

Briefing

Peel Investments (North) Limited's comments on SG1, SG1A and 5-year housing land supply position

April 2019

Introduction

1. This note is prepared on behalf of Peel Investment (North) Limited (hereafter "Peel"). Peel is the owner and promoter of 44ha (110 acres) of land at Whinney Carr, part of the proposed 'Broad Location for Growth – Bailrigg Garden Village' (Policy SG1) within the emerging Lancaster Local Plan (LLP), which is currently the subject of independent examination.
2. This note provides Peel's comments on the following, which the examination Inspector has requested by 18 April 2019:
 - Lancaster City Council's (LCC) proposed working draft Policy SG1A (Examination Library Ref. HD09).
 - LCC's revised 5 year land supply (5-YHLS) trajectory and explanatory note (Examination Library Refs. HD21.1 & 21.2).
3. It also provides Peel's response to LCC's proposed modification to Policy SG1 (Examination Ref. HD15). Whilst the Inspector has only informally invited comments on this, Peel considers that it is important that the Inspector has had sight of Peel's response because it directly relates to:
 - (a) the position agreed between the South Lancaster Landowner Group (including Peel) and LCC in the Statement of Common Ground (SoCG) regarding the Bailrigg Garden Village (BGV) (Examination Ref. HD08); and
 - (b) the case advanced by Peel, *inter alia*, regarding a formal residential development allocation for an early phase of development centred around the Whinney Carr site within the Broad Location for Growth (BLG), as discussed during the hearing session on 11 April 2019.
4. **For the avoidance of doubt, Peel wishes to reiterate that it does not wish to see the adoption of the LLP delayed or frustrated, and continues to support the identification of the BLG and the BGV proposals. The further modification proposed by Peel will help facilitate delivery and can be made swiftly.**

Proposed Policy SG1A

5. Peel supports the identification of a bespoke policy relating to the review of the LLP. It considers that the proposed triggers for a review are broadly appropriate.

6. However, the third point of i) relates to the “...rate of delivery of strategic sites...”. Given the ‘supply led’ nature of the housing requirement and the shortfall of land against the objective assessment of housing needs (OAN) figure, it is Peel’s view that reference only to strategic sites is not justified. It should instead relate to the delivery of all residential development allocations.
7. Policy SG1A refers to an early review being “...undertaken...” within two years. Peel considers that it should be amended to state that the review will be “...adopted...” within two years, such that the policy is clear and precise and the work is undertaken expeditiously.

5-YHLS trajectory and explanatory note

8. Peel notes the revised 5-YHLS trajectory submitted by LCC (Examination Ref. HD21.1). This sets out LCC’s view that 3,602 dwellings can be delivered within the 5-year period. This includes the delivery of 205 dwellings from BGV from 2021/22 onwards, i.e. within the next two years. Given the importance of the BGV delivery to the ‘supply led’ requirement and the 5-YHLS position, it reinforces Peel’s view that the LLP should positively provide for this development via a formal development allocation; this would be consistent with policy and guidance on both local plan preparation and the approach to 5 year housing land supply. Peel’s view in this respect is set out in its written statement to the examination (Examination Ref. HS29) and is discussed further in relation to the proposed modification of Policy SG1 (see below).
9. LCC’s assessment of the 5-YHLS position in its explanatory note (Examination Ref. HD21.2) sets out that the 3,602 dwelling supply is equivalent to 5-years of delivery against the 522 dwelling requirement proposed by Policy SP6 of the submitted LLP, as shown in Table 1. In those circumstances, there is no justification for the introduction of a ‘stepped’ trajectory or requirement, as proposed by LCC’s written statement to Matter 2 (Examination Ref. LCC7.2.0). This is particularly the case given that LCC’s 5-YHLS position includes an allowance for a 20% buffer, whereas its performance against the Housing Delivery Test (HDT) requires only a 5% buffer. The use of a stepped trajectory is inconsistent with National Policy to ‘boost significantly’ housing supply and is not justified.

