

## **MATTER 7 – CLIMATE CHANGE AND FLOOD RISK**

### **Issue 7: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for climate change and flood risk in Leicester?**

#### **General Questions on Climate Change and Flood Risk**

#### **344. Is the Plan consistent with national planning policy relating to the mitigation of, and adaptation to, climate change?**

Yes. The Leicester Local Plan 2020 to 2036 Climate Change Topic Paper (2023) (TP/1) sets out in detail how the plan, taken as a whole, is consistent with national planning policy relating to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended), and how it is aligned with the objectives and provisions of the Climate Change Act 2008.

#### **345. How does the submitted Plan support the implementation of the Climate Emergency Strategy and Action Plan and Carbon Neutral Roadmap for the City and its carbon reduction and climate change actions? Should the targets contained in these be set out in the Plan and be monitored for effectiveness?**

Through adoption of the Climate Emergency Strategy (CES) and Action Plan, the City Council has committed to improve existing housing, workplaces, and community buildings in the city to enable them to become carbon neutral, as well as energy and water efficient; improve environmental standards of new development towards a carbon neutral standard; increase renewable energy generation; reduce carbon emissions from travel and transport towards our carbon neutral goals through walking, cycling, improved public transport and ultra-low emissions vehicles; protect Leicester from increased risk of heatwaves and flooding by using nature-based solutions wherever possible; and enhance and protect biodiversity, green spaces, and trees from climate change impacts.

Although the Local Plan is not the only delivery mechanism to ensuring the objectives of the CES are achieved, it is a critical one, particularly in relation to new development. The Leicester Local Plan 2020 to 2036 Climate Change Topic Paper (2023) (TP/1) sets out in detail how the Plan's policies will support: reduction in overall energy demand; the reduction of greenhouse gas emissions; the generation and use of decentralised zero and low carbon energy instead of fossil fuel sourced energy; more efficient use of water; and reducing, mitigating, and

adapting to flood risk, along with policies that reduce carbon emissions from travel and transport, and ones which enhance and protect biodiversity, green spaces, and trees.

Taking into account the range of policies within the Plan that seek to address the climate emergency through preparing for, limiting, and adapting to climate change, it is clear that the Local Plan is not only supportive of, but is a central component to the implementation of the CES and Action Plan and the Carbon Neutral Roadmap.

Regarding the setting and monitoring of targets, the Council's Authority Monitoring Report contains a section on climate change in which the city's year on year per capita greenhouse gas emissions and renewable electricity generation are monitored. However, in respect of the targets set by the CES and Action Plan and the Carbon Neutral Roadmap, it is appropriate that their respective targets are listed and monitored within those same documents. By inserting the CES targets within the Local Plan and including monitoring indicators, it would imply that the Local Plan is responsible for delivering on all CES targets when the Plan cannot address all CES areas. Therefore, it is not appropriate to set out the CES targets in the Plan and to monitor them.

**346. The Energy and Sustainable Design and Construction Study sets out options for preparing Local Plan Policies, how are these reflected in the climate change and energy policies within this chapter?**

The purpose of the Energy and Sustainable Design & Construction Study (ESDC Study) (EB/CC/1) was to provide technical support and justification for clear, deliverable, and ambitious energy and sustainable design and construction policies within the Leicester Local Plan 2020-2036. Section 6 of the ESDC Study sets out policy recommendations for each of the following areas of focus: Energy Hierarchy; Building Energy Efficiency Measures; Heating/Cooling System Hierarchy; Connection to Heat Networks; Low and Zero Carbon Technologies; Cooling Hierarchy; Whole Life-Cycle Carbon Emissions; Existing Buildings; Energy Statement; Water Efficiency; Sustainability Assessments; and Policy Technical Guidance.

Each recommendation is preceded by supporting text which outlines the basis for that recommendation, a proposed approach, evidence and viability, and implications for implementation of the recommendation and compliance with it. Each recommendation is followed by proposed policy wording pertaining to that recommendation. The climate change and energy policies in the submitted Local Plan have been deeply informed by the evidence,

recommendations, and proposed policy wording set out in the ESDC Study.

**347. Have the full range of measures required by policies in this chapter been tested, alongside other planning policy costs, to determine how they will impact upon the viability of development? Are the conclusions accurate and robust?**

Yes, the measures required by policies in this chapter have been tested, alongside other planning policy costs, as part of the Whole Plan Viability Assessment (EB/DI/3) and have been found to not unduly affect viability of development.

The Council is confident that the findings of the Whole Plan Viability Assessment are accurate and robust.

**348. Are the Council's climate change policies sufficiently focused on outcomes, and would they be flexible enough to enable site-specific solutions that would deliver effective outcomes in these terms, but which may not include measures advocated by the Plan?**

Yes, the Council's climate change policies are sufficiently focused on outcomes as they will ensure that future development, on completion and during its occupancy and operational lifespan, will achieve lower carbon emissions than development built to current standards.

