

<b>Agenda Item</b>	A5
<b>Application Number</b>	19/01135/OUT
<b>Proposal</b>	Outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North
<b>Application site</b>	Land North East Of Bailrigg Lane Lancaster Lancashire
<b>Applicant</b>	Gladman Developments Ltd
<b>Agent</b>	Mr Adam Key
<b>Case Officer</b>	Mr Richard J Byrne
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Refuse

## 1.0 Application Site and Setting

- 1.0.1 The application site is located at land off Bailrigg Lane. The Site measures approximately 39.36 hectares and is located on the southern extent of Scotforth, a suburb located in the south of Lancaster. The Site occupies several pastoral fields separated by a mix of managed hedgerows and areas of woodland. A public footpath (reference nos. 1-1-FP54 and 1-29-FP3) runs in a north to south alignment through the Site on the western side of the central hedgerow. High voltage overhead power lines supported by metal pylons crosses through the central part of the Site, passing just to the north of Bailrigg. Ou Beck, predominantly a dry watercourse, emerges within a tree belt north of the metal pylon and runs through the low-lying land between the aforementioned public footpath and the M6 motorway. Ou Beck continues south through the rest of the Site before turning south westwards through Bailrigg.
- 1.0.2 To the north and north west, the site is bound by existing housing marking at the southern edge of Scotforth. The M6 bounds the Site to the east. Immediately to the south of the Site is the hamlet of Bailrigg, which is accessed via Bailrigg Lane. To the south and south west of the Site lies the main campus of Lancaster University, including the Lancaster University Health Innovation Campus, which is presently under construction. To the west, the Site is bound by further housing within Scotforth and two arable fields, beyond which lies the A6 Scotforth Road.

## 2.0 PROPOSAL

- 2.0.1 The proposal seeks outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and

sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.

- 2.0.2 There are two proposed vehicular accesses into the Site. The first is to be taken from Hala Hill to the north of the Site and will consist of a single priority-controlled junction. The access road will achieve an appropriate gradient by building the road on embankments. The second access point is to be taken from the access road has been built out to serve the Lancaster University Health Innovation Campus. The northeastern end of this road will be extended to cross Bailrigg Lane and enter the Site where the property of Low Hill is currently situated. This extension will require changing the priority of Bailrigg Lane and the removal of the property of Low Hill.
- 2.0.3 The illustrative masterplan shows the potential pedestrian access points and routes within the Site. The two vehicular access points will incorporate 2-metre wide footways to either side of the carriageway to allow safe access for pedestrians into the Site. The existing public footpath will facilitate pedestrian and cycle access from Winmarleigh Road and the existing cycle route between the Site and Bailrigg, and pedestrian access from Bailrigg Lane.
- 2.0.4 This application is in outline with access to be considered. However, the submission of the Design and Access Statement with a Design Principles documents sets out the parameters of the proposed development for consideration.
- 2.0.5 The proposal can be broken into three key components.
- 2.0.6 Firstly, Residential Development Area – The proposal accommodates a residential development area measuring 20.13 hectares, providing for up to 644 homes. The average net density for the residential development area is 32 dwellings per hectare (dph). The housing mix will be determined at the Reserved Matters stage, however, a parameter plan accompanies the application which identifies that the residential area will be predominately two storey with a limited number of 2 and half storey. It is expected to include a broad range of types, sizes and tenures. It is purported that up to 30% of the homes will be affordable and will be fully integrated within the market housing and be of a type and size that meets local need.
- 2.0.7 Secondly, Community Uses (small local centre and community hall) – The small local centre will have a floor area of up to 280 square metres. It could take the form of a single convenience store, or be broken down to provide more than one retail unit. The community hall will have a floor area of up to 150 square metres.
- 2.0.8 Finally, Green Infrastructure – A proportion of the new neighbourhood is proposed as publicly accessible green infrastructure. The open spaces comprise soft landscaping with interconnecting footpaths incorporating existing trees/hedges. The spaces are envisaged to either provide a dual function for drainage of the site or for informal recreation. Three locally equipped areas of play are proposed within the site.
- 2.0.9 To help demonstrate that the principle of residential development could be acceptable, the application has been accompanied by a range of supporting documents as follows: -
- 2.0.10 An Environment Statement, Ecological Impact Assessment And Habitats Regulations Assessment Screening Report, Flood Risk Assessment, Foul Drainage Analysis, Health Impact Assessment, Mineral Resource Assessment, Phase I Geo-Environmental Report, Planning Retail Statement, Socio-Economic Sustainability Statement, Soils and Agricultural Quality Report, Statement of Community Involvement, Travel Assessment, Utilities Statement, Affordable Housing Statement, Affordable Housing Statement, Archaeology And Built Heritage Statement, Biodiversity Net Gain Plan, Employment And Skills Plan, Shadow Flicker Impact Assessment, Geophysical Report and Arboricultural Impact Assessment.

### **3.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 3.0.1 The nature of the proposals mean that it falls within the definition of projects for which an Environmental Assessment must be undertaken under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("The EIA Regulations"). The EIA Regulations requires an EIA to accompany an application for development consent for certain types of project. The

proposed development is considered to fall within the category 10(b) of Schedule II of the Regulations and comprises 'Urban development projects'. The development exceeds the threshold of the area of development and it has been determined that an EIA and Environmental Statement (ES) is required.

3.0.2 During the scoping stage of the Environmental Statement preparation process the following bodies were consulted, Highways England; Lancaster City Council Environmental Health; Lancaster City Council Public Realm; Lancaster City Council Tree Protection Officer; Wyre Borough Council; Ramblers Association; Public Rights of Way; Natural England; Greater Manchester Ecology Unit; Mineral Safeguarding; Scotforth Parish Council; Lancaster CC Planning Policy; Lancaster CC Engineering Team; Lancaster City Council Conservation Officers; Historic England; Lancashire County Archaeology; Lancaster City Council Strategic Housing Officer; United Utilities; Lead Local Flood Authority; Dynamo; Cadent Gas; Environment Agency; Environmental Health; United Utilities; Lancaster City Council Planning Policy; Forest of Bowland Area of Outstanding Natural Beauty office; Royal Society for the Protection of Birds and Marine Management Organisation. The organisations submitted comments regarding the scope of the Environmental Statement and these were incorporated into the final submitted document.

3.0.3 The ES provides a systematic examination of environmental effects that may be caused by a development proposal on the receiving environment. The process allows modification of the project to minimise potentially harmful effects through the incorporation of mitigation measures and enhancement proposals within the design process. In the period since the submission in 2019 and the original ES, discussions have taken place between the Applicant, the LPA and consultees regarding the design of the proposals. As a result, a number of changes have been made to the proposed scheme. These have been submitted to LPA which the resultant proposal is set out as in section two of this report. An addendum, dated May 2022, has been made to the Environmental Statement (ES) to reflect the changes made to the application since submission.

3.0.4 A further revision to the ES was made during September 2023. The resultant ES covers the following scoped in topics (with a brief summary of the update from the May 2022 ES iteration):

- Non-Technical Summary
- Introduction – minor text updates
- Site Description and local context – minor text updates
- Scheme Description and Land Uses Assessed – scheme description updated
- Approach to assessment EIA Scoping, consultation – update of Table 4.2
- Transport and Access – updates to reflect current policy and guidance, identification of mitigation, and revisions to the assessment
- Air Quality – updates to reflect current policy and guidance
- Noise and Vibration – updates to reflect current policy and guidance, assessment based on a noise model that includes a site layout and a noise barrier
- Water Resources – assessment updates, policy and guidance
- Biodiversity - assessment update
- Landscape Effects and Visual Amenity - assessment update
- Summary of Mitigation and Residual Effects – updated to reflect the above

3.0.5 The ES Appendices includes new information comprising:

- Detailed air quality modelling results at receptor locations
- Façade specification and noise exposure levels
- Updates to reflect current policy, guidance, and methodology, replacement flood risk assessment and outline surface water drainage strategy

## 4.0 SITE HISTORY

4.0.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
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19/01137/FUL	Construction of an access link road between Bailrigg Lane and the Health Innovation Campus Road	Pending determination
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## 5.0 CONSULTATION RESPONSES

