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**Directorate for Economic Growth
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PO Box 4
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10 February 2023

Dear Ms Breakall

STAGE 1 COMPLAINT – LANCASTER SOUTH AREA ACTION PLAN

I refer to your correspondence of 9 January 2023, and the City Council's subsequent acknowledgement regarding the above matter. Your correspondence has been treated as a complaint under the Council's formal process.

This letter responds to the issues that you have raised in your correspondence. At the end of the letter I have also set out the City Council's current position regarding development in the South Lancaster area, and I hope that this is helpful.

Summary of Complaint

Your correspondence highlighted the following five grounds for complaint:

1. The onerous nature of the Planning consultation which is daunting and unclear in its purpose;
2. Secrecy surrounding the terms of Housing Infrastructure Fund (HIF) grant;
3. The lack of discussion regarding the 9185 houses referred to in the HIF bid;
4. The contradictions between the South Lancaster Growth Policy and Lancaster City Council's declaration of a Climate Emergency
5. The financial risks

My complaint investigation follows your numbering above.

Complaint Review

The onerous nature of the consultation

I do agree with you that the combined length and, in some areas, complexity of the Topic Papers results in a lot of information to read and respond to. The Council took the view that it would divide the topics into separate papers, so that people can choose whether to read and respond on all matters, or to individual subject matters.

The consultation webpage does set out the purpose of the consultation and it tries to provide background context to the issues. Whilst the Papers are lengthy, they are also logically set out in my view. The background to each topic is described, the existing policies are explained, and possible approaches and options are explored, followed by structured questions aimed at seeking feedback.

But I do accept that as a consequence of having individual Topic Papers there is a certain element of repetition that adds to its length. For example, the Papers all contain the text of the existing local plan policies. By setting out to be thorough, the documents are undoubtedly long.

I do not agree that the style of language used is generally difficult to read and understand.

I accept that there are technical terms used in places and I would agree that some of this could have been reduced, but the general tone and direction of the Papers is, in my view, logical and many of the questions are short and ask for comments. The Papers have to be capable of being read and responded to by a wide audience, including professionals working for agencies like the Environment Agency or the development industry who will wish to know that topics are being considered in accordance with planning guidance.

In hindsight, I consider that the topic papers would have benefitted from further editing and the provision of an Executive Summary. However given continuing time constraints, including for other development projects elsewhere in the district, this time is not always available. Nonetheless the comments that you make in your complaint are helpful and are noted, and they will help inform any future consultation preparation.

Secrecy surrounding the HIF grant

As you are aware, the HIF funding bid was compiled by Lancashire County Council, in their role as the transport authority for the district. The HIF grant is also payable to the County Council. It is ultimately a matter for the County Council to determine whether they wish to publish the grant determination agreement that they have with Homes England.

The lack of discussion regarding the 9185 houses referred to in the HIF bid

You are correct that the funding bid submitted by the County Council refers to a figure of 9185 houses. It would be a matter for the County Council to provide further information on this business case funding figure, and whether they considered any public engagement regarding it.

The adopted Lancaster District Local Plan sets out, in Policy SG1, that any development within the Broad Location for Growth, including Bailrigg Garden Village, will aim to deliver "...at least 3,500 new houses...". It also explains that further detail will be prepared in the forthcoming Lancaster South Area Action Plan (LSAAP). That remains the case.

Whilst the HIF bid infrastructure may have the potential to create the capacity for a significant volume of residential development, it will be for the LSAAP to determine, via formal land allocations supported by evidence, the precise quantum of housing (and other uses of land) that should be proposed in the Broad Location for Growth. The LSAAP will follow the national stages of local plan preparation which will include full and meaningful consultation with local stakeholders, including the local communities, statutory consultees, and the development industry. I discuss this further at the end of this letter.

The contradictions between the South Lancaster Growth Policy and Lancaster City Council's declaration of a Climate Emergency

The City Council's declaration of a Climate Emergency in January 2019 was an important milestone for the local authority. It kickstarted a series of workstreams across all Council activities, including within the local planning authority.

The Council is one of the first in the country to be advancing a Climate Emergency Review of its adopted Local Plan. This process, which has followed the national stages of Local Plan preparation including full public consultation, has recently been subject to Examination in Public and is nearing its conclusion. The reviewed plan aims to challenge the development industry to build more sustainable houses and seeks to be more ambitious in terms of water management, renewable energy generation and modal shift in transport.

