ensure that it is consistent with Figure 13.1 as modified by **MM25** in respect of the inclusion of Areas Suitable for Wind Energy on relevant inset maps of the Policies Map. No further amendment to the Policies Map is necessary in respect of buffers surrounding housing land allocations as **MM25** now clarifies that the relevant buffer will be applied at the planning application stage.

Conclusion

83. Subject to the MMs set out, the policies on sustainable design, energy efficiency and renewable energy are positively prepared, justified, effective and consistent with national policy.

Issue 3 – Are the policies relating to transport positively prepared, justified, effective and consistent with national policy?

Air quality

84. The national Clean Air Strategy (2019) seeks to progressively cut public exposure to particulate matter pollution as the World Health Organization (WHO) suggests. The Clean Air Strategy recognises WHO guidelines as the international benchmark for setting air quality standards. However, the supporting text to DM DPD Policy DM31 does not clearly set out the local context with regard to previous and future exceedances for particulate matter. This means that the Plan is neither justified nor effective. Accordingly, **MM17** is necessary to clarify these issues and ensure an effective and justified approach. Following consultation, the text of **MM17** was moved for the purposes of clarity so that exceedances are referred to at the end of the relevant paragraph. This does not alter the content of the modification.

Walking, cycling and public transport

85. SPLA DPD Policy T1 identifies sites for Park and Ride provision. The supporting text to Policy T1 refers to vulnerable road users and accessible environments, but there is inconsistency within the Plans as to how vulnerable road users and accessible environments are referred to. This is ineffective. In order to be effective and consistent with modifications to DM DPD Policies DM60 and DM61 below, **MM7** modifies the supporting text of Policy T1 with regard to accessible environments. I amended **MM7** following consultation to clearly show the change from the adopted Plan which referred to “pedestrian” rather than “pedestrians”. This is a minor change that does not materially alter the substance of the MM as consulted on, or prejudice the positions of any parties.
86. SPLA DPD Policy T2 sets out the Council’s aims to develop the cycling and walking network. Figure 24.1 is an accompanying map showing the strategic cycling and walking networks across the district. Since Figure 24.1 was produced, there have been further developments in the strategic cycling and walking networks, which should be reflected for effectiveness. The modified Figure 24.1 within **MM8** shows additional routes in the city centre which take into account the mapping within Cycling and Walking Planning Advisory Note 08; a new extension to the Bay Cycle Way being developed by Sustrans and Lancashire County Council; and an additional route between Kirkby Lonsdale

and Ingleton, which is being developed by Sustrans. Consequential changes have also been made to the Policies Map to reflect modification **MM8**.

87. SPLA DPD Policy T4 on public transport corridors requires provision of frequent high quality public transport to the city centre and other key destinations. However, the policy and its supporting text do not explain what frequent high quality public transport would look like. In order to be effective, **MM9** explains the Council's and the County Council's expectations for frequent high quality public transport and how deficiencies in services would be identified.
88. DM DPD Policy DM60 deals with the need to enhance accessibility and transport linkages. However, criteria II and VIII of Policy DM60 refer inconsistently to vulnerable road users and accessible environments. Additionally, NPPF paragraph 110 b) should be referred to in criterion VIII of the policy with regard to the negative impacts of vehicles, but is not. This is ineffective and inconsistent with national policy. **MM28** modifies criteria II and VIII of Policy DM60 to refer consistently to accessible environments for effectiveness and to be clear which element of national policy is referred to.
89. DM DPD Policy DM61 prioritises walking and cycling. As for Policy T1 and Policy DM60, criterion IV of Policy DM61 is not consistent in referring to accessible environments. Furthermore, paragraph 3 of Policy DM61 refers to only criteria I – III of the same policy, where it should refer to criteria I – IV in terms of development generating high footfall. Paragraph 6 of the policy is not justified in terms of requiring shower and changing facilities at all non-residential developments. These issues render Policy DM61 ineffective and unjustified. **MM29** is therefore required to refer to accessible pedestrian and cycling environments for disabled people consistently; include reference to all criteria in the policy where development generates a high level of footfall; and provide showers and changing facilities in non-residential development only where there are five or more staff. For effectiveness, consequential modifications are necessary to the supporting text made by **MM29** and the glossaries at SPLA DPD Appendix A and DM DPD Appendix A through **MM10** and **MM31** in respect of cyclists, disabled people, and pedestrians.