5.0.1 There has been a significant response to consultation. The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
<b>Active Travel England</b>	<p><b>Deferral:</b> ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out below:</p> <ul style="list-style-type: none"> <li>• Production of a comprehensive Travel Plan and an enhanced Transport Assessment;</li> <li>• Cycle Parking and Infrastructure more detail required to demonstrate how the development will meet both local and national policy requirements, in terms of type and size.</li> <li>• Identification of Section 106 obligations</li> </ul>
<b>Bailrigg Residents Group</b>	<p><b>OBJECT</b></p> <ul style="list-style-type: none"> <li>• Provision of Primary school to service the housing development should be proposed;</li> <li>• The General Practice infrastructure and mitigating payment should be reassessed in view of the undoubted additional pressure, well publicised in that service area;</li> <li>• Increased health risks due to noise, air and light pollution;</li> <li>• Note that the green buffer zone has been increased from south of the powerlines to Bailrigg Village, however, the area of Separation behind Bailrigg Farmhouse is still insufficient;</li> <li>• The proposal would destroy woodland on the eastern side of the development by cutting a road through it (Policy DM45 Protection of Trees, Hedgerows and Woodland);</li> <li>• Concerns of flooding due to surface water run-off. The site slopes steeply down to the southern end of the proposed development. The Revised plans do nothing to mitigate the flooding risk downstream in Bailrigg Lane;</li> <li>• Proposed 'spine road' through the development site from Hala Hill to the Health Innovation Campus will have a major detrimental impact on the rural heritage of Bailrigg Village. The residents of Bailrigg Village will be directly and significantly impacted by this;</li> <li>• The spine road of the proposed development will establish a 'rat run' across Bailrigg Lane; and,</li> <li>• Lighting along cycle paths would be necessary but request that it is appropriate for safety but shouldn't cause 24/7 light pollution.</li> </ul>
<b>British Horse Society</b>	<p><b>OBJECT</b></p> <ul style="list-style-type: none"> <li>• The society believe historical evidence indicates a route within the site is under recorded as footpath, this route could reasonably allege to subsist at a minimum a bridleway. These public rights should be asserted and not be allowed to be subsumed within this development or anything beyond it.</li> <li>• Safe routes for equestrians are desperately needed. There is no provision within the application for equestrians.</li> <li>• Objection would be withdrawn if equestrian access is accommodated within the development.</li> </ul>
<b>British Horse Society Access and Rights of Way Officer)</b>	<ul style="list-style-type: none"> <li>• Great opportunity to provide a much-needed recreational route, an addition to the bridleway provision in the City;</li> <li>• Public FP 54 runs through the middle of the development and FP55 along the western edge. Public Bridleway 52 is just to the north-west.</li> <li>• Vital asset linking Scotforth to Ellel, Condor Green and Millennium bridleway from Glasson Dock to Lancaster</li> </ul>

<b>British Horse Society Access and Rights of Way Officer Lancaster and Lune Valley</b>	<ul style="list-style-type: none"> <li>• I feel this proposal could really benefit many walkers, cyclists and horse riders.</li> <li>• Inclusion of a multiuser track and upgrade of existing footpaths (1-29-FP3 / 1-1-FP54) would help connectivity in the area</li> <li>• People would promote accessible environmentally friendly option to commute into Lancaster</li> </ul>
<b>Canal And River Trust</b>	<ul style="list-style-type: none"> <li>• No comment as this application falls outside the notified area for its application scale.</li> </ul>
<b>Citizens Of Lancaster Opposed To Unnecessary Development (CLOUD)</b>	<p><b>OBJECT</b></p> <ul style="list-style-type: none"> <li>• Even with proposed SUDS and other facilities, surface water runoff from the significant number of proposed dwellings and all of the associated hard surfaces would be very great. This would result in significant surcharge to the existing minimal drainage facilities, which have caused flooding to immediately adjacent dwellings in the past, resulting in clear flood risk to existing homes downhill of parts of the proposed development, and the likelihood of even more flooding to homes and highways downstream of the watercourses to be surcharged;</li> <li>• The addition of this significant urban sprawl with no meaningful natural buffer between it and the existing built development would have a serious detrimental effect on the existing rich wildlife in the currently undeveloped area;</li> <li>• The proposed development envisages a new distributor road through the middle of the development feeding out onto an awkwardly placed junction at the top of Hala Hill. Roads connected thereto - Hala Hill running through an already densely developed area and Bowerham Road which is already supporting increased development and traffic, would become excessively congested and more dangerous;</li> <li>• The infrastructure required to support this 1,546 person development does not exist and there are no clear proposals of how it will be delivered unless provided by others as part of significant development elsewhere. The applicant's proposals appear to accept that significant off-site infrastructure will be required and to assume that this will be provided ancillary to the proposed but yet uncertain Bailrigg Garden Village (BGV). This proposed development would therefore be premature at the moment;</li> <li>• The NHS Clinical Commissioning Group have made a professional calculation of the cost of providing the additional GP capacity to cater for the additional 1,546 residents, amounting to more than a third of a million pounds. Creating the capacity is only theoretical however as the only nearby practice has no ability to expand further, and there are no proposals or funding to construct and staff a new practice within the proposed development. The new patients would have to travel quite a distance, probably north into central Lancaster, to access GP services;</li> <li>• Local schools do not have the capacity to accommodate the significant additional number of children proposed to reside in the new development, and it is noted that the great majority of the proposed dwellings will be family homes. Children, both primary and secondary school ages, would have to be spread amongst distant schools to which to commute, either being at risk on foot on more busy roads or adding to increasing congestion by car travel;</li> <li>• Additional traffic congestion and pollution would be created by this extent and density of development as it is clear that most movements will be by car. Plenty of car parking and garaging accommodation is envisaged by the applicant but no enhancement to public transport will be forthcoming. No off-site public transport facilities will be provided in connection with this proposed development and the applicant mentions the opportunity for a 'bus operator to run a service from a proposed Hala Hill junction through the proposed housing estates, but with no indication of how this will be procured or funded;</li> </ul>

	<ul style="list-style-type: none"> <li>Contrary to the City Strategic Policies and Land Allocations DPD, there is proposed to be virtually no buffer between the proposed built areas and existing developments. New development and distributor road would be constructed with a few metres of existing established development in some parts. In this way the proposed development would constitute just urban sprawl and certainly not an identifiable and separate development.</li> <li>The Lancaster South Area Action Plan proposes and aspires to rational planning and development of this area, but the proposed development would constitute a piecemeal opportunistic accretion to the built area, independent of and with disregard to the planning of other significant development in the south Lancaster area. In many ways it would detract from the ability to plan for rational development by adding load to infrastructure demands and by assuming contributions by future development. The proposed development would have the effect of constraining rational planning elsewhere and would be parasitic upon it.</li> </ul>
<b>NHS Clinical Commissioning Group (CCG)</b>	<b>COMMENT</b> <ul style="list-style-type: none"> <li>The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.</li> <li>General Practice 644 (1546 persons) <b>£356,106</b> towards new infrastructure at Lancaster Medical Practice. Advises that the trigger of any healthcare contribution to be available is linked to commencement of development.</li> </ul>
<b>Conservation Section</b>	<b>NO COMMENT TO MAKE</b> <ul style="list-style-type: none"> <li>We can confirm that we are not providing heritage comments on this submission. Please note that this should not be construed that we, therefore, have no objection.</li> <li>The lack of precise information on the location of development due to the outline nature of this application means that the impact on the setting of the listed farmhouse cannot be fully determined in accordance with policy. If a buffer zone of planting can be agreed by condition, then this may clarify the impact and mitigate any harm to an appropriate degree.</li> </ul>
<b>Construction Skills Training and Employment Partnership (CSTEP)</b>	<b>ADVICE PROVIDED</b> <ul style="list-style-type: none"> <li>This application reaches the threshold for an employment and skills plan as per the SPD for employment and skills. If the planning applicant would like some support in producing an ESP, they can email <a href="mailto:contact@cstep.co.uk">contact@cstep.co.uk</a> at the appropriate time and we will be happy to help.</li> </ul>
<b>Dynamo Cycle Campaign</b>	<b>OBJECT</b> <ul style="list-style-type: none"> <li>The latest Design and Access Statement still offers no measures to compensate for all the extra traffic that this development would generate on the wider area. Bringing more cars onto existing roads without providing safe, segregated provision for cycling is not promoting sustainable transport at all.</li> <li>The development does nothing to promote the City Council's policy DM20.</li> <li>No planning permission should be granted until plans for sustainable transport and safe cycle routes between the new development and the city centre/railway station/schools have been finalised, and funding - including from these developers - identified and secured.</li> </ul>
<b>Electricity North West Limited</b>	No comment received
<b>Ellel Parish Council</b>	<b>OBJECT</b>

