

PLANNING INQUIRY FOR CANAL CORRIDOR NORTH PLANNING APPLICATIONS.

OFFICER BRIEFING NOTE

'That in the light of the decision by the developer "not to appear" at the forthcoming public inquiry into its proposals for the canal corridor [letter of 12th March 2009 from Montagu Evans to the Planning Inspectorate informing the Inspectorate "We write on behalf of our client, Centros, to confirm that Centros will not be appearing at the above Inquiry which will consider the above applications."']

Lancaster City Council resolves:

- (1) To co-operate with the inquiry in handing over documents, explaining relevant local planning policy and answering questions about local planning policy and its own documentation presented to planning committee in October 2008*
- (2) To identify one or more appropriate senior officers of the planning department and make them available for the duration of the inquiry to be present at the inquiry and to be of assistance to the Inspector*
- (3) To inform Centros that in the view of the Lancaster City Council the requirements of the Secretary of State in calling this inquiry are best served by Centros itself presenting evidence to that inquiry and answering questions from all parties on that evidence.*
- (4) Not to commission, engage or consult with external legal advisers, barristers, consultants or any other external person, company or organisation and thus incur expenditure on the part of this Council.'*

The Inquiry is being held to enable an Inspector appointed by the Secretary of State to advise her on how to determine this set of planning applications and associated applications for consents. It is quite different from an Inquiry into an appeal against a refusal of planning permission in that the Planning Inspector would normally expect both the Local Planning Authority and the Applicant to appear to make the case in favour of the grant of permission.

Statutory bodies and third party objectors are able to be represented to give them the opportunity to challenge the applicants and the planning authority and to put forward their own case to try and persuade the Inspector that planning permission should not be granted.

Parties that have a principal interest can apply to be represented under what is known as 'Rule 6' of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 . It is normal for such parties to have considerable legal and professional assistance. In this case, the City Council has registered as a 'Rule 6' party, as have 'It's our City' and English Heritage.

Centros have made the decision not to attend as a 'Rule 6' party, as they felt that the application that they have already submitted to the Local Planning Authority stands on its own merits. This decision by no means prevents Centros appearing at the inquiry in a less formal capacity. The time for registering as a 'Rule 6' party has now expired.

The Inquiries Procedure Rules make a clear assumption that in all cases the Local Planning Authority will be present and it is in this context that the City Council has become a Rule 6 party.

A decision on the planning applications will set a clear and precise benchmark within the context of the Local Development Framework for how the District as whole, Lancaster as a City, and the site in particular should be developed. Whilst the details of the scheme are inevitably Centros' commercial solution for the site, the principle of this form and volume of development needs to be established clearly for the site and the city's future role in the sub-region to be determined.

The development of Lancaster's role and the need to do this sustainably within the core of the urban area is an obligation for the district arising from the Regional Spatial Strategy. The City Council's intention to rise to this challenge and to deliver a planned enhancement of the city's cultural and retail offer is a clear statement in the first Local Development Framework to be adopted in the North West.

Without a clear decision from the Secretary of State on this matter the City Council would be left with a policy vacuum and unable to know how it should continue to negotiate to fulfil the aims of the Regional Spatial Strategy or even whether to continue to apply the same principles to negotiations with another developer if Centros were unable to proceed with the development.

The call-in inquiry will be run by the Inspector in accordance with the Inquiries Procedure Rules. This will include the cross examination of all parties and it is usual that this is conducted by a legal representative, experienced in the conduct of public inquiries.

It would be inappropriate to put officers in a position where they are representing the Council and being cross-examined in this way, without themselves having appropriate legal support.

Monitoring Officer Comments

The Monitoring Officer has been consulted and would emphasise the need for officers who are representing the Council at this inquiry to have advice and support from an appropriately qualified and experienced legal representative.

S151 Officer Comments

The s151 Officer would add that a specific budget of £50,000 is included in 2009/10, for the provision of such external advice and support.

Head of Planning Services
March 2009