

COUNCIL

Receipt of petitions concerning the Bailrigg Garden Village, identified as a potential strategic development site in the draft Local Plan for Lancaster District

12th April 2017

Report of Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT

To advise members of the receipt of separate but similar petitions from residents of Bailrigg, Burrow and Ellel. One petition with 299 signatures is described as being from residents of Ellel and Bailrigg, and, alternatively from residents of Bailrigg, Burrow and Ellel. One petition with 67 signatures is described as being from residents of Burrow, and, alternatively from residents of Bailrigg, Burrow and Ellel. The petitions ask that the city council considers and responds to the concerns stated about the Bailrigg Garden Village identified in the draft Local Plan for Lancaster District.

This report is public

RECOMMENDATIONS

- (1) **That, although the larger of the petitions contains sufficient signatures to trigger a Council debate in accordance with the Petition Scheme, the Council should, in order to avoid prejudicing the preparation of the Local Plan for Lancaster District, defer consideration of the concern raised until a proposed publication version of the Local Plan is brought to council for debate in due course.**

1.0 Introduction

- 1.1 On the 14 December 2016 Council resolve unanimously to consult on a draft Local Plan for Lancaster District. The consultation took place over a two month period: from 27 January 2017 until 24 March 2017. The Council has received responses about the draft plan and has also received two separate, though in essence similar, petitions regarding the identification of the Bailrigg Garden Village as a potential strategic development site.

2.0 Proposal Details

- 2.1 Previous local plan consultations, in summer 2014 and autumn 2015, had identified south Lancaster as an area for potential significant growth and development.

2.2 In October 2016 the Council's submitted a proposal to the Homes and Communities Agency in response to their earlier invitation for proposals from local authorities for new garden villages. On 2nd January 2017 the HCA advised that Bailrigg Garden Village was chosen as one of 14 garden village locations in England. The HCA is now working with council officers to develop on proposals for the Garden Village. The Garden Village is identified and described in the draft plan that was presented, and brought to the attention of members, at council on 14th December 2016.

2.3 The draft Local Plan identifies four strategic development sites that could make significant contributions towards achieving the plan's objectives of realising the district's economic potential and increasing the supply of housing. The largest of these four sites is the Bailrigg Garden Village. Areas of land within the land identifies as a potential Garden Village lie within four different wards:

- Scotforth East
- Scotforth West
- University & Scotforth Rural
- Ellel

2.4 As part of the response to the local plan consultation the council has received the two petitions about the Bailrigg Garden Village. The larger of the petitions, with 299 signatures, states the following:

“Petition concerning proposed Bailrigg Garden Village

As residents of the local area (Bailrigg, Burrow and Ellel), we wish to raise our concerns about the scale, extent impact and sustainability of the Bailrigg Garden Village as set out the draft Lancaster District Local Plan, and the long-term disruption it will cause.

Whilst not opposed to development and change in moderation, we believe the Council have not sufficiently considered any alternatives for such development in the District, and in particular the opportunities opened up by the expensively constructed Bay Gateway.

The time scale for consultation seems very limited and leaves little time for full consideration. The proposal does not seem to provide any impact assessments of the scale of the development,

We believe this is not a garden village but an urban extension to the City of Lancaster.”

2.5 The wording which accompanies the smaller petition with 67 signatures is very similar, however it additionally states that following consultation with Cllr Tim Hamilton-Cox the petitioners challenge the “baseline figures used in the council reports to measure demand and therefore the scale of the development proposed”.

2.6 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.

2.7 Members are advised the Council has published a draft local plan for

consultation. Officers will be considering the responses to the consultation during 2017, this consideration will shape the version of the plan that will be brought back to full council, potentially around the end of 2017. It is anticipated that the Chief Officer (Regeneration and Planning) will at that point recommend to council that it publishes a Local Plan for Lancaster District, for a period of six weeks, and then submits the plan, and the comments received in that six week period, to the Secretary of State for Examination. Thus, Council will have to consider and debate the content of that version of the local plan. That debate will have to consider the allocation of many development sites. Further petitions may well be submitted as the local plan's preparation continues. It is advised that consideration of individual sites should only be as part of that wider debate.