	<ul style="list-style-type: none"> <li>• The development would have detrimental impact on the village of Galgate;</li> <li>• The Education Contribution Assessment states that St John's, Ellel is the intended school for the children of this development. If the school were to be extended, the parish council would want the extension to facilitate the children of Galgate village, first and foremost. The walking distance from the development to the school is not acceptable and the route is along the A6 which is unsafe. Families that would drive their children to school would congest the residential roads around the school and add more pollution to the village of Galgate;</li> <li>• The Galgate Medical Centre /Doctors has already exceeded it's patient capacity, with long waiting times for appointments and no parking for patients. Therefore, the medical centre will not have the facilities or resources to take on the registering of new patients from this development.</li> </ul>
<b>Engineering Team</b>	NO COMMENT RECEIVED
<b>Environment Agency</b>	<b>NO OBJECTION</b> <ul style="list-style-type: none"> <li>• We note there have been significant revisions to the Environmental Statement, including revisions to the FRA. The revisions include new information, updates to reflect current policy, guidance, and methodology and a replacement flood risk assessment.</li> <li>• The planning application is now accompanied by a Flood Risk Assessment (FRA) prepared by Enzygo Limited for Gladman Developments and referenced: SHF.1132.213.HY.R.001.B - NPPF: Flood Risk Assessment &amp; Outline Surface Water Drainage Strategy and dated July 2023.</li> <li>• Satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.</li> <li>• Our previous comments regarding the need for Environmental Permit, and request for Conditions regarding the buffer zone and mitigation measures apply.</li> </ul>
<b>Environmental Health</b> <b>(Air Quality)</b>	<b>OBJECTION</b> <p>I have looked at the submitted air quality section in the Environmental Statement and associated air quality Appendix and would comment as follows :-</p> <ul style="list-style-type: none"> <li>• Traffic associated with the proposed development will impact on the Lancaster and Galgate AQMAs.</li> <li>• The submitted assessment predicts pollutant concentrations for and opening year of 2023 and subsequent years to completion in 2029. I have checked with the consultant (AQ Consultants Ltd) and understand that traffic figures have been adjusted incrementally from 2023 to completion of the site in 2029. This graduated approach impacts on the air quality assessment outcomes. I am uncertain as to whether the predictions for each year (houses built) are reasonable for the associated traffic contribution as this information is not presented in the air quality part of the ES and associated Appendix.</li> <li>• The assessment predicts for 2023 that even with 'sensitivity' considerations, pollutant levels within the Lancaster AQMA will only be very slightly above the objective (annual mean NO2). The impact (with development) represents a 2% change may be considered (using their assessment words) a minor - moderate adverse impact. Exceedance predictions are limited to the Lancaster AQMA and only for 2023. Subsequent years indicate compliance with the objective although still up to a moderate adverse impact due to the change associated with the development.</li> <li>• I note that the County Council indicates that the submitted traffic impact information is insufficient and recommend rejection on this ground. The air quality assessment will be based on currently available traffic impact predications and therefore may be subject to correction if issues are found to exist with the traffic data.</li> <li>• Reference has not been made to the requirements advised through the Low Emission and Air Quality PAN. Specifically no mass emission assessment</li> </ul>

	<p>has been made of suggested impact mitigation approaches and mitigation presented is vague e.g. provision for electric vehicle charging appears not to be in line with guidance. Mitigation should be detailed and its anticipated impact quantified to meet the requirements of the guidance, particularly as traffic associated with the staged development may impede earliest compliance with objective standards within the Lancaster AQMA.</p> <ul style="list-style-type: none"> <li>• To my best knowledge there is no consideration/ruling out/assessment of any potential odour impacts in the submitted information. I would therefore recommend rejection of the application, requesting further information to address the matters raised in 2, 4, 5 and 6 above.</li> </ul>
<b>Environmental Health</b>  <b>(Contaminated Land)</b>	<p><b>NO OBJECTION</b></p> <ul style="list-style-type: none"> <li>• Reviewed the Enzygo Phase 1 Geo-Environmental report, SHF.1132.213.GE.R.001.D, Final, August 2019 and have the following comments:</li> <li>• Contrary to best practice no enquiries were made of this department to determine what, if any, information we hold on the subject site. Given the identified number of ponds (historically) on site (6) some attempt at qualifying the gas risk (low/medium/high) should have been attempted. There is a 5-10% radon risk area c50m to the SW of the development site. Given a combination of the positional inaccuracy of radon polygon affected boundaries (+/-25m) and the underlying data being &gt;&gt;12 years old (many, many thousand more data points will have been obtained by PHE as well as ongoing refinements in geological mapping – the indicative radon potential map is a statistical merging of these two data sets) it may be advisable to get a site/postcode specific radon search from Public Health England. We have a shapefile that shows EA data and there does not appear to be any waste management sites with exemptions recorded on the proposed development. However, it is worth checking this with the EA directly.</li> <li>• It is always useful at the end of a Phase 1 report to list any uncertainties/inaccuracies in data reviewed, assumptions etc etc. given the inherent uncertainty in the data reviewed, e.g. unauthorised, illegal or pre-regulation polluting activities may have taken place and not been “captured”. On this basis, and given the very high sensitivity of the proposed development, a site investigation (and remediation/verification if required) is necessary. The scope of this must be agreed with me prior to its execution. A site investigation is recommended, in any case, in the report.</li> </ul>
<b>Environmental Health (Noise)</b>	<p><b>NO OBJECTION</b></p> <ul style="list-style-type: none"> <li>• Would have no concerns about minimising the impacts of the noise internally within dwellings and would be confident that sound criteria recommended within BS8233:2014 (both day-time and night-time) would be achieved to ensure ‘no observed effect levels’ (NOELs) or ‘Lowest Observed Adverse Effect Levels’ (LOAELs) with an appropriate mitigation strategy in place. This would be determined with a more informed/detailed noise assessment with noise ingress calculations to determine what level of sound insulation/ façade insulation/ uprated glazing was required; and, whether alternative ventilation would be needed where windows need to remain closed to meet targets to ensure that acceptable and not desirable indoor ambient noise levels can be achieved.</li> <li>• Achieving recommended noise levels in external amenity areas could in my opinion prove more challenging across this site and further information is required to assist in determining whether noise within external amenity areas will achieve recommended acceptable noise criteria, to achieve at least ‘LOAELs’. Recommended ‘guidelines’ within BS8233:2014 are that noise levels should not be above the range 50-55dB LAeq ,16hr; where this is not achievable the development should be designed to achieve the lowest practicable levels. However, policy guidance would be guided by the principle that any amenity space must have an acoustic environment so that it can be enjoyed as intended.</li> </ul>



