Lancaster Local Plan Examination

Statement on behalf of Mr E Metcalfe & Mr T Lloyd (Representor ID: 85)

Matter 1

April 2019

Introduction

1. Cushman & Wakefield has been instructed by our clients Mr E Metcalfe and Mr T Lloyd to submit representations to the Lancaster Local Plan, which comprises the following documents:
    - Part One: Strategic Policies and Land Allocations DPD (SPLA); and
    - Part Two: Review of the Development Management DPD (DM).
2. This statement is prepared in response to Matter 1 (Legal compliance, procedural and general) of the Matters, Issues and Questions raised by the Inspector.
3. Separate representations are submitted in respect of the following Matters:
    - Matter 2: Housing
    - Matter 6: Transport
4. Our clients are seeking to bring forward a residential-led development at their landholdings at Land south of A683, Lancaster. A site location plan is contained at Appendix 1.
5. Our clients' site was identified by the Council as having potential for an urban extension – site reference UE2 – and was consulted on in the People, Jobs and Homes consultation in Winter 2015.
6. Following this, the Council did not then include the UE2 strategic site as an allocation within the draft Local Plan and the site is designated as 'Open Countryside'.
7. This statement expands upon our previous representations that provide significant evidence to justify our position in promoting the land herein referenced for development. For information these representations include:
    - Lancaster's Future Housing Needs (July 2014)
    - People, Jobs and Homes - How should we plan for our district's future? (November 2015)
    - Lancaster Local Plan Part One: Strategic Policies and Land Allocations DPD (March 2017)
    - Local Plan Draft Suggested Modifications (October 2018)

Main Issue

Have the DPDs been prepared in accordance with relevant legal requirements, including the Habitats Regulations, Duty to Co-operate, the procedural requirements of the National Planning Policy Framework, the Local Development Scheme and the Statement of Community Involvement?

Question 1b

The Council refers in the Duty to Co-operate Statement to how co-operation with South Lakeland District Council informed the need to review the Greenbelt in relation to OAN methodology and calculation. Could the Council be more specific on this matter? How did the Council co-operate with adjoining authorities in respect of any unmet housing need?

8. Lancaster City Council's Duty to Cooperate Statement recognises that the Housing Market Areas of Lancaster, Wyre, South Lakeland and Ribble Valley overlap. This would suggest that these authorities had the opportunity to assist one another in meeting unmet housing need across their respective Local Authority areas.

9. Evidence presented as part of the Examination process, including the Council's own evidence, provides very little evidence that this was robustly explored as required by paragraphs 178-181 of the 2012 NPPF and reiterated in paragraphs 24-26 of the 2019 NPPF. This includes the absence of one or more Memorandum of Understandings (2012 NPPF) or Statements of Common Ground (2019 NPPF) that document cross-boundary matters being addressed and/or progress being made in cooperating to address these matters, and that should be made publicly available throughout the plan-making process to provide transparency.

10. It is clear from the Duty to Cooperate Statement that Wyre Council requested support from Lancaster to meet their unmet housing needs and that Lancaster were unable to do so because they have determined that they are unable to meet their own OAN in full. Further to this, Lancaster's response to Matter 1 states that they themselves requested assistance from adjoining authorities, but such assistance was not forthcoming for similar reasons.

11. In the first instance, this is a situation that turns itself into a circular argument between neighbouring Local Authorities as a reason for not meeting their full OAN. This is clearly contrary to the NPPF and should therefore not be considered a sound approach.

12. Lancaster has the opportunity to stop this self-perpetuating circular argument from continuing by considering the allocation of additional land in sustainable locations that has been put forward by landowners through the Local Plan process. Further, we would argue that there is greater responsibility on Lancaster to meet a proportion of the OAN from neighbouring authorities to reflect the role that the city of Lancaster has as an economic hub of the sub-region and in encouraging sustainable travel to work patterns.

13. On this basis, and in the second instance, it is clear that Lancaster City Council must meet their OAN in full within their own boundary as the unmet housing need cannot be provided for outside of the district.