3.0 Details of Consultation

3.1 This petition has been received in response to the consultation on the draft Local Plan for Lancaster District. Council officers consulted on the draft local plan in accordance with the Statement of Community Involvement (SCI). At a future meeting members will be asked to approve the formal publication of the plan which will be accompanied by a six-week period for the receipt of comments.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Hold a full debate to consider the concerns raised in the submitted petition(s) about the Bailrigg Garden Village	Option 2: Defer consideration of this site until a proposed publication version of the local plan is prepared and brought to council for consideration.
Advantages	None	The council has just consulted on a draft Local Plan and has much to consider about the challenges of establishing the suitability, availability and developability of the Bailrigg Garden Village. A debate on the proposed publication version of the local plan, potentially later this year, will allow all potential development site options to be given parity of consideration and will also be 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 cannot know if the land identified as the Bailrigg Garden Village is suitable, available and developable. Officers will of course be considering the concerns raised as they appraise the response to the consultation.	None

	A debate held now, triggered by consideration of the concerns raised, would not be meaningfully informed as consideration of the consultation responses has not yet been undertaken and much work has still to be done.	
Risks	<p>Should a debate on an individual proposal of the draft local plan occur it might lead to statements or resolutions at council that could compromise the prospects of a sound local plan being prepared.</p> <p>Discussion in isolation about one proposal of the local plan may have very serious implications for the ability of the council to prepare and submit a plan to Examination.</p>	None

5.0 Conclusion

- 5.1 Petitions have been received in respect of the Bailrigg Garden Village, asking that council considers and responds to concerns raised about the largest of the four potential strategic sites identified in the draft Local Plan for Lancaster District. Much work has still to be done to investigate the suitability, availability and achievability of this proposal over the next six-nine months. The council is working closely with the HCA on this work.
- 5.2 Should the site be determined to be developable it will be allocated as one of many sites identified in a forthcoming formal publication version of local plan. That plan will be the subject of a debate at council and then “published” to allow comments on its soundness to be submitted. A debate on concerns about the Garden Village cannot be properly informed at this point in time. Discussion at council about one site outside of a debate about the plan as a whole could lead to statements or resolutions at council that could compromise the council’s ability to prepare a sound plan.
- 5.2 Members are therefore recommended to defer consideration of the concerns raised by these petitions until a publication version of the Local Plan is prepared and brought to council for consideration. A debate at this meeting would be inappropriate, not properly informed, and may 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.

The Equality Impact Assessment for the draft Local Plan is attached.

LEGAL IMPLICATIONS

The requirement for a Local Authority to operate a Petition Scheme was repealed by the Localism Act 2011. However, the petition scheme adopted by the Council has been retained in the Council's constitution and should be complied with.

The constitution provides that petitions may not be considered if they are inappropriate. As the petition relates to a statutory scheme of consultation on the Council's proposed draft local plan, it would not be appropriate for the debate to be held at this stage. A debate on the Local Plan will in any event take place when Planning Officers present for approval a revised local plan (following the appropriate statutory procedures) for full council's consideration.

A debate in principle could lead to statements or resolutions about an Individual site that may compromise the council's ability to advance a sound local plan. Such action 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 debate on concerns was not properly informed.

FINANCIAL IMPLICATIONS

There are no direct financial implications at this time. That said, 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) – although the future beyond 2020 is not certain.

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 sue for agricultural purposes. There are no

implications for the management of public open space or play facilities.

SECTION 151 OFFICER'S COMMENTS

The Section 151 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

Draft Local Plan for Lancaster District.
Public consultation 27th January to 24th March
2017. Available at:

www.lancaster.gov.uk/planningpolicy

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