	Noise appendices provided indicate the noise levels across the site without the inclusion of the acoustic effect of the specific scheme would result in 'Significant observed adverse effect levels' (SOAELs) indicating that noise levels at this site are unacceptable. Further information is required to assist in demonstrating what the resultant noise levels will be across the whole site with the inclusion of acoustic effect to satisfactorily demonstrate that SOAELs have been avoided. In addition, to ensure the robustness of the survey effort, additional information is required about the model used to predict the soundscape across the site (use of LiDAR and application in this context) and the reliability/accuracy of the modelling procedure.
<b>Fire Safety Officer</b>	<p>COMMENT</p> <ul style="list-style-type: none"> <li>Recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them.</li> </ul>
<b>Forest of Bowland AONB</b>	NO COMMENT RECEIVED.
<b>Galgate Flood Action Group</b>	<p>OBJECTION</p> <ul style="list-style-type: none"> <li>Where are the new jobs coming from for new residents? Commuting will add to pollution, congestion and accident risk on local road. Air pollution is already an issue in Galgate and additional traffic will hardly improve matters.</li> <li>Downstream flooding as the drainage scheme for this development has no answer to where the runoff from the M6 would go, nor where run off from the development will go – in practice the answer is straight into Ou Beck and onto Galgate.</li> <li>What consideration is given to the impact on local services such as school places, GPs and local hospitals and a sewage system, much of which is 19<sup>th</sup> century or earlier.</li> </ul>
<b>Greater Manchester Ecology Unit (GMEU)</b>	<p>No objection</p> <p><b><u>General comments:</u></b></p> <ul style="list-style-type: none"> <li>An extended Phase 1 habitat survey was undertaken in October 2018, with one section of the site (F6a) having a repeat survey at a more appropriate time of year (May 2019). Bat surveys including assessment of the building proposed for demolition, potential roosts in trees and activity transects of the site were undertaken in 2019, as were HSI and eDNA surveys for great crested newts. Riparian mammals were also surveyed for in 2019. This survey work was used to inform the Biodiversity Chapter of the Environmental Statement for the EIA. In addition to this, CSA Environmental have also undertaken a Shadow HRA/Appropriate Assessment on behalf of the Local Authority which also involved undertaking winter bird surveys of the site in 2018/19 to inform this process.</li> <li>An Ecology Technical Note, undertaken by suitably qualified ecologists and has followed best practice guidelines, has now been submitted which confirms further survey work for bats in trees was undertaken in March 2020 and clarifies many of the points raised in my initial comments.</li> <li>In general, there are no objections to the principle of the development at this site, and it is pleasing to see an emphasis within the Design and Access Statement on Green Infrastructure and retention of existing woodland, trees and hedgerows, where possible. The central public footpath and hedgerow through the site is maintained as an important feature, and there is additional woody vegetation/landscaping and SUDs schemes proposed within the site.</li> <li>I would advise further demonstration of the ability to incorporate changes to the landscaping and maintain the proposed number of housing units is provided at this stage of the application, to ensure that important habitats can be conserved.</li> <li>As the results of the previous survey work has not identified any significant constraints with regards to protected species, I would be satisfied that</li> </ul>

the update of all ecological surveys can be secured via condition, should planning permission be granted. These surveys would need to have been completed prior to reserved matters applications being submitted and any appropriate mitigation measures also incorporated into the proposal.

### **Protected Sites**

- **Statutory Sites** - The shadow HRA has considered the potential impacts on European Protected Sites (RAMSAR, SACs, SPAs) and concluded that without mitigation the proposals have the potential for likely significant impacts on Morecambe Bay SAC/Ramsar and Morecambe Bay and Duddon Estuary SPA. The report concludes that LCC must therefore undertake an appropriate assessment, but with the mitigation proposed and discussed within the Shadow Appropriate Assessment (such as homeowner packs, provision of suitable alternative recreation space on site and a CEMP to protect the water course) it is anticipated that there will not be an adverse impact on the integrity of the European Sites.
- Natural England has responded to the updated information within the technical note, with no further concerns. They highlight the need for the LPA, as the competent authority, to bring together the submitted information into one HRA. The mitigation measures suggested by CSA Environmental should be incorporated into the HRA and secured through appropriate conditions.
- If this is secured there is unlikely to be any negative impact on other non-European statutory sites (Morecambe Bay is also designated as a SSSI for example).
- **Non-Statutory Sites** - Burrow Beck Biological Heritage Site (BHS) is located on the north-west boundary of the site, between the proposed development area and residential area off Collingham Park. The Illustrative Masterplan indicates buffer planting along the BHS boundary, along with a SUDs scheme, and a Construction Environmental Management Plan (CEMP) is proposed with adequate pollution protection. If these measures are secured there should be no negative impact on the BHS.

### **Priority habitats**

- **Broadleaved Woodland and Hedgerows** - Within the site the woodland and hedgerows are the most significant habitat features in terms of their ecological value, and it is evident that the retention of these habitats has been considered in the outline layout. However, further consideration needs to be given to the layout and landscaping of the site in terms of habitat fragmentation and buffer planting to ensure that these notable habitats are suitably conserved:
  - a number of areas the proposed road/shared access routes intersect woodland or hedgerows, which will increase the fragmentation of the habitat and the landscape. For instance W3 has a proposed shared pedestrian/cycle route through the middle of it, W2 has the proposed vehicular access road through it.
  - there is no buffer planting indicated around the majority of the woodland on the site. I would suggest this should be included to protect the existing habitat on the site from pressures of development (both construction and operational) and also necessary to maintain/increase the connectivity of the habitats within the site and to the wider environment.
- While I accept that the application is Outline, I would still consider that further consideration needs to be given to the above points at this stage of the development, with regards to the landscape and layout of the scheme in relation to biodiversity. The technical ecology report states the development will seek to provide sufficient undeveloped buffers to woodland and other habitats (hedgerows and ditches) however it also outlines that the other constraints of the site (drainage and topography) have already been considered in the current proposal. I would therefore be very cautious about securing adequate buffer zones at Reserved Matters stage, if the principle of the current number of

housing units has already been established at Outline, knowing there are other factors which constrain the layout of the site.

- Further survey work had been conducted of the on-site woodlands. The off-site woodland which the Woodland Trust (WT) has raised was not surveyed, as far as I can establish, this would have been helpful as the ground flora present would provide an indication of the woodland age (presence of Ancient Woodland Indicator Species for example). An effort to source historical maps of this woodland has been made, but none found before 1844. Ancient woodland is categorised as continually wooded since 1600. I would suggest that some discussion between the WT and the applicant would be appropriate to establish any other data sources WT may have.

- I would advise further demonstration of the ability to incorporate changes to the landscaping and maintain the proposed number of housing units is provided at this stage of the application, to ensure that important habitats can be conserved.

- Aquatic habitat - There are a number of aquatic features on and adjacent to the site, including Ou Beck, Burrow Beck and ditches running through the woodlands on the site. The riparian corridor around Burrow Beck is dealt with sufficiently and could potentially deliver enhancements to the corridor in this area (see previous comments). However, there are proposals within the scheme with the potential to negatively impact other water courses on the site (diversion of Ou Beck, and bridges through/over watercourses). Where possible any negative impact on these habitats should be avoided through adequate protection. Where this can't be avoided, adequate mitigation/compensation will be required. As the detailed design of these schemes hasn't been produced yet, this will need to be secured by way of suitably worded conditions.

- Grassland - A large area of grassland will be lost as a result of the proposed development. While this grassland may not be species rich and therefore does not qualify as Priority Habitat, it does provide a resource for local wildlife (for foraging and as a habitat corridor for example) and also contributes to the landscape in this area.

### **Biodiversity Net Gain**

- Based on the information which has been submitted a very small (2.11%) habitat net gain is predicted, and a 24.14% hedgerow net gain is predicted. It is worth noting that 218m of hedgerow included in this metric has not been included in the plans submitted so far, but has been noted as an opportunity for enhancement by the ecologists. Even if this is removed from the metric, a net gain of over 10% of hedgerows is still achievable. I have noticed that there is an error in the metric table, with regards to tab A-3 – On-Site habitat enhancement. In Row 12 (Baseline Ref 3), Column R (Proposed habitat) the proposed habitat has been changed to mixed scrub rather than remaining as other woodland; mixed. When this is changed to the correct habitat, the overall gain for the site in the results table is lower- 1.56% (or 1.57 units).

- As this is an outline application, a level of uncertainty is to be expected, however the factors discussed above means this is greater than would often be encountered. These factors include:

- the low % onsite BNG (2.11%/1.57%) currently predicted,
- the lack of data included in the metric on the linear watercourses
- the uncertainty that all the proposed habitat creation/enhancements can achieve the predicted conditions □ the uncertainty of the impacts of the works relating to the levels on the site and the impact on the trees/hedgerows etc.