Electric vehicle charging

90. DM Policy DM62 seeks to go beyond Part S of Building Regulations on Infrastructure for the charging of electric vehicles. However, the Council did not provide a fully justified and reasoned rationale for exceeding Building Regulations in this respect and the policy approach proposed has not been shown to be viable across different types of development. In order to be justified, therefore, **MM30** removes specific requirements for electric vehicle charging points and associated ducting/cabling/supply capacity for all new development and changes of use with associated car parking from Policy DM62

and its supporting text. Associated **MM12** removes the same requirements for electric vehicle charging from the SPLA DPD Appendix F Monitoring Framework for consistency and to be justified.

Conclusion

91. Subject to the MMs set out above, the policies relating to transport are positively prepared, justified, effective and consistent with national policy.

Issue 4 – Are the heritage policies positively prepared, justified, effective and consistent with national policy?

Retrofit of buildings of traditional construction for energy efficiency

92. DM Policy DMCCH1 addresses the retrofitting of buildings of traditional construction. However, it is not clear which buildings would be subject to this policy and how the retrofitting of buildings of traditional construction would take place while balancing risks to historic fabric. **MM21** therefore amends the description of historic buildings to clarify which buildings would fall within the parameters of this policy and identifies the importance of historic fabric and significance. Furthermore, **MM21** alters the supporting text to the policy from new paragraphs 47 to 51 to ensure that it is clear how Responsible Retrofit of buildings of traditional construction can and should take place. Modification **MM21** is required for consistency with national policy and for effectiveness. Since consultation, I have modified **MM21** to new paragraph 47 of the supporting text for clarity as an additional word had been included in error. This does not alter the meaning of **MM21**.

Micro-renewables in the setting of heritage assets

93. DM Policy DMCCH2 addresses micro-renewables in the setting of heritage assets. However, the policy and its supporting text at new paragraphs 52 and 53 do not ensure that the asset's setting is appropriately defined and that it is clear whether the policy will be applied to both designated and non-designated heritage assets and how it will be applied. This is ineffective. Policy DMCCH2 is modified by **MM22** for effectiveness to ensure that the setting of the asset is appropriately considered, while the supporting text of Policy DMCCH2 is altered to explain how the policy will be applied and to indicate that assessment may be undertaken by the Council in identifying a non-designated heritage asset.
94. While Policy DMCCH2 refers to the need to assess potential for below ground archaeology where ground is to be broken or vibrations caused, it fails to explain how any effect on archaeology would be addressed. This fails to be effective. Accordingly, **MM22** deletes criterion III of Policy DMCCH2 on archaeology and a consequential modification **MM20** is made to DM DPD Policy

DM42 to insert reference to assessment of potential for previously unidentified below ground archaeology. Where any breaking of ground or ground vibrations occurs, and where any remains are identified, it is made clear that the other requirements of Policy DM42 will be applied.

Conclusion

95. Subject to the MMs outlined above, the Plans' heritage policies are positively prepared, justified, effective and consistent with national policy.

Issue 5 – Are the policies on water management positively prepared, justified, effective and consistent with national policy?

Development and flood risk

96. DM DPD Policy DM33 sets out the Council's requirements in respect of development and flood risk. However, the policy's requirement in respect of access/egress, play/recreation areas and gardens being in area of lowest flood risk is not consistent with national policy. Furthermore, reference to other sources of flooding is not consistent with the national policy approach which refers to all sources of flooding. The policy is repetitious with regard to flood risk assessment and imposes overly onerous requirements on developers to reduce existing causes of flooding and manage drainage. Modification **MM18** is necessary to amend the opening paragraphs of the policy and its detailed criteria for consistency with national policy and for effectiveness. Furthermore, to clarify the areas which fall within the High Risk Urban Catchments, a consequential change to the Policies Map is necessary for effectiveness.
97. It is important to recognise all potential sources of flooding. However, the glossary definitions in SPLA DPD Appendix A and DM DPD Appendix A do not address all sources of flooding when applying Policy DM33. For effectiveness, **MM10** and **MM31** therefore modify the glossary definitions of local sources of flooding in SPLA DPD Appendix A and DM DPD Appendix A. **MM10** was amended following consultation to remove repetition of "from" for clarity.