Policy SG1 modification

10. Peel is broadly supportive of LCC’s proposed modification of Policy SG1, which is consistent with and seeks to implement the position agreed in the BGV SoCG (Examination Ref. HD08). However, Peel considers that further modifications are necessary to:
 - (a) Provide a formal development allocation for an early phase of development within the Broad Location for Growth (BLG) that includes the Whinney Carr site as set out in Peel’s written statement to the examination (Examination Ref. HS29) and as discussed during the hearing session on 11 April 2019.
 - (b) Delete the requirement for ‘Areas of Separation’.
11. Peel’s suggested modifications in this respect are explained as follows.
12. In respect of point (a), LCC’s latest 5-YHLS trajectory (Examination Ref. HD21.1) sets out LCC’s view that the 5-YHLS is dependent upon, *inter alia*, the delivery of 205 dwellings from BGV from 2021/22 onwards, i.e. within the next two years. Given the importance of this to the ‘supply led’ requirement and the 5-YHLS position, it reinforces Peel’s view that the LLP should positively

provide for this development via a formal development allocation for an early phase of development within the Broad Location for Growth (BLG). This is a requirement of the National Planning Policy Framework (NPPF, 2012), which makes clear that:

- Local planning authorities should provide a supply of land equivalent to five years worth of housing against their requirements through the identification of “...**specific deliverable sites...**”, with developable sites or Broad Locations for Growth sufficient for years 6-10 and 11-15 (paragraph 47; emphasis added).
- Local Plans should “...**allocate sites to promote development...**” (paragraph 157).

13. The identification of a formal residential development allocation for an early phase of development within the BLG will provide certainty of delivery from a specific deliverable site/s within the 5-year period. LCC’s own proposed modification of Policy SG1 accepts that such delivery within the BLG is acceptable in principle, subject to prescribed provisions. However, that further small step to site identification is necessary to ensure that the LLP is effective at facilitating and promoting the delivery of the new homes needed, is positively prepared, and is consistent with national planning policy.
14. An allocation can be made within the BLG such that it is subject to the same provisions set out in LCC’s modified version of Policy SG1. This would require that:
 - (i) Development of the allocation must not prejudice the delivery of the wider BGV or undermine the integrated and co-ordinated approach of the wider BGV development,
 - (ii) It must conform with and further the key principles of Policy SG1, and
 - (iii) Opportunities for sustainable transport modes must have been fully considered and the residual impacts upon the transport network must not be severe.

Subject to those provisions, agreed by LCC, the objectives for the BGV would not be compromised by an allocation.

15. The South Lancaster Landowner Group has identified a proposed area for such an allocation, comprising the land immediately adjacent to the southern edge of Lancaster, north of Burrow Beck, west of the A6, east of Ashton Road and south of Ashford Road (c.166 acres). The extent of this area and a justification for it – including in respect of its suitability, sustainability and deliverability – is provided within the Memorandum of Understanding prepared by the South Lancaster Landowner Group and in the associated Vision Document provided at Appendices 8 and 9 of Peel’s written statement (Examination Ref. HS29). The allocation suggested by the South Lancaster Landowner Group is broadly consistent with LCC’s preferred option for development in the BLG as set out in the Issues & Options BGV Area Action Plan¹.
16. Peel wishes to emphasise and reiterate that it does not wish to see the adoption of the LLP delayed or frustrated and that the identification of an allocation within the BLG as a sustainable urban extension would not necessitate any additional delay given that:

¹ *Bailrigg Garden Village Area Action Plan: Issues & Options*, Lancaster City Council (May 2018) (Examination Ref. OD.06)