- It is advised that to be compliant with the relevant NPPF policies and Lancaster's Local Plan, the LPA should seek to ensure sufficient information relating to BNG is secured at Reserved Matters/Detailed Design stage. This can be achieved through appropriate conditions to update surveys and the

BNG metric at appropriate stages of planning process. Given the uncertainty around the scheme to deliver net gain on site, a mechanism to secure off-site units should also be considered should it be required.

### **Protected Species**

- **Bats** - Further survey work relating to bats in trees has been undertaken, and many of the trees reclassified as a result of the climb and inspect. 6 trees are assessed as having moderate potential and 2 trees as having high potential to support roosting bats, and no confirmed roosts were identified. Where possible the scheme should be designed to retain the trees identified with medium and high bat roosting potential. If this proves not to be possible as the detailed design is developed, then further survey work and adequate compensation of the loss of these trees will be required. If bat roosts are found within the trees then further ecological input will be required and it may be necessary to apply for the Natural England development licence if the features cannot be retained or that bats will be impacted upon.
- The activity surveys for the buildings will require updating once the surveys are 12-18months old, so time should be allowed in the schedule to accommodate these at an appropriate time of year (May – August).
- **Otters**- The aquatic habitat on and adjacent to the site is suitable for otters. Riparian mammal surveys were undertaken along the water courses on site and also along Burrow Beck. It is not clear if Ou Beck was surveyed or assessed for its potential to support riparian mammals. Otter was confirmed along Burrow Beck (spraints, possible footprints and possible lie-up areas recorded). The ES chapter concludes that otter are likely to use the study area on occasion, but due to lack of resting sites (presumably within the site) there is not considered to be a legal constraint. A precautionary pre-commencement survey of the site for Otters should be required by Condition.
- **Water Voles** - No evidence of water vole was found. A precautionary pre-commencement survey of the site for Otters should be required by Condition.
- **Badgers** - A precautionary pre-commencement survey of the site for Badgers should be required by Condition.
- **Amphibians and Reptiles** - There are numerous ponds within the development site and within 500m from the site. A scoping exercise was undertaken to assess the ponds in relation to the site. Ponds were either scoped in or out of the further survey work based on distance from site, connectivity to site and suitability for great crested nests (i.e. high fish impact). A number of ponds could be discounted from further study due to the presence of the M6 between them and the study site, and other waterbodies were not suitable for great crested newts, such as a raised stone trough present on the site. Three ponds in total were subject to eDNA survey in 2019, which returned negative results for great crested newts. There is limited potential for great crested newts to be present on the site. There are records of slow worm within 1km of the study area, and some of the watercourses and field boundary habitat is suitable for grass snake. However, the majority of the grassland is not optimal for reptiles, being closely grazed and lacking the structural diversity that reptiles require. No specific reptile surveys were undertaken, but a method statement for the site clearance is recommended within the PEA.
- A method statement for site clearance to avoid harm to reptiles and amphibians should be secured through a suitably worded condition, in line with paragraph 5.21 of the Preliminary Ecological Appraisal provided with the application.

	<ul style="list-style-type: none"> <li>• <u>Invasive Plant Species</u> - Himalayan balsam and rhododendron were recorded within the site. No development should take place until a management plan for the control (treatment and prevention of spread) of Invasive Species is submitted to the LPA for approval. This should be based on the most up to date survey work available, and follow best practice methodologies.</li> <li>• <u>Nesting birds</u> - The habitat on the site (buildings, trees, hedgerows, grassland etc) is suitable for nesting birds. The active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Additionally, species of conservation concern are also known to be present on the site. Measures to benefit tree sparrow have been suggested within the technical note, which is a welcome inclusion. As the detailed design is produced these measures should be incorporated into the scheme, along with measures to enhance the site for other species of conservation concern. A condition should be used so that the applicant is aware of the legal protection that active bird nests receive. Work (building demolition, site and vegetation clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.</li> </ul> <p><b><u>General Recommendations</u></b></p> <ul style="list-style-type: none"> <li>• A Construction and Environmental Management Plan (CEMP) should be produced and followed, which should contain details for the protection of the BHS and all other retained habitats from factors such as run-off, light spill, noise and dust pollution. Moreover, I would advise that the CEMP is extended to cover prevention of spread of invasive species, impact on nesting birds and suitable method statements for activities such as felling of trees (e.g. soft felling of trees in relation to bats) and site clearance (nesting birds/amphibians/reptiles). I would advise that this is secured through a suitably worded condition.</li> <li>• A lighting design for biodiversity must be submitted to approval by the LPA. This must be designed to minimise any adverse impact of lighting on any wildlife which may utilise the site, with specific attention to the woodland/BHS edge and nocturnal mammals (e.g. otters and bats). The lighting design should follow the principles outlined in BCT guidance. A light spillage plan should be produced to support the lighting design.</li> <li>• An up-dated detailed layout/landscape plan for the site will be required for the site. This should be informed by the further survey work/analysis that has been requested within these comments and in relation to the outcome of any Biodiversity Metric calculation if this is undertaken. Specific emphasis on habitat connectivity and buffer planting around existing habitats and species should be made, along with protection/compensation for protected sites/priority habitats on the site. Where adequate compensation cannot be accommodated on site, a provision for off site measures will need to be made, and the biodiversity metric can be used to inform the required amount.</li> <li>• A site wide management plan should be secured through a suitably worded condition which requires a Landscape and Ecological Management Plan (LEMP) to be submitted to the LPA for approval. This LEMP should be linked to the final landscape scheme for the site and include details of the long-term funding and monitoring of the proposals.</li> </ul>
<b>Historic England</b>	<ul style="list-style-type: none"> <li>• On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.</li> </ul>
<b>Lancashire Constabulary</b>	COMMENT

<b>(Designing Out Crime Officer)</b>	<ul style="list-style-type: none"> <li>It is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks.</li> <li>Recommendations made to ensure that the development meets the accreditation standards for designing out crime.</li> </ul>
<b>Lancashire County Council (Education)</b>	<p><b>OBJECT</b></p> <ul style="list-style-type: none"> <li>Due to ongoing discussions between LCC's School Planning Team and Planning Officers at Lancaster City Council regarding planning applications relating to SG1/SG3 – Lancaster South broad location for growth including Bailrigg Garden Village, we wish, at this stage, to submit a formal objection to this planning application on lack of infrastructure provision grounds.</li> <li>The Local Plan and Masterplan specifies that education mitigation should be provided through the provision of two primary and one secondary school sites on the SG1/SG3 – Lancaster South broad location for growth including Bailrigg Garden Village. As planning applications have been submitted prior to AAP adoption we need to be clear of the position of your authority on school land provision. There is currently no detail provided in any application regarding how either school site will be secured and provided. As you are aware, LCC require that this land is transferred at nil cost. Without confirmation of the mechanism for the provision of the required school land we are not clear that this development is sustainable and therefore we are not in a position to support the application at this time.</li> </ul>
<b>Lancashire County Council (Highway Authority)</b>	<p><b>NO OBJECTION</b></p> <ul style="list-style-type: none"> <li>To support this development and others including the forthcoming Bailrigg Garden Village on the local and strategic network, will require a significant level of highway and transport change. Thirteen initiatives have been developed and their delivery will be by the County Council as Local Highway Authority but requires that developers support the Gravity Model approach and the full level of contribution requested. The Gravity Model approach, the derivation of contribution, and the delivery of the interventions by the County Council as set out in the Infrastructure Strategy is supported by the applicant. The applicant acknowledges that the measures are necessary to support development coming forward.</li> <li>LCC Highways have reviewed the previous package of comprehensive initiatives, and identified schemes that can be progressed with funding secured from this development, to support the delivery of the necessary step change in modal shift in Lancaster. For this reason, the originally requested contribution has been revised (which would always occur, with or without a gravity model), and an update to the contributions has been provided (incorporated further in this report). The table shows the original initiatives, the highway works and schemes related to each initiative, whether funding for the full scheme or part funding is being requested and the description and benefits of the schemes. The updated requests are broadly in line with the previous gravity model approach, with suitable regard had for connectivity, location, destinations, modal choice and accommodation of all highway user needs and abilities.</li> <li>The positive conclusion reached is as follows:</li> <li>A Legal Agreement to secure <b>£1,907,000</b> under the gravity model and a further <b>£24,000</b> to enable LCC to provide a range of Travel Plan services.</li> <li>Planning conditions relating to Highway Condition Survey, Construction Management Plan (CMP), visibility splays, landscaping &amp; maintenance of vegetation within the approved visibility splays, scheme for site access/off-site highway mitigation works, highway works constructed prior to start of development, highway works constructed prior to occupation, travel plan, electric vehicle charging points, garage cycle storage, management and maintenance of estate streets prior to formal adoption, management and maintenance of estate streets to remain private streets or which do not conform to adoptable highway standards, management and maintenance of embankment and drainage and for new retaining structures.</li> </ul>

