

## **Petition – Green Belt Land, GB4**

**3 February 2016**

### **Report of Chief Officer (Regeneration and Planning)**

#### **PURPOSE OF REPORT**

To advise members of the receipt of a petition, with more than 1,000 signatures, urging the council not to allocate Green Belt land at Manor Lane, Slyne-with-Hest/Bolton-le-Sands parishes for development purposes.

**This report is public**

#### **RECOMMENDATIONS**

- (1) **That, although the petition contains sufficient signatures to trigger a Council debate in accordance with the Petition Scheme, Council should, in order to avoid prejudicing the preparation of a Local Plan for Lancaster District, defer full consideration of the issue until a draft Local Plan is debated in due course.**

#### **1.0 Introduction**

- 1.1 The Council has received a petition regarding the identification of an area of land as a potential development site as part of a recent local plan consultation. This area of agricultural land is partly within Slyne-with-Hest Parish and partly within Bolton-le-Sands Parish and is identified in the consultation as site “GB4”. The area falls within the City Council ward of Bolton and Slyne.

#### **2.0 Proposal Details**

- 2.1 Between the 19<sup>th</sup> October and the 30<sup>th</sup> November 2015 the Council held a Local Plan consultation called *“People, Homes and Jobs: How should we plan for our district’s future?”* The consultation identified a number of potential new strategic development sites, including urban extensions in Lancaster and sites in the Green Belt between Lancaster and Carnforth. The Council consulted on these potential sites to help it determine if these areas are suitable, available and achievable for development. The council will use the information from the consultation to help it prepare a local plan that allocates enough land to meet identified development needs.
- 2.2 As part of the response to this consultation the council received a petition with over 1,000 signatures which states:

“We the undersigned support the campaign to urge Lancaster City Council not to build on Green Belt Land GB4 (land between Manor Lane, Slyne-with-Hest and Greenwood Avenue, Greenwood Drive, Greenwood Crescent and Pinewood Avenue, Bolton-le-Sands) as outlined in the recent leaflet “Developing a Local Plan for Lancaster District 2011-2031.”

- 2.3 In accordance with the Council’s constitution a petition of 200 signatures relating to a local matter which affects no more than two wards is sufficient to trigger a debate at full Council.
- 2.4 However, Members are advised the Council will have to consider and debate the content of a draft local plan once it has been prepared, potentially later this year. That debate will have to consider the allocation of many development sites, potentially including sites in the Green Belt. Further petitions may well be submitted as the local plan is prepared. It is advised that any detailed consideration of individual sites should only be as part of that wider debate. The council will then need to consult on the draft Local Plan.

### 3.0 Details of Consultation

- 3.1 This petition has been received in response to the Local Plan “*People, Homes, and Jobs*” consultation of October/November 2015. A further Local Plan consultation will be arranged once a local plan has been approved for consultation by council.

### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Hold a full debate now on the Slyne/Bolton-le-Sands GB4 site in advance of considering the content of a draft local plan.	<b>Option 2:</b> Defer a detailed consideration of this site until a draft local plan is prepared and brought to council for consideration.
Advantages	None	Presently the council does not know if the GB4 site is either needed or developable. Much work has still to be undertaken. A debate on the draft local plan document later this year will allow all potential development site options to be given parity of consideration and informed by the work that the council’s officers will do over the next six to nine months in determining the suitability, availability and achievability of potential site options.
Disadvantages	At this point in time the council does not know if this land is either needed for development or is actually developable. Thus should a full debate be held now then it could not meaningfully be concluded that the site	None

	should or should not be identified for development in the local plan, particularly as a Review of the Green Belt has not yet been undertaken.	
Risks	Should the outcome of a full debate be that the council decides that the land should not be identified in the forthcoming local plan then, by removing a potential development option that decision <i>may</i> mean that the council cannot evidence that sufficient allocations are available <b>in total</b> to meet the total identified need. This would have very serious implications for the ability of the council to prepare and submit a plan to Examination. Importantly, the exclusion of this site in advance of a wider local plan debate may mean that alternative sites need to be identified to meet the total housing requirement. A debate now that results in the scoping out of one site in advance of a debate on other sites could be subject to a serious legal challenge from a disadvantaged land owner or from other parties who might take issue with one potential site being excluded from consideration before a properly informed local plan debate takes place as such a decision may increase the need for other sites.	None

## 5.0 Conclusion

- 5.1 A petition has been received in respect of one of the potential sites identified in the Council's "People, Homes and Jobs" Local Plan consultation. Currently it is not known if the "GB4" Green Belt site is either needed for development or is developable. Should the site be needed and be developable it may feature as one of many sites identified in a forthcoming draft local plan. That plan will be the subject of a debate at council and published for consultation. A full debate on one single site cannot be properly informed at this point in time. A decision to scope out one site in principle at this stage could well result in legal challenges from the owners of this site, or from other parties who later object to the need to identify other alternative development sites which have not had the benefit of such prior consideration.

- 5.2 Members are therefore recommended to defer detailed consideration of this site until a draft Local Plan is prepared and brought to council for consideration. A full debate at this meeting would be inappropriate, not properly informed, and introduce a significant risk to the prospects of a sound local plan being subsequently achieved.

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The council has a duty to prepare a local plan to address the housing and other development needs of the community. Parity of consideration of all prospective development sites through a rational approach that allows for the comparison of alternative options is a significant concept in local planning.

The council needs to identify development sites that provide opportunities for meeting the district's overall housing needs in both urban and rural areas.

#### **LEGAL IMPLICATIONS**

A debate in principle that leads to a decision to scope out an individual development site in advance of considering a draft local plan could well result in cost and delay through consequent legal challenges on the basis that due process was not followed. Challenge could arise from land owners, who may be aggrieved that proper consideration was not given to the potential developability of their asset, or, alternatively from parties aggrieved that the outcome of a prior debate on one site means that alternative development sites, which have not had the benefit of such consideration, may need to be identified for development instead of this site.

#### **FINANCIAL IMPLICATIONS**

Actions that lead to legal challenge and further delay in advancing a local plan could result in significant direct costs as the council defends its actions. Furthermore, there is also the potential that any delays could adversely affect the Council's future awards of New Homes Bonus (NHB) – this is not certain, but Government is currently consulting on this issue, as part of its overhaul of the NHB scheme.

#### **OTHER RESOURCE IMPLICATIONS**

##### **Human Resources:**

There are no direct implications.

##### **Information Services:**

There are no implications.

##### **Property:**

There are no implications.

##### **Open Spaces:**

The site is in private ownership and is in use for agricultural purposes. There are no implications for the management of public open space or play facilities.

### SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments.

### MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

### BACKGROUND PAPERS

*"People, Homes and Jobs: How should we plan for our district's future?"* Public consultation 19<sup>th</sup> October to 30 November 2015. Available in "closed consultations" at:

[www.lancaster.gov.uk/planningpolicy](http://www.lancaster.gov.uk/planningpolicy)

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