14. As such, we do not consider that the Council's 'Assessing the Reasonable Alternatives' Paper provides a robust justification for the Council's inability to meet their OAN. It is strongly considered that there are alternative suitable sites, which could assist the Council in meeting their OAN and potentially other unmet demand in overlapping HMA's. For example, representations that we have made to the Local Plan process on behalf of our client in respect of his landholdings demonstrate that there is additional land within the boundary of Lancaster that is available to meet such requirements. Our clients' land south of the A683 is not subject

to any significant constraints to development and should not have been disregarded at the earlier stages of the Local Plan. Its allocation for housing would present a significant opportunity for the Council to be able to meet its OAN in full within its own boundary, and possibly meet an element of unmet demand within overlapping HMAs.

15. It is therefore imperative that the housing requirement in Lancaster is uplifted to meet its own need as a minimum. There is also a clear and compelling case for an uplift beyond this to meet a proportion of unmet demand from neighbouring authorities, particularly where Housing Market Areas overlap.

16. We therefore consider that the Local Plan cannot be found sound until the full OAN for housing is met within the Lancaster district boundary, which is clearly a possibility given submitted evidence for additional land that is available to meet this need and wider unmet need within overlapping HMA's.

Question 1i

Does the SA adequately consider reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?

17. The SA addendum (March 2019) states that "to attempt to allocate more housing sites at locations that are unavailable, unviable or undeliverable would also clearly be an unrealistic alternative".

18. Whilst we concur that housing should only be delivered at suitable sites, i.e. those that are available, viable and deliverable, we strongly consider that there are appropriate suitable sites which have not been allocated and as such increasing the scale of housing proposed is a reasonable alternative.

19. It is not considered that the SA or the associated Background Paper 1 'Assessing the Reasonable Alternatives' has had adequate consideration to our clients' land south of the A683 (also known as site ref. UE2).

20. The background paper recognised that significant areas of land were inherently unsuitable for an urban extension due to AONBs or areas of flood risk near rivers or the coast.

21. The responses to the various alternatives proposed in the background paper showed there was high support from the development industry for urban extensions and compared to other options, relatively low levels of objection from local communities.

22. The background paper and SA show that in order for the Council to meet their OAN in full, the only reasonable alternative to further Green Belt loss is a further urban extension. As sites ref. UE1 and UE3 were both advanced for an allocation, the only potential additional site is site ref. UE2.

23. The SA (January 2017) stated several reasons for our clients' land being rejected, including distance from utility infrastructure, achievability and viability. As set out in our previous representations, we do not consider any of these issues to be significant or insurmountable and the site should not therefore have been discounted.

Lancaster Local Plan Examination

Statement on behalf of Mr E Metcalfe & Mr T Lloyd (Representor ID: 85)

Matter 2

April 2019

Introduction

1. Cushman & Wakefield has been instructed by our clients Mr E Metcalfe and Mr T Lloyd to submit representations to the Lancaster Local Plan, which comprises the following documents:
    - Part One: Strategic Policies and Land Allocations DPD (SPLA); and
    - Part Two: Review of the Development Management DPD (DM).
2. This statement is prepared in response to Matter 2 (Housing) of the Matters, Issues and Questions raised by the Inspector.
3. Separate representations are submitted in respect of the following Matters:
    - Matter 1: Legal compliance, procedural and general
    - Matter 6: Transport
4. Our clients are seeking to bring forward a residential-led development at their landholdings at Land south of A683, Lancaster. A site location plan is contained at Appendix 1.
5. Our clients' site was identified by the Council as having potential for an urban extension – site reference UE2 – and was consulted on in the People, Jobs and Homes consultation in Winter 2015.
6. Following this, the Council did not then include the UE2 strategic site as an allocation within the draft Local Plan and the site is designated as 'Open Countryside'.
7. This statement expands upon our previous representations which provide significant evidence to justify our position in promoting the land herein referenced for development. For information these representations include:
    - Lancaster's Future Housing Needs (July 2014)
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Main Issue

Whether the Council's strategy for meeting its housing requirement is sound?