<b>Lancashire County Council</b>  <b>(Historic Environment Team)</b>	<b>No objection</b> <ul style="list-style-type: none"> <li>The results of the geophysical survey were such that we no longer considered that further investigation of the site needed to be prior to determination, and that it could now be undertaken as a programme of post-permission works secured by means of a planning condition.</li> </ul>
<b>Lancashire County Council</b>  <b>Lead Local Flood Authority (LLFA)</b>	<b>NO OBJECTION</b> <ul style="list-style-type: none"> <li>Based on the new flood risk assessment and outline drainage strategy provided (Gladman Developments Ltd, SHF.1132.213.HY.R.001.B, July 2023) and, therefore, supersedes our previous responses.</li> <li>Conditions recommended requiring that Development is in accordance with the submitted Flood Risk Assessment, submission of a Final Surface Water Sustainable Drainage Strategy, Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and a Verification Report of Constructed Sustainable Drainage System.</li> </ul>
<b>Lancashire County Council</b>  <b>(Public Rights Of Way)</b>	NO COMMENT RECEIVED
<b>Lancaster Civic Society</b>	<b>OBJECTION</b> <ul style="list-style-type: none"> <li>The amendments appear minimal - reduction from 680 to 644 homes, small increase in separation from Bailrigg Village, small increase in amount of space allocated to the local centre/shop and community hall and the introduction of a small area for allotments etc. Figure 5.2 (page 45) of the revised Design and Access statement outlines the changes. Whilst we accept this is an outline application, details are very sparse - only an indicative layout, no indication of numbers of different types of houses, materials etc. For such a large development more detailed information should be forthcoming.</li> <li>Scotforth Parish Council makes a very well-argued case about primary school capacity (without a new school on the site) and refute the developer's proposal to increase places at St John's Ellel. We strongly support the comments of the Parish Council.</li> <li>We continue to maintain that this application is premature and consideration should be deferred until the South Lancaster Area Action Plan has been finalised.</li> <li>PREVIOUS RESPONSE – Objection</li> <li>The proposal to funnel traffic through the Health Innovation Campus will inevitably result in even greater congestion on the already busy A6. The northern access point at Hala Road would not only be positioned close to an already problematic junction but would also lead to greatly increased traffic along Bowerham Road.</li> <li>Detailed flood assessments will be required to ensure that existing water courses (Burrow Beck and Ou Beck) can be contained and run-off drainage from the motorway is taken into account.</li> </ul>
<b>Lancaster University</b>	<b>COMMENT:</b> <ul style="list-style-type: none"> <li>The University reiterates that it is critical that the plans for the Bailrigg Garden Village (BGV) and application site do not compromise the ability of the University to achieve its targets in relation to climate change and the transition to becoming carbon neutral. Attention is drawn to the University reducing its electricity and heating emissions by 50% and that it recently obtained planning permission for a 16.5 MWp solar farm on a 21ha site to the east of the M6, which will contribute to further lowering emissions.</li> </ul>

	<ul style="list-style-type: none"> <li>• The prematurity of the application in advance of the Lancaster South AAP which is progressing and is expected to be published for public consultation in early 2023;</li> <li>• Welcomes the submission of the Design Code (CSA Environmental, June 2022), and the suggested approach for future Reserved Matters applications to be accompanied by a Design Code Compliance Statement. This approach should be secured via an appropriately worded planning condition.</li> <li>• There is a need for an appropriate buffer between the University and the application site, as the Development Framework Plan proposed built development and dwellings which immediately abutted the boundary with the University campus. It was suggested that the interface with the University on the southern application site boundary was reconsidered, in order to take account of the setting and security of the campus. There have been no changes made to this offset in the revised documents submitted by the applicant in June 2022 and therefore this comment regarding the interface with the University campus remains relevant;</li> <li>• Significant concerns that the creation of a new “through” route for all vehicular traffic, which connects the HIC spine road in the south to Hala Hill in the north could result in a ‘rat run’ being created through the site, with residents/visitors seeking a more direct route from the eastern part of Scotforth and Lancaster to the A6. In light of the recognition that a shorter route is being created by the proposed development, further detail should be provided by the applicant to alleviate the concerns shared by the University and LCC Highways, with the potential for road design measures to be identified to discourage the diversion of wider traffic through the site;</li> <li>• The University highlighted that the campus operates a permit/pay parking system at its Bailrigg campus which is often at capacity during busy term-time periods. It is important that the proposed development considers the potential for parking issues and overspill in this context, particularly on dwellings proposed at the southern extent of the site. The University has suggested this be addressed through a Controlled Parking Zone (‘CPZ’) or Traffic Regulation Order to prevent weekday parking. Similarly, any unadopted roads in the proposed development should include ‘Private – no parking’ signs, supported by sufficient enforcement to prevent commuter and student parking, particularly during term time. Therefore, the applicant should be responsible for considering potential parking issues for prospective residents and putting mitigation in place, if required, in advance of occupation of the new dwellings;</li> <li>• The proposed development includes a ‘community facilities’, comprising a community hall (150 sq m) and potential retail unit(s) (280 sq m). However, this does not address other facilities / services which may be required to support the new residential population. In the CBRE letter dated 20th December 2019, the University raised concerns that further consideration should be given to the impact of the development and its new residents on existing and future community infrastructure. The additional documents submitted have not addressed this concern and the capacity of nearby schools and healthcare infrastructure (namely GPs) should be specifically assessed in order to understand the potential impact;</li> <li>• Concern that given the proximity of the site to the University the dwellings could be rented as Houses in Multiple Occupation (HMOs) to students, which could cause issues including in relation to residential amenity.</li> <li>• If the application were to be approved, we request that a planning condition is applied to remove the permitted development rights allowing a change of use from Use Class C3 (dwellinghouses) to Use Class C4 (HMOs).</li> </ul>
<b>Marine Management Organisation</b>	<ul style="list-style-type: none"> <li>• General advice given.</li> </ul>