The Plan's climate change and energy policies allow flexibility for effective outcomes that deliver reduced carbon emissions from development. This flexibility is implicit in Policy CCFR02 'Whole Life Cycle Carbon Emissions' in the line "All developments shall identify and pursue opportunities to minimise whole life cycle carbon emissions." The inclusion of the word "opportunities" expands the measures which can be employed in a development to minimise carbon emissions beyond just those stated within the Plan and recognises that climate related technologies, measures, and opportunities will develop and improve over the plan period.

**Policy CCFR01 – Sustainable Design and Construction**

**349. Is the requirement for all new residential development to achieve a minimum 10% and all new non-residential development to achieve a minimum 20% reduction in carbon emissions beyond the requirement of Part L of the Building**

## **Regulations in Policy CCFR01 justified?**

Yes, it is justified as national planning policy/guidance encourages local authorities to set policies that mitigate and adapt to climate change and this requirement in Policy CCFR01 is consistent with national planning policy/guidance (NPPF paras. 153, 154, and 157; NPPG, Reference IDs: 6-001-20140306, 6-003-20140612, 6-004-20140612, 6-007-20140306, and 6-012-20190315). The requirement is allowed for by the 2008 Planning and Energy Act, which enables local authorities to set carbon emissions targets that go beyond the requirements of Building Regulations. The minimum percentage reductions are to be achieved through passive, fabric, and energy efficient design measures alone, so are exclusive of any reductions in energy emissions achieved through the sourcing of energy from renewable or low carbon generation. The requirement is also justified by the ESDC Study, which evidences that the policy's specified percentage carbon reductions are achievable through the stated means (Section 6.2.3 of EB/CC/1) and proposes policy wording stating that new residential development should achieve a minimum 10% and new non-residential development should achieve a minimum 20% reduction in carbon emissions beyond the requirement of Part L of the Building Regulations (Section 6.2.5 of EB/CC/1).

The Written Ministerial Statement (WMS) of 13 December 2023 states that if a Council attempts to set energy efficiency standards that go beyond current or planned building regulations, they must be expressed as a percentage uplift of a dwelling's target emissions rate. Policy CCFR01 does this and so is also justified in this regard.

The WMS also states that any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. Rationales should meet a number of objectives, including that the development should remain "viable", and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework. The energy efficiency standards set by Policy CCFR01 are underpinned by the evidence contained in the ESDC Study and are therefore well-reasoned and justified. The policy has also been tested as part of the Whole Plan Viability Assessment (EB/DI/3) and has been found not to unduly affect viability of development.

Furthermore, it is worth noting that while the WMS is a material consideration, it is secondary to statutory requirements to mitigate and adapt to climate change as contained in Schedule 7 (15C) of the

Levelling Up and Regeneration Act 2023 and the Climate Change Act 2008.

**350. Policy CCFR01 refers to the provision of alternative targets once new National Regulations are adopted. Is this appropriate and justified?**

There has recently been a lot of movement at national level in relation to energy efficiency targets set in Building Regulations. It may be that within the Plan period the minimum percentage reduction targets for emissions which are to be achieved through passive, fabric, and energy efficient design measures alone as set by Policy CCFR01 will be overtaken by improved targets relating to these same measures but set at the national level. Therefore, it is appropriate and justified to caveat and make clear that the targets within the policy are applicable only as long as they are the highest applicable targets. Consequently, the Council considers it appropriate to propose a modification to the policy amending the wording to say that if new targets are set nationally, new development will be expected to achieve the higher of either the targets set by CCFR01 or the new national targets.

**351. Should Policy CCFR01 defer details of the calculation methodology and those uses which are included as exceptions to a separate Supplementary Planning Document?**

Yes, as the Supplementary Planning Document (SPD) is the appropriate place in which to set technical detailed information which facilitates implementation of the policy. Setting out the methodology in detail would mean that a section of the plan would concentrate on technical specifics in one area, and the plan would stray from its purpose, which is to set the overall strategic and spatial vision for Leicester until 2036. Also, the SPD will allow for technical detailed information to be revised during the plan period to take account of changing building technologies, materials, and national requirements.

**352. Is the requirement for all new residential development to meet Optional Standard of Part G of the Building Regulations and all new non-domestic development to meet the maximum credits available under BREEAM Wat 01 justified?**

Yes, the requirement is justified as Leicester is within an area of serious water stress (Leicester City Water Cycle Study Update, EB/CC/3a). The inclusion of this criterion is supported by Severn Trent

Water and the Environment Agency and is recommended within the Water Cycle Study (p. 103 of EB/CC/3) and Update (p. 48 of EB/CC/3a), and the Energy and Sustainable Design & Construction Study (Section 6.10 of EB/CC/1).