Question 2a

The identified objectively-assessed need (OAN) for housing for the area is 14,000 new dwellings (an average of 700 per year). The Council, as set out in policy SP6, identifies a requirement of 12,000 new dwellings at a rate of 522 per year. Is the Council's housing requirement soundly based and supported by robust and credible evidence? Does it take appropriate account of the 2012-based DCLG Household Projections, the likelihood of past trends in migration and household formation continuing in the future, and 'market signals'? Is the housing requirement appropriately aligned with forecasts for jobs growth? What implications should be drawn from paragraphs 7.9 – 7.13 of the Updated Consultation Statement February 2019, on the OAN figure.

8. We note that the Updated Consultation Statement records outstanding concerns from the development industry that the Council has not allocated sufficient land to ensure a deliverable five year supply of housing. This lack of confidence in the housing allocations by the parties ultimately responsible for delivering new housing in the district is of significant concern.

9. The Council's trend of continued downward revision of the OAN through the Local Plan consultation process suggests there has been little consideration afforded to the concerns of the development industry or the significant constraints which will limit the delivery of housing from the strategic sites in the first 5-10 years of the Local Plan. This undermines the consultation process and lacks accountability and transparency regarding the evidence base that the Council has used to justify not meeting its OAN in full.

10. It is clear therefore that the housing requirement should be revised upwards to resolve the concerns of the development industry and further sites allocated for housing.

11. The issues surrounding the housing requirement are made even more significant in light of the Council's insistence to continue to not meet their OAN in full.

12. Our position in relation to the remainder of the elements of the questions in 2a are contained within our previously made representations, covering matters such as:

    a. the Council meeting its duty to co-operate,

    b. the Council ensuring an aspirational level of economic growth, and

    c. the Council meeting their OAN in full by allocating more sites than required to ensure the plan is positively prepared, flexible and capable of addressing future under-delivery on key sites.

Question 2b

Are the constraints identified by the Council sufficient justification for not meeting the full OAN for housing in the District?

13. We recognise the constraints identified by the Council in their response to Matter 2, namely the Green Belt, flood risk, environmental designations and highways, however the presence of

these constraints simply emphasises the need to strongly consider alternative sites not subject to these constraints.

14. As set out in our responses to Questions 1b and 1i, the Council's inability to meet its OAN in full is intrinsically linked to the inadequate consideration of suitable alternative sites. Against this background, we do not therefore consider that the constraints identified provide sufficient justification for not meeting the OAN.

15. Our response to Question 1i and representations to date set out why we do not consider that Background Paper 1 'Assessing the Reasonable Alternatives' has had adequate consideration to our clients' land south of the A683.

16. Our clients' land south of the A683 is not subject to any significant technical constraints, nor is it in the Green Belt or the AONB. It is available and capable of viably delivering new housing over the Local Plan period.

17. We consider that land south of the A683 should be allocated for development, making a significant contribution towards assisting the Council in meeting its OAN in full within its boundary and providing sufficient flexibility over the Plan period, particularly in addressing future under delivery.

Question 2f

Is the amount of land allocated for housing sufficient to meet the requirement and how will it ensure delivery of the appropriate type of housing where it is required within the District (with particular reference to Policies SP2, SG1, SG7, SG9, H1, H2, H3, H4, H5, H6, DOS7, DM1, DM2, DM4, DM7, DM8, DM11 and DM12)?

18. As the Council are failing to allocate sufficient land to meet their full OAN, this raises concerns as to whether sufficient land will be available to meet the identified requirement for affordable housing. The SHMA (Part II) 2018 identified an annual imbalance of 376 affordable dwellings across Lancaster, demonstrating the need which the Council should seek to reduce through new dwellings.

19. Given the OAN is not being met in full, we have concerns that this affordable housing requirement will unlikely be met.

20. This is further demonstrated through representations made by landowners on brownfield sites (for example, allocation ref. H5), contesting the affordable housing policy for their site on the basis of viability. This would suggest the Council has not adequately engaged with landowners to ensure the affordable housing requirement can be achieved on brownfield sites in particular.