Surface water run-off and sustainable drainage

98. DM DPD Policy DM34 deals with surface water run-off and sustainable drainage. However, the policy, its supporting text and a related footnote were not consistent with published climate change allowances. Furthermore, it was not clear why the provision of only above ground sustainable drainage features would be suitable in all instances. In order to be effective, justified and consistent with national policy, **MM19** alters Policy DM34 to remove reference to above ground sustainable drainage features only and to refer to published climate change allowances. It is also necessary for modification **MM19** to be

made to a footnote to Policy DM34 to clarify the nationally published climate change allowances for effectiveness.

Conclusion

99. Subject to the MMs set out above, the Plans' policies on water management are positively prepared, justified, effective and consistent with national policy.

Issue 6 – Are the policies on green and blue infrastructure positively prepared, justified, effective and consistent with national policy?

Green and blue infrastructure

100. SPLA DPD Policy SP8 seeks to protect the natural environment and sets out strategic requirements to protect, maintain, enhance and extend green and blue spaces. However, this is neither effective nor justified as not all developments would be able to achieve all of those policy objectives given their nature, scale, and location. **MM3** is therefore necessary to clarify that development may not be able to achieve the protection, maintenance, enhancement and extension of green and blue spaces together. This ensures that Policy SP8 is effective and justified. For consistency, a consequential modification **MM23** following from **MM3** is necessary to DM DPD Policy DM43, which also deals with green and blue infrastructure. This modification would secure effectiveness.

101. Viability testing undertaken by the Council included a S106 allowance and biodiversity net gain per dwelling. This would cover various planning policy requirements, including the requirements of Policy SP8 and Policy DM43. I consider that this represents a reasonable approach. Furthermore, the policy approach to green and blue infrastructure is relatively flexible and pragmatic, consistent with a range of site-specific policies, and it is clear that the Council recognises the multifunctional benefits of green and blue infrastructure.

Protection of trees, hedgerows and woodland

102. DM DPD Policy DM45 addresses the protection of trees, hedgerows and woodland. As drafted, it was not consistent in its approach to trees and hedgerows throughout the policy. It was therefore ineffective. **MM24** is required to add "and hedgerows" to the first paragraph of the policy. While Policy DM45 refers to important hedgerows, the policy and supporting text offer no clarity as to how such a hedgerow is defined. This is ineffective. Accordingly, it is necessary for **MM24** to amend the supporting text to Policy DM45 at paragraph 11.37 to clarify how the Council would establish if a hedgerow met the parameters of being an important hedgerow.

Conclusion

103. Subject to the aforementioned MMs, the green and blue infrastructure policies are positively prepared, justified, effective and consistent with national policy.

Issue 7 – Do the Plans have a clear and effective framework for monitoring the implementation of the policies?

104. SPLA DPD Appendix F sets out the Plans' monitoring framework. The appendix provides strategic objectives, sub-objectives, policies, indicators, targets, triggers, and actions if the targets are not met. However, there are omissions of relevant policies, indicators, targets and triggers. Additionally, it is necessary for the monitoring framework to reflect modifications to policies. Furthermore, where a policy has been deleted, this should be reflected. SPLA DPD Appendix F is modified by **MM12** for effectiveness and to be justified to take account of deleted policies, indicators, targets and triggers; omitted policies; additional indicators and targets; and to be consistent with the Plans' policies.

Conclusion

105. Subject to the MMs above, the Plans have a clear monitoring framework for the implementation of policies which would be effective.

Overall Conclusion and Recommendation

106. The Plans have a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of them as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

107. The Council has requested that I recommend MMs to make the Plans sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in Appendix 1 to this report the Climate Emergency Review of the Lancaster District Strategic Policies & Land Allocation Development Plan Document 2020 – 2031 and Development Management Development Plan Document 2020 – 2031 satisfy the requirements referred to in Section 20(5)(a) of the 2004 Act and are sound.

Joanna Gilbert

Inspector

This report is accompanied by Appendix 1 containing the Main Modifications.