**353. Should Policy CCFR01 defer details and advice on monitoring, verifying and reporting on energy performance to a separate Supplementary Planning Document?**

See answer to Q. 351 above.

**Policy CCFR02 – Whole Life-Cycle Carbon Emissions**

**354. Is Policy CCFR02 sufficiently clear and effective in so far as it is apparent how a decision maker should consider development proposals against its criteria?**

Yes, it is clear and effective as the decision maker will not assess the proposed means to minimise a development's operational energy and embodied carbon against a specified target, but, in consultation with the Council's Sustainability team, will use the policy criteria to assess the extent that the efforts proposed would likely reduce the whole life-cycle carbon emissions of a proposed development, and whether adoption of further carbon reduction methods could minimise whole life-cycle carbon emissions.

Specific whole life-cycle carbon reduction targets have not been set in the policy as the Council recognises that calculating whole life-cycle carbon emissions is still an emerging field. Therefore, the policy sets out what is the Council's aspiration in this area.

**Policy CCFR03 – Energy Statement**

**355. Should Policy CCFR03 defer the requirements for an Energy Statement for all major developments to a future Supplementary Planning Document?**

Yes, see answer to Q. 351 above.

**Policy CCFR04 – Low Carbon Heating and Cooling**

**356. Is Policy CCFR04 justified in its requirement for all major developments to connect to existing and planned district heating networks?**

Yes, Policy CCFR04 is justified in its requirement for all major

developments to connect to existing and planned district heating networks as the district heating network lowers carbon emissions used to heat and fuel dwellings when compared to standard gas boiler systems. This is consistent with the Local Plan's key objective to prepare for, limit, and adapt to climate change. The policy includes a proviso that provides flexibility around its requirements such that major developments which cannot currently connect to the district heating network, either because the network has not yet expanded to the site in question or because the developer has clearly demonstrated with evidence that connecting the development to the network is unviable, should be designed to allow for cost-effective connection at a later date.

### **Policy CCFR05 – Delivering Renewable and Low Carbon Energy Projects**

**357. Diagram 5 indicates the buffer zones around residential properties for the purpose of a wind opportunity assessment, however, given the scale of the diagram, the extent of these zones is unclear. Could this be more clearly expressed or should it be included on the Policies Map if reference is made to these buffer zones in Policy CCFR05 as suggested below?**

Yes, the extent of the buffer zones could be more clearly expressed and a modification to change the present map in Diagram 5 for a higher resolution, more legible map is suggested. The Council is not of the opinion that inclusion of the buffer zones around residential properties for the purpose of a wind opportunity assessment in the Policies Map is appropriate as Diagram 5 already shows the extent of the buffer zones and adding layers to the Policies Map risks congesting it and reducing its legibility for viewers.

**358. Is Policy CCFR05 sufficiently clear and effective in so far as it is apparent how a decision maker should consider development proposals against its criteria?**

It has been proposed to improve the policy wording (MM17 in EXAM 8) to ensure the policy is effective and so that it is clear to a decision maker how development proposals should be considered against its criteria.

### **Policy CCFR06 – Managing Flood Risk and Sustainable Drainage Systems**

**359. Is Policy CCFR06 justified and effective in respect of its approach to managing flood risk and Sustainable Drainage Systems?**

Yes, Policy CCFR06 is justified and effective as it has been informed by the Strategic Flood Risk Assessment, and by consultation with the Lead Local Flood Authority and the Environment Agency. However, to ensure the Policy is consistent with the Planning and flood risk section of the NPPF and the Flood Risk and Coastal Change guidance in the NPPG, the Council proposes a main modification to amend the wording of the policy as follows (additional text to the current policy wording is underlined, deleted text is struck through):

*"In assessing development, the following principles will be applied:*

*a) Development shall be directed away from areas with the highest risk of flooding in accordance with the sequential and exception tests. Developments which fall into the following categories must be accompanied by a Flood Risk Assessment:*

- Greater than 1 hectare in Flood Zone 1;*

- land which has been identified by the Environment Agency as having critical drainage problems;*

- land identified in a strategic flood risk assessment as being at increased flood risk in future;*

- land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use;*

- ~~Changes of use of less than 1 hectare in Flood Zone 1 and where it could be affected by sources of flooding other than rivers and sea~~*

- Any developments in Flood Zones 2 and 3".*

**360. Should the Policies Map include the Flood Zones, given that these are referenced in Policy CCFR06?**

The Council does not consider that the Policies Map should include the flood zones as their inclusion would risk congesting the Policies Map and reducing its legibility for viewers. The flood zones are not policies of the Plan themselves. Instead, supporting text for the policy (para. 6.21) directs the reader to the Environment Agency's Flood Map for Planning webpage which shows flood zones. The Council considers that this is sufficiently clear.