21. The NPPF is clear that plans should be positively prepared and sufficiently flexible to respond and adapt to change. Once again, the Council's decision to not meet the OAN in full and to rely on a relatively small number of large strategic sites such as Bailrigg Garden Village, casts doubt over the ability of the Local Plan to respond to change.

22. Should a number of the strategic sites be delayed in coming forward or ultimately deliver less dwellings than anticipated, the Council will rapidly not be able to meet their housing requirement or demonstrate a five year supply of land for housing.

23. The under-delivery of allocated sites is of particular concern, specifically Bailrigg Garden Village, where the Council already recognise that the identified quantum of new homes will not be delivered in full during the plan period.

24. More generally, we have concerns over the evidence base available to demonstrate the supply and capacity of each of the allocated housing sites, particularly assumptions in relation to the supply and capacity of each pf the sources of supply. It is not therefore evident how the Council will utilise the supply and ensure that it will deliver the appropriate type of housing where it is required over the Plan period.

25. To mitigate against this potential under-delivery, we strongly consider that a buffer should be applied and/or specific sites allocated as safeguarded land in the instance that a future Local Plan Review identifies sites are not coming forward for development as planned.

26. On this basis, we strongly consider that the Plan cannot be found sound unless and until the housing requirement is uplifted with a buffer applied and further sites are allocated for housing to ensure flexibility in the housing allocations.

Question 2g

Will the distribution, capacity and speed of deliverability (with regard to viability and infrastructure) of the sites, satisfy the provision of a 5 year housing land supply?

27. The Council state in their Matter 2 statement that they intend to apply the 'Liverpool method' for dealing with the significant forecast undersupply in housing demand (1,167 dwellings). This is contrary to the Government guidance identified by the Council in their statement which directs LPAs to make up the deficit as soon as possible, the 'Sedgefield method'.

28. The Liverpool method adds 486 dwellings to the Council's five year requirement, however we would contend that the full undersupply should be included in the five year requirement, increasing it by 681 dwellings.

29. We concur with the Council's view that in light of the historic undersupply issues, a 20% buffer should be applied. Reflecting the full undersupply in the requirement and the 20% buffer would increase the five year requirement by 817 dwellings to 4,460.

30. The Council recognise in their Statement that they are unable to demonstrate a five year supply and in response, now propose a stepped approach to the housing requirement, starting at 400 dpa, increasing to 450 dpa in years 1-5 post-adoption, 675 in years 6-10 and 685 in years 11-12.

31. It is not considered sound or robust to simply defer the issues around being able to demonstrate a five year supply of housing land until the latter half of the plan period.

32. The Council recognise that they are reliant on a number of strategic sites, some of which, as set out in our previous representations, are either subject to highways constraints or are reliant on the delivery of significant highway infrastructure for which there is no committed funding.

33. It is clear therefore that the Council will have significant issues in being able to demonstrate a five year supply both in the short term and later on in the plan period and it is imperative that additional land is allocated for the delivery of housing.

34. We would strongly support the additional allocation of safeguarded land for housing which can be brought forward should the Council not be able to demonstrate a five year supply at any time throughout the plan period. This links to our response to Question 2i around monitoring.

35. Our clients' land south of the A683 is available and achievable and does not have any significant constraints to delivery, and hence is well-placed to be a safeguarded housing site.

Question 2i

Is the proposed monitoring likely to be adequate and what steps will be taken if sites do not come forward?

36. The Council set out in their Matter 2 Statement and the relevant background paper, the triggers and possible actions they may take to address issues in the delivery of new housing.

37. We support the trigger for meeting the requirements of the housing delivery test.

38. We do not support the trigger of a shortfall in the five year supply of greater than 1 year and consider that the trigger should be any shortfall in the five year supply.