- LCC has prepared a substantial evidence base in respect of the suitability of the BLG and previously proposed the formal allocation of the BGV in the 2017 version of the LLP². As far as Peel is aware, no significant additional work is therefore required to define the location for or boundaries of an allocation.
- The LLP Habitat Regulations Assessment (HRA) has assessed the principle of the development of the BGV, including in respect of the scale, location and identified area of the BLG. Indeed, the HRA assessment does not appear to differentiate between the development proposed within the BLG and other proposed strategic allocations. The identification of a formal allocation for a smaller area of land within the BLG and an immediate release of land for development that is lower than the anticipated and assessed dwelling yield for BGV overall would not therefore trigger any significant re-assessment as part of an updated HRA.
- The Sustainability Appraisal (SA) is an ongoing process and in any event is likely to need to be updated in respect of the Main Modifications already proposed by LCC in respect of the LLP, even if an allocation within the BLG is not identified.
- There will be a need for additional consultation on the Main Modifications already proposed by LCC (in relation to the BLG and other matters) prior to the adoption of the LLP, even if an allocation within the BLG is not identified. The necessary consultations can be completed concurrently, rather than in a linear fashion.

17. In respect of point (b), Peel’s written statement to the examination (Examination Ref. HS29) has set out its position that a substantial ‘areas of separation’ are not necessary between the existing urban area and new development to achieve LCC’s aspirations of identity and distinctiveness, and risks undermining the sustainability of BGV and/or leading to the unnecessary sterilisation of suitable development land. Peel therefore proposes that “key principle” of Policy SG1 in this respect is deleted on the basis that it is vague, not justified or effective.
18. Proposed amendments in respect of points (a) and (b) above have been added to LCC’s modified version of SG1 and are provided at Appendix 1, shown in **blue**. These amendments have been agreed with Story Homes (which is part of the South Lancaster Landowner Group).

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² Consultation Draft Part 1: Strategic Policies & Land Allocation DPD, Lancaster City Council (January 2017) (Examination Ref. PP_001)

Appendix 1: Proposed amendments to LCC’s modified Policy SG1

Policy SG1: Broad Location for Growth – Bailrigg Garden Village

The Council has identified a broad location for growth for Bailrigg Garden Village on the Local Plan Policies Maps. This will be a major mixed-use development which focuses on the delivery of at least 3,500 new houses, a number of opportunities for employment and economic growth opportunities including the delivery of Lancaster University Health Innovation Campus.

Within the broad location for growth, the area shown on the Policies Map and labelled as “sustainable urban extension” is allocated for residential development in view of the expectation that development on that part of the broad location for growth can be delivered in the first 5 years following adoption of the Local Plan.

Key Principles of the Garden Village

The Council has defined a range of principles which will be at the heart of planning and development for the Garden Village, these include:

- Involving local communities in **pro-active consultation about** the creation of new development **where;**
- **Promoting** high-quality urban design **which** promotes sustainable, attractive places to live, defines a sense of place and creates a sense of community for its new residents.
- Seeking a modal shift in local transport movements between the Garden Village, **including** Lancaster University Campus, Lancaster City Centre and beyond into the employment areas of Morecambe / Heysham through the delivery of a Bus Rapid Transit System and Cycling and Walking Superhighway network.
- Delivering a wide range of market and affordable housing, in terms of type and tenure to ensure that opportunities to live in the Garden Village are available to all sections of the community and contribute significantly to the **creation of an integrated community and thereby assist the** district meeting its evidenced housing needs **particularly in the medium to long term phases of within** the Local Plan period.
- Ensuring that the necessary infrastructure to deliver sustainable growth is delivered in the right place, at the right time, to address strategic constraints to the delivery of future development.
- The creation of sufficient areas of high quality open spaces to provide a distinct sense of place and deliver a network of green corridors **and routes** across the Garden Village to the benefit of the local environment and residents. **The delivery of such spaces should include distinct areas of separation between the Garden Village and South Lancaster and also Galgate and investigate the opportunities for a new country park.**
- The creation of healthy and cohesive communities through the delivery of high quality development and the correct levels of services, **open space** and infrastructure which is provided in safe and accessible locations.
- The sympathetic master-planning of new facilities and growth within the campus of Lancaster University for a range of educational facilities and student accommodation.
- Taking proper account of the need to reduce the impacts of Climate Change in the design of new development. This should assure that new development is resilient to the effects of Climate Change.
- Managing water and run-off to safeguard development, assuring public safety and amenity and take active measures to reduce flood risk within the area and downstream for both existing and new residents and businesses.
- Offering opportunities for national housebuilders to work alongside local construction firms and encourage training opportunities for local people, particularly through the construction phases of the Garden Village. The Garden Village should also include opportunity for the provision of self-build and custom-build properties.
- To **ensure** innovative urban design both in terms of the layout and density of new development and the specific design of new buildings. This should include the application of new technologies for buildings and transport where possible.
- Addressing longstanding constraints and capacity issues in the strategic and local road network through the improvements to traffic management and physical interventions to increase **network** capacity. This will involve the re-configuration of Junction 33 of the M6 to allow direct motorway access into the Garden Village and remove motorway traffic from Galgate which is currently designated as an Air Quality Management Area (AQMA).