**361. Are the spatial strategy and allocations in the Plan consistent with national planning policy relating to**



### **development and flood risk?**

Yes, the spatial strategy and allocations in the Plan are consistent with national planning policy relating to development and flood risk. A Strategic Flood Risk Assessment (SFRA) (EB/CC/2) was undertaken alongside the Sustainability Appraisal which enabled site allocations to be steered where possible towards areas of lower flood risk in accordance with the objectives of the Sequential and Exception Tests set out in the NPPF. Allocations have been sequentially tested as part of the SFRA following the process outlined in the NPPF and in planning practice guidance, and the Exception Test has been applied at a strategic level to those sites within Flood Zones 2 and 3, where required (EB/CC/2h). Flood risk information on each site fed into the Local Plan Sustainability Appraisal (SD/4).

### **362. What is the situation in terms of flood risk across the City and how has this informed the Spatial Strategy and the identification of Main Development Areas and site allocations?**

Flood risk is present along each of the Main River systems in Leicester (i.e., River Soar, Braunstone Brook, Melton Brook, Saffron Brook, and Willow Brook) even when taking into account the benefit of existing flood defences. This flood risk has the potential to increase as our climate warms. Surface water flood risk data indicates that Leicester has a relatively high risk of surface water flooding.

The city's flood risk was assessed within the SFRA (EB/CC/2) and, as stated in the response to Q. 361, site allocations have been steered where possible towards areas of lower flood risk in accordance with the objectives of the Sequential and Exception Tests set out in the NPPF. Allocations have been sequentially tested following the process outlined in the NPPF and in planning practice guidance, and the Exception Test has been applied at a strategic level to those sites within Flood Zones 2 and 3, where required (EB/CC/2h). Flood risk information on each site fed into the Local Plan Sustainability Appraisal (SD/4).

### **363. Has the Plan sought to minimise the risk of flooding from all sources, including the likely future effects of climate change? Is there a need to safeguard any land for future flood management?**

Yes, the Plan has sought to minimize the risk of flooding from all sources, including the likely future effects of climate change, by

steering development away from the areas of highest flood risk in accordance with the sequential and exception tests, by requiring that development is safe for its design lifetime and will not increase flood risk elsewhere, and by expecting SuDS to be used in all development to reduce surface water runoff (Policy CCFR06). The SFRA has made recommendations (Section 9.2 of EB/CC/2), and these have been followed in the Local Plan.

The SFRA did not make any recommendations regarding the safeguarding of land for future flood management and so the Local Plan has not done so. However, the SFRA will be reviewed regularly, and the Local Plan will be immediately reviewed on adoption, so any recommendation to safeguard land can be responded to within the Local Plan Review.

**364. Does the Plan promote opportunities to reduce the causes and impacts of flooding, such as making as much use as possible of natural flood management techniques and reducing the conversion of front gardens to parking areas?**

Yes, the Plan does promote opportunities to reduce the causes and impacts of flooding. All development is expected to use SuDS to reduce surface water runoff (Policy CCFR06), while development within the waterway corridors must take into account the objectives of protecting, maintaining, and enhancing the sustainable drainage functions of the waterway corridors, and be designed to allow for flood management, access for maintenance, landscaping, and emergency work, as required (Policy OSSR07). Furthermore, development should maximise the multiple functions and associated benefits of green and blue infrastructure, which includes managing flood risk, and connect green and blue infrastructure across and around the site and to the wider green and blue infrastructure network (Policy NE03).

The site-by-site analysis within the SFRA was undertaken with consideration of nature-based opportunities for downstream flood risk reduction. For example, Appendix H of the SFRA provides the following guidance for site 629, Netherhall Road Open Space (p.107): "...from a water management perspective there may be a notable opportunity to re-naturalise the channel and create a corridor of blue-green infrastructure that would offer ecological and amenity value as well as potentially reducing flood risk downstream." This advice was carried through into mitigations identified for the site on page 44 of document SD/19 (Non-Strategic Sites Proposed for Allocation in the Draft Leicester Local Plan (2023)).

The Plan does not contain policy criteria that seek to reduce the conversion of front gardens to parking areas. To address this matter,

the Council proposes making a main modification to insert the following paragraph after paragraph 6.28:

*"6.29 In order to prevent increasing flood risk from urban runoff, new areas of parking constructed between the principal elevation of a dwelling and the highway should be built using SuDS techniques if the area exceeds 5 square metres."*

**365. Is it clear that Policy CCFR06 relates to surface water rather than foul drainage, particularly when the preceding supporting text refers to water quality, including wastewater?**

The Council is of the opinion that the wording of Policy CCFR06 makes it clear that it does not relate to foul drainage. However, it is acknowledged that the placement of paragraph 6.29 immediately before the policy may introduce some ambiguity for the reader. The Council therefore proposes moving paragraph 6.29 to after Policy CCFR06.