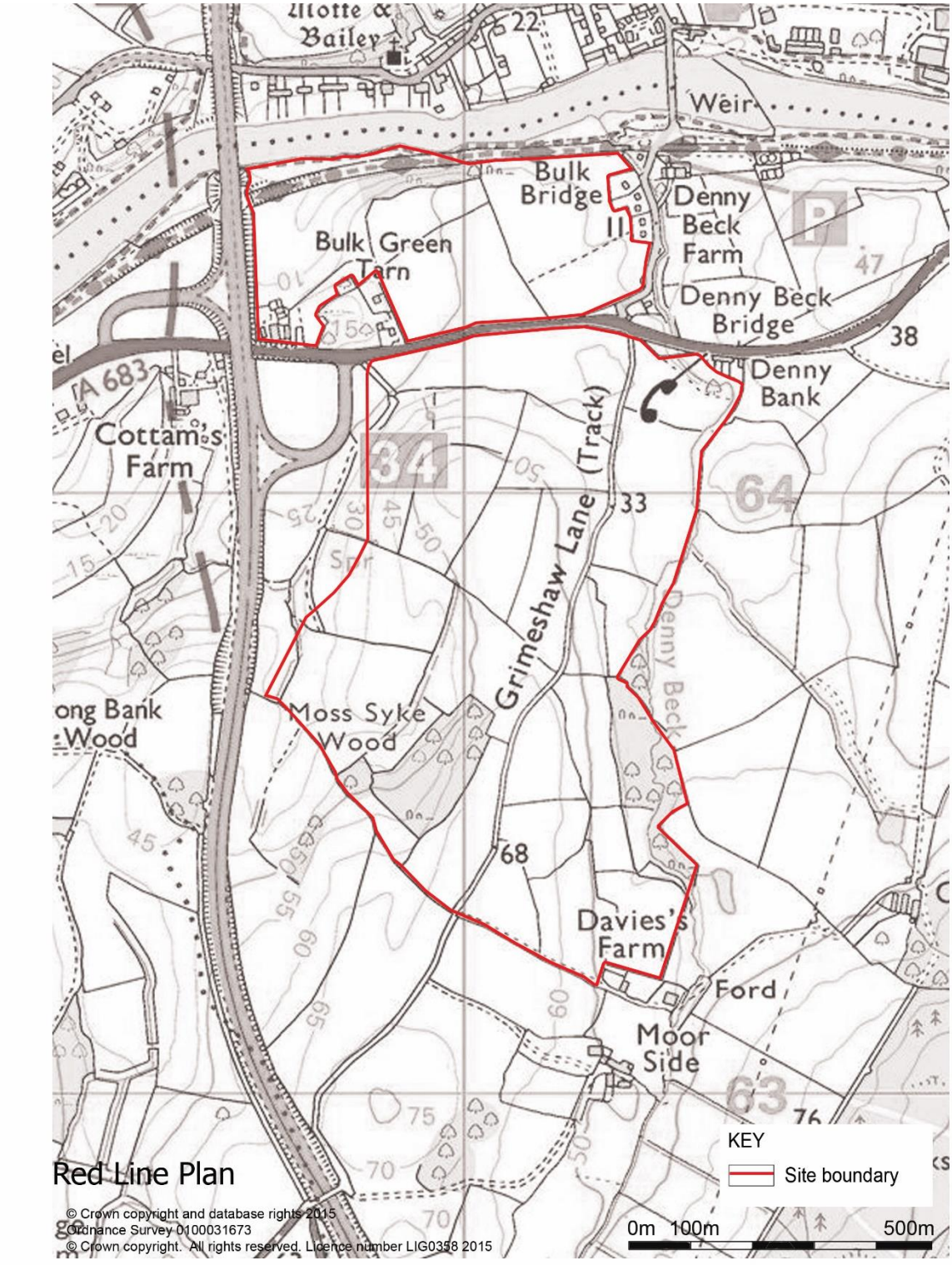
39. The Council set out a list of potential actions that may be taken when one of the triggers is met. This list of potential measures is not considered sufficiently robust, and we strongly consider that clear triggers should be identified for the levels whereby specific actions such as introducing and bringing forward safeguarded land or a further call for sites will be required.

40. A set timeframe for implementing the relevant actions should also be identified and this should be included in a Monitoring and Implementation Framework that is formally contained within the Local Plan.