<b>National Planning Casework Unit</b>	NO COMMENTS RECEIVED
<b>National Grid</b>	<b>NO OBJECTION</b> <ul style="list-style-type: none"> <li>Notes the proposal is in close proximity to a High Voltage Transmission Overhead Line –Low Pressure Gas Mains, Medium Pressure Gas Mains, Above Ground Gas Installation, Overhead Electricity Line, Electricity Tower, Local High Pressure Gas Mains.</li> </ul>
<b>National Highways</b>	<b>NO OBJECTION SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:</b> <ul style="list-style-type: none"> <li>Submission of details of the following off-site highway improvements at Stoney Lane/A6/Main Road 'The Improvement Scheme' (as shown in outline in Eddisons Drawing reference 2446-F10 Revision E);</li> <li>Limitation of occupation of dwellings in advance of The South Lancaster to M6 Link Road) being constructed and made available for public use.</li> <li>A Travel Plan and associated Travel Plan Coordinator for the development shall be in place and be operational from the point of the occupation of the first unit;</li> <li>Fence plan and details along site boundary with the M6</li> <li>a detailed Construction and Environmental Management Plan (CEMP) relating to site development earthworks, drainage and construction operations alongside the motorway;</li> <li>No drainage and / or surface runoff from the proposed development shall connect / flow into the motorway drainage system / carriageway</li> </ul> <p><b>Should the conditions not be imposed, National Highways suggests that the application should be refused.</b></p>
<b>Natural England</b>	<b>FURTHER INFO REQUIRED</b> <ul style="list-style-type: none"> <li>In summary, having reviewed the details of the proposal, Natural England considers the development will have no adverse impacts on designated sites, subject to the proposed mitigation measures being secured. We have therefore have no objections to the proposed development.</li> <li>However, based upon the amendments and additional information provided we advise that an updated Habitat Regulations Assessment (HRA) is required.</li> </ul>
<b>Open Spaces Society</b>	NO COMMENTS RECEIVED
<b>Planning Policy</b>	<b>COMMENTS</b> <p>In September 2023 the City Council resolved to undertake a Full Review of the Local Plan and have published a new Local Development Scheme providing an initial timetable for how that review process will be advanced.</p> <p>The decision for the Full Review was primarily based on the material change in circumstances relating to the delivery of strategic infrastructure in South Lancaster, specifically Lancashire County Council's decision to suspend work on the South Lancaster Growth Catalyst (SLGC) and its associated transport related projects in June 2023. This has led to the City Council ceasing work on the preparation of the Lancaster South Area Action Plan DPD and commencing an immediate full review of the Local Plan.</p> <p>The material change in circumstances, when viewed in the context of the Local Plan Review Mechanism (Policy LPRM1 of the Strategic Policies &amp; Land Allocations DPD) mean that the City Council have determined that a full review of the Plan is required to re-evaluate options for growth within South Lancaster and indeed the wider district.</p>

	<p>In the context of determining planning applications in within the Broad Location for Growth, Policy SG1 of the Strategic Policies &amp; Land Allocations DPD continue to provide the starting point for development proposals. It will continue to provide an important interim position, particularly around the use of key growth principles, in advance of any detailed planning framework coming forward for the South Lancaster, whether have been through the Area Action Plan or now via the Local Plan Review.</p> <p>For the avoidance of any doubt, the early release mechanism within Policy SG1, which allows for development to come forward in advance of a more detailed framework subject to exceptional circumstances, remains in place to ensure a pathway for suitable development to come forward without delay.</p> <p><b>Technical Matter - Affordable Housing</b></p> <ul style="list-style-type: none"> <li>• It is noted that the Affordable Housing Statement includes contradictory statements with regard to the percentage of affordable housing which will be delivered on the site.</li> <li>• Guidance provided in regard to Policy DM3</li> </ul> <p><b>Technical Matter – Housing standards and different build types</b></p> <ul style="list-style-type: none"> <li>• Draws attention to DM2 which requires dwellings to be built to Nationally Described Space Standards and 20% of dwellings to meet the Building Regulations M4(2) requirement.</li> <li>• Policy DM12 of the adopted DMDPD, encourages the provision of self, custom and community build on sites.</li> </ul> <p><b>Technical Matters – Climate Change</b></p> <ul style="list-style-type: none"> <li>• Policy SG1 reiterates that it is necessary to take proper account of the need to reduce the impacts of Climate Change in the design of new development.</li> <li>• Makes reference to the applicant's submission which includes public transport vouchers and installation of electric car charging facilities;</li> <li>• Draws attention to the need for considering the impact on wastewater infrastructure;</li> </ul> <p><b>Technical Matter - Cycling and Walking infrastructure</b></p> <ul style="list-style-type: none"> <li>• Draws attention to the Lancaster City Council (November 2019) Cycling and Walking Planning Advisory Note (PAN).</li> <li>• The proposal needs to be considered within the context of modal shift as set out in the adopted Local Plan and the County Council's Highway and Transport Masterplan. More specifically cycling and walking network needs to consider connectivity within the site by ensuring accessibility to schools, employment and community facilities and by taking account of topography and other site constraints and opportunities (eg existing PROW and cycle network).</li> <li>• Proposals also need to consider how cycle and pedestrian routes within the site connect into the existing network outside the site, and whether the existing provision provides safe and attractive links, most notably to the University (as employment area and provider of local services) and to the city centre and local schools. Proposals should identify potential gaps in the existing network and consider what improvements may be required.</li> <li>• At present the proposal identifies a cycle/pedestrian route running along the NE boundary of the site. It then follows the line of pylons running east/west across the site. This is not a direct route providing opportunities to reduce car journeys but appears to be a leisure route, which is welcomed but does not contribute to modal shift. There is also an additional access point at Winmarleigh Drive providing access to the north through the Hala estate. However, this does not provide a direct route to the north beyond the site boundary and does not take account of topography. There is no clear link into or support for the development of the strategic route running north/south along the A6 corridor.</li> </ul>
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Policy Group Lancashire CC - Mineral Safeguarding	<b>NO COMMENTS RECEIVED</b>
Public Realm	<b>NO OBJECTION IN PRINCIPLE</b> <ul style="list-style-type: none"> <li>• An offsite contribution would be preferred towards Williamson Park and/or Greaves Park, particularly towards Williamson Park lighting and path works. The costs for repairs are higher and the enjoyment of the park by the new residents, that are nearby to this park will be negatively impacted.</li> <li>• A new management plan is being drawn up for Williamson Park which will identify these key issues with a recommended plan of action and costings. This will be available in time if this application goes to reserved matters stage.</li> <li>• In relation to contribution towards playing pitches, Public Realms response was based on KKP Playing Pitch and Outdoor sport Strategy (PPOSS) 2018. This is currently being reviewed and there should be a new PPOSS Action Plan element in time if this application goes to reserved matters.</li> <li>• Therefore, Galgate and Royal Albert pitches are put forward for contribution, with the decision to be made at reserved matters when there is more evidence as to where a contribution would be most needed.</li> <li>• There is still a need for a 3G pitch in South Lancaster.</li> </ul>
Ramblers Association	<b>NO COMMENTS RECEIVED</b>
Scotforth Parish Council	<b>OBJECTION</b> <ul style="list-style-type: none"> <li>• To reiterate fundamental flaws in this application regarding it being premature and prejudicial to the Area Action Plan, having no credible educational provision, and inadequate Areas of Separation. Our advice to the applicant is to suspend their application and instead work with the City and Parish councils on the development of the long term plan for the area in which their proposals can be judged on merit with what is best for the whole area.</li> <li>• Shadow flicker - The Parish Council consider it unacceptable to knowingly build houses where residents will be forced to live behind closed blinds. The simple solution is for the applicant not to build on these fields.</li> <li>• Flood Risk – whilst the LLFA have 'no objections' it is caveated with conditions and requirements and in our view the LPA should interpret the LLFA response as an objection that could be lifted by the various points being addressed, because it is no clear that Gladman can address the points even though they have clearly been in intensive discussions with the LLFA before releasing their submission.</li> <li>• Unreasonable to expect local residents to understand the full suite of flooding related information – would expect a presentation to explain</li> <li>• Raise concerns with highway related drainage as both LLFA and Highway Authority have not commented;</li> <li>• Site Access - objects to the full closure of Bailrigg Lane on the basis that removal of this historic amenity contravenes DM41 (Development affecting non designated heritage assets and their settings).</li> <li>• Until there is a credible transport plan for Lancaster South can be formulated, funded and executed then there is inadequate road and transport infrastructure to support the scale of this planning application;</li> <li>• the access to the southern site necessitates cutting through the veteran, if not ancient, woodland behind Bailrigg Farm and contravenes DM45</li> </ul> <p><u>Previous comments:</u></p> <ul style="list-style-type: none"> <li>• The revised application provides considerably more detail about how the development could look and feel but it continues to be inward looking and still fails to meet the key planning criteria and is based on assumptions about</li> </ul>