The latter can only be delivered by significant investment in transport infrastructure. This is identified in Policy SG1 as the delivery of *"a Bus Rapid Transit System and a Cycling and Walking Superhighway network"*. Although the terminology has changed since Policy SG1 was adopted, the City Council's ambitions to positively influence modal shift are centred around the delivery of improved bus infrastructure and a safer and more integrated cycling and walking network.

These proposals are not practicably deliverable in isolation without the improved network capacity that would be delivered by the wider highway proposals. The City Council remains of the opinion that new highway infrastructure should be the catalyst for an ambitious reallocation of roadspace within Lancaster City Centre to prioritise public transport and cycling and walking. Like you, we will await details of the proposed form and alignment of these proposals from colleagues at the County Council. Given this, I do not accept that the proposals, taken as a whole, contradict the declaration of a Climate Emergency.

The HIF funding model correctly assumes that developers will make contributions towards infrastructure. The precise mechanism for securing contributions will be via the consideration of individual planning applications. Individual negotiations (rather than the application of a flat roof tax) underpin the Section 106 financial contributions process. Any contributions that are requested must meet the national tests that are set out by Government. It is incumbent upon statutory consultees to make proportionate requests for financial contributions that satisfy these national tests. These can then be used to contribute to the delivery of transport infrastructure.

It will not be a surprise that inflationary pressures are affecting development projects throughout the country. Local authorities constantly review their development proposals as a consequence of changing global or local affairs, and development in South Lancaster is not immune from that type of review. Local city councillors and officers are mindful of any escalating costs and will take proportionate action where necessary.

The financial risks

To support this project, the City Council entered into a Collaboration Agreement with the County Council in October 2021. In the event of a shortfall in overall funding for the project which cannot be rectified by any other means, both parties are to contribute to the shortfall.

Under the terms of the Collaboration Agreement this contribution is capped, and the risk is monitored through the governance frameworks underpinning the project as a whole.

Complaint Conclusion

Whilst my complaint investigation has considered that the Topic Papers consultation could have been structured differently, I do not consider that there are sufficient grounds for upholding a complaint on this matter, nor the other matters that I have responded to. If you are not happy with the outcome of your complaint you can take it further if you wish. Please refer to our complaints booklet for further details at www.lancaster.gov.uk/complaints

Future Timetable

Earlier in this letter I said that I would provide some additional information regarding the likely timetable for the LSAAP moving forward. I should caveat this by saying that the timescales are of course subject to change.

- The Topic Paper responses will help to contribute to the preparation of the LSAAP. The responses to the consultation are currently being evaluated.
- It is still currently the City Council's intention to prepare a draft LSAPP for formal public consultation during 2023. This will include draft land allocations on a map, accompanied by draft planning policies.
- The responses to that formal consultation will then be assessed and the City Council will consider making changes. Any changes will be incorporated into an amended version will also be published and all stakeholders, including local communities, will again be invited to make comment at this stage.
- The City Council would then usually prepare a report to its Full Council seeking authority to submit the draft LSAAP to Government for Examination in Public.
- If the draft LSAAP is submitted for Examination in Public, then a Government-appointed Planning Inspector will hold public sessions to scrutinise the LSAAP. Following the conclusion of the public sessions, the Inspector will decide whether the LSAAP has been properly prepared. If this is the case, the Council can seek to adopt the LSAAP at Full Council, taking account of any changes that the Inspector has recommended in their report.

Separate to the preparation of the LSAAP is Lancashire County Council's planning application for the 'South Lancaster to M6 Road Scheme' including the proposed Park and Ride. This planning application will be submitted by the County Council (in its role as applicant) and will be determined by the County Council (in its role as the local planning authority for highway infrastructure proposals). The County Council will be responsible for public consultation regarding the planning application. The City Council will be a statutory consultee during this process. The recent County Council Cabinet Report (2 February 2023) advises that the County Council aim to hold a pre-application public consultation regarding the Road Scheme during March 2023.

I hope that this information is helpful.

Yours sincerely,

Mark Cassidy

**MARK CASSIDY
HEAD OF PLANNING AND PLACE**