41. In light of the Council's inability to demonstrate a five year supply we consider that an early review mechanism should be built into the Local Plan, certainly within two years of the Plans adoption if it is clear that the Council cannot demonstrate a deliverable 5 year supply of housing land and it is not meeting its required housing trajectory. This review will be required to ensure the housing requirement is being met and to determine appropriate additional land for housing.

42. This early review mechanism could sit alongside our earlier suggestion for sites to be safeguarded for housing in this Local Plan that can be brought forward should the Council find that it is not delivering its requirements. This is considered an inherently more sustainable approach to the risk of the presumption in favour of sustainable development being triggered through lack of 5 year land supply and under delivery through the Housing Delivery Test.

Appendix 1: Site Plan



Lancaster Local Plan Examination

Statement on behalf of Mr E Metcalfe & Mr T Lloyd (Representor ID: 85)

Matter 6

April 2019

Introduction

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    - Local Plan Draft Suggested Modifications (October 2018)

Main Issue

Whether the Council's strategy for accommodating transport infrastructure is sound?

Question 6a

Are the transport schemes contained in the DPDs evidence based? How do they provide for the management of traffic movements in Lancaster City Centre (policies SP10 and SG4)?

8. We do not intend to comment on the second part of this question and our comments relate to the first part of question a) only.

Local Transport Plan 2011-2021

9. The Council reference in their Matter 6 Statement that the key evidence document on which the DPDs rely comprises the Local Transport Plan (LTP) 2011-2021.

10. The LTP was prepared by the County Council nearly a decade ago and prior to the publication of the NPPF.

11. Further the LTP does not include some of the key transport schemes on which the DPDs rely. For example, the proposed allocation of 3,500 dwellings at Bailrigg Garden Village (Policy SG1) relies heavily on the reconfiguration of J33 which is not referenced in the LTp.

12. The LTP cannot therefore be considered a sound evidence base document for the transport schemes required by the Local Plan.

Lancaster District Highways and Transport Masterplan

13. Whilst we note the 2016 Lancaster District Highways and Transport Masterplan produced by the County Council, this document provides a high-level aspirational view of the range of improvements the Council would like to see developed by 2031.

14. The reconfiguration of J33 of the M6 is included in the masterplan, however there is little detail on how this will be delivered. No scheme or route details are presented and no commentary around land assembly. A high-level programme is presented, but there is no detail or evidence to support this.

15. The masterplan states that Government funding will be required to facilitate the improvements and that a funding bid has been submitted to the Housing Infrastructure Fund. Whilst we recognise that a bid has been submitted, the final business cases are only now being submitted in Spring 2019 and the results will not be announced until Summer 2019 – after the Examination of the Local Plan has concluded.

16. It is clear that the reconfiguration of J33 cannot be delivered should the funding application be unsuccessful. If J33 is not upgraded, then the constraints of the strategic highway network significantly reduces the quantum of development that can be delivered at Bailrigg Garden Village.

Summary

17. For the transport infrastructure scheme and Local Plan to be found sound, it is clear that the Local Plan should account for the situation in which they do not secure HIF monies for the reconfiguration of J33.

18. The Local Plan should therefore identify additional land for housing to ensure the housing targets are capable of being achieved in all situations.

19. Recognising that the housing target is a minimum, this could be achieved through additional housing allocations or through the allocation of safeguarded land, to be brought forward in the event that the necessary transport schemes are not delivered.

20. Our clients' land is immediately deliverable, with no significant constraints regarding vehicular access, land ownership or technical issues.

21. Vehicular access to the site can be achieved in a number of ways. This includes access options directly from the A683, including an immediately available existing vehicular access point, new junction options on the south and north side of the A683, as well as a longer-term potential access from the north-east of Lancaster that would cross an existing M6 overbridge.

22. Any future connection from north-east Lancaster would also have the potential to provide access to SG7 East Lancaster Strategic Site that is understood to have significant access constraints.

23. No significant transport infrastructure scheme is necessary to enable the immediate delivery of a quantum of housing at our clients' landholdings. It also benefits from existing cycle and footpath connections to Lancaster, Caton, and Halton. It therefore represents a sustainable additional location for providing new homes to meet Lancaster's housing requirement.

Appendix 1: Site Plan