	<p>infrastructure (schools, highways and medical facilities) that simply do not and never will exist unless and until the AAP comes forward. Therefore we continue to object to these revised proposals.</p> <ul style="list-style-type: none"> <li>• The Parish Council have used SG1 as a guide in providing the following comments: <ul style="list-style-type: none"> <li>- Part I – Green: Consultation including site meetings have occurred;</li> <li>- Part II – Amber: Community facilities and a Design Code have been included.</li> <li>- However, many houses will suffer from excessive noise and particulates from M6. There is no primary school to promote a sense of community.</li> <li>- Part III- Green: Cycleways and pathways have been provisioned and a bus route through the development is envisioned but not guaranteed.</li> <li>- Part IV – Green: There is a commitment of up to 40% affordable homes</li> <li>- Part V – Red: contributes no infrastructure, be it road network capacity, schools, sustainable transport. proposal to use Ellet primary school is unworkable and contravenes safety and sustainable development policies.</li> <li>- The application must include land set aside for a school.</li> <li>- Part VI – Red: The Area of Separation (policy EN6) between the development and Bailrigg Village has only been satisfied on the northern and south western sides of the village but the development to the east and south-east of Bailrigg is still inadequate. Fundamentally, this development removes virtually all of the buffer zone between Scotforth East and the garden village that is specified in the JTP Master Plan.</li> <li>- Part VII – Amber: The proposed housing east of and overlooking Bailrigg Farm should be fully removed. The creation of a suitable heritage entrance to Bailrigg Village is welcome.</li> <li>- Part VIII – Red: A primary school should be included on the site because using St John's Ellet is totally unworkable.</li> <li>- Part IX – Green: No significant impact except volume of traffic through Health Innovation Campus.</li> <li>- Part X – Amber: The south end of the site is the last remaining land suitable for university expansion and should be reserved for that future option.</li> <li>- Part XI – Amber: The Fabric-First approach is welcome but there is no reference to solar or heat pumps to reduce carbon impact.</li> <li>- Part XII – Amber: Water attenuation systems are planned but are unproven.</li> <li>- Part XIII – Amber: There is no comment or commitment in the proposals.</li> <li>- Part XIV – Amber: There is no evidence of local heating systems being investigated.</li> <li>- Part XV – Red - The development will severely impact the road network by significantly adding congestion at already over-capacity pinch-points. The development will encourage a 'Rat Run' along Bowerham Road to Hala Hill and through the Health Innovation Campus. The development relies upon the road infrastructure associated with the Housing Infrastructure Fund for J33 which has not yet been determined.</li> </ul> </li> <li>• The other test of SG1 is that "there would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and coordinated approach to the wider Bailrigg Garden Village development". Our argument is that allowing this development to proceed would prejudice the Garden Village because (1) this development would reduce/slow the demand for housing at the garden village and hence undermine the viability of the garden village infrastructure and delay its fruition as a thriving new community, (2) it would result in schools being built or extended in the wrong places in the short term compared to where the two primary schools should be placed through the AAP, and (3) it removed the schematic buffer zone specified in the JTP Master Plan.</li> <li>• Community Engagement: Parish Council who has proactively engaged Gladman rather than the other way round (which the NPPF requires) and "larger"</li> </ul>
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and “improved” does not mean that open space and community facilities are anywhere near the sensible and modest requirements we advised. Whilst we have continued to contend that this urban extension is the wrong development in the wrong place we have nevertheless provided thorough and objective submissions on Areas of Separation (Feb 2020), Design Principles (Aug 2021), Heritage protection (Nov 2021) and education provision (May 22) drawing on the local community’s knowledge and understanding of this precious green space.

- Education provision: Overwhelming conclusion is that the naming of St John’s Ellel as the primary school that will support the development at Bailrigg is fundamentally flawed and will not happen and therefore the proposed scheme must include provision for a primary school on the site (ideally adjacent to the community facilities). We specifically ask that our comments of May 2022 be read in conjunction with this part of this response (see below where indicated with an \*).

- Protection of tree, hedgerows and woodland: Proposed neighbourhood called Beechwoods predominately occupies the two fields south of Bailrigg and it accessed from the north. The initial roadway not only did not fit the existing space between the woodland and Bailrigg Farmhouse but also left no separation to the farmhouse. This anomaly was highlighted to Gladman and they now propose to move the roadway further away but will require cutting through the woodland. Quotes DM45 and argue that this roadway cannot be justified and the development should end at the powerlines.

- Design Code: revised Design Code document is a vast improvement on the previous version. Revised version there appears to be an attempt (in section 1.4) to establish mandated design code – this is welcomed. However, on closer reading it is not clear as to what is the intention and interpretation of this section and it is vital that this section is clarified. Sections of the Design Code is unclear on who implements. Concept of the three neighbourhoods is interesting and guarantees some variety across the site and some sense of place. The crucial information missing about each neighbourhood is the density of housing and type of houses which are key factors in determining the character of an area.

- Bailrigg village entrance - dramatically changes the entrance into Bailrigg Village and consultation has taken place with residents that resulted in a consensus that the entrance should be rural in nature with the entrance marked by traditional stone gateposts flanked by low stone walls, with the village name embedded, that match the stonework of Bailrigg Farmhouse and that the surrounding wide verges would be appropriately landscaped and include public benches.

- Conclusion – SPC has consistently argued that decisions regarding this development location ought to be considered as part of the Lancaster South Area Action Plan (AAP) exercise on the basis that the latter will yield a more coherent, coordinated, economic and effective development plan than piecemeal schemes such as this proposal. This planning application is incapable of standing alone and going ahead of the AAP because it has no viable education provision and has a severe impact on the existing highway infrastructure. It should be either withdrawn as being premature or rejected as unsustainable and prejudicing the garden village;

\* Comments from May 2022:

- Scotforth Parish Council provided evidence that the option to use Ellel St John’s is invalid and therefore requested that Lancashire County Education (LCE) should amend its assessment to remove Ellel St John’s from the s.106 agreement, and that the applicant must amend its proposals in order to include a primary school on site and engage in a full consultation with both statutory bodies and the local community regarding this school.

Other matters:

	<ul style="list-style-type: none"> <li>Following our conversations with both Gladman representatives and the residents of the Grade II listed Bailrigg Farmhouse, Scotforth Parish Council wish to draw attention to the fact that the proposed development in the vicinity (curtilage) of the farmhouse will require Listed Building Consent which could significantly change the scope of the outline planning application and therefore we ask that these matters are addressed in assessing the Development Framework Plan that accompanies the planning application.</li> </ul>
<b>South Lancaster Flood Action Group</b>	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>Lentworth Drive - proposed shared footway/cycle way - There is no recognition of the planned bund within the cycleway proposal. At the southern extent of Lentworth Drive there is not enough space to accommodate both the bund and the cycle way. However it's not necessarily the case that the two are incompatible in fact if there was any hint of integrated thinking the cycle way could easily sit on top of the bund. However incorporating this thought should not in any way delay implementation of the bund any further. It is also entirely illogical that the cycle way would route along Lentworth Drive and stop adjacent to the bus stop, if this is to encourage a modal shift away from vehicular transport it would make far more sense for the cycleway to travel adjacent to Burrow Beck across Barton Road field rejoining Barton Road next to the community centre.</li> <li>Whinfell Drive - proposed shared footway/cycle way - The proposed routing of the cycleway along Whinfell Drive fails to capitalise on the opportunity to mitigate flood risk. A commitment to raise the cycle way 300mm above the road kerb height especially at the southern extent of Whinfell drive where existing topography does not provide flood water containment would reduce flood risk making the cycle way a valuable multifunctional asset;</li> <li>Proposed Crossing of Burrow Beck - The proposed crossing of Burrow Beck exists entirely within the flood zone on what is near permanently saturated ground. The design of any crossing of Burrow Beck must provide adequate above bank clearance and the connecting path to the west of the crossing must also be designed to allow flood water to pass underneath it, 'typical construction' will not be permissible.</li> </ul>
<b>Sport England</b>	<p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>The proposal makes no contributions to formal sports facilities, indoor or outdoor based on the information so far provided, it is not compliant with the NPPF or the Local Plan.</li> <li>Details of any off site outdoor sport and indoor sport enhancements/new provision to meet the additional demand arising from the development. Sport England's Strategic Planning Tools show this development will generate additional demand equating to 1 ½ pitch equivalents, 40 additional visits per week to Artificial Grass Pitches, 133 additional visits per week to sports halls and additional 99 visits per week to swimming pools.</li> <li>Incorporate the 10 principles of Active Design into the overall design of the development.</li> </ul>
<b>Strategic Housing</