To support the delivery of the Garden Village, there will be a requirement for a wide range of both locally important and strategically important infrastructure, including new highways, public transport network, education provision, new local centre(s), open spaces and green network. These are set out in Policy SG3 and will be addressed in more detail in the future Spatial Development Framework, which will form a Development Plan Document (DPD) for the Bailrigg Garden Village.

~~Future~~ Proposals will need to demonstrate that no European designated site would be adversely affected by development either alone or in combination with other proposals, as per the requirements of Policy EN9 of this DPD. In view of the potential for likely significant effects as a result of this allocation, ~~development proposals must accord with the requirements of appendix D~~ **must be delivered as part of any future proposal.**

~~To enable a comprehensive and co-ordinated approach to new development and strategic growth, piecemeal or unplanned development proposal within the area which are likely to prejudice its delivery (including the infrastructure required for the area) will not be permitted beyond that which has already secured planning permission and proposals which are sited within the developed footprint of Lancaster University Campus.~~

Mechanism for Delivery of the Garden Village

The Council will prepare and implement a specific Development Plan Document (DPD) for this area of growth, entitled the 'Bailrigg Garden Village Area Action Plan DPD'. ~~As a result, development in this area will be delivered in accordance with this Area Action Plan and the Council will not support piecemeal development of this area (beyond existing planning commitments) in advance of the preparation of this DPD.~~

The recommendations of the Local Plan (Part One) Sustainability Appraisal should be taken into account when preparing the ~~is document~~ Area Action Plan DPD.

The purpose of the forthcoming DPD will be as follows:

1. To provide ~~more~~ **additional** detail on how the **key** development principles set in this policy will be delivered;
2. To set out a Spatial Development Framework as a basis for further master-planning and to help guide the preparation of future planning applications;
3. To provide a Spatial Development Framework against which future development proposals and planning applications will be assessed; and
4. To enable and support the co-ordination and timely delivery of the infrastructure necessary to facilitate growth in this location.

Development of the land allocated within the broad location for growth in advance of the adoption of the Bailrigg Garden Village Area Action Plan DPD, **shown on the Policies Map and labelled as "sustainable urban extension"**, will be permitted provided that it can be demonstrated that:

1. There would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and that it would not undermine the integrated and co-ordinated approach of the wider Bailrigg Garden Village development;
2. That the development would conform with and further the key principles of policy SG1;
3. That the opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe;

The potential for the future re-configuration of Junction 33 of the M6 and highway network improvements in South Lancaster will be an integral part of this forthcoming DPD.

To ensure the timely delivery of the Bailrigg Garden Village, work on the Spatial Development Framework and the wider DPD has already commenced and is anticipated to be ready for adoption within the first five years of the plan (i.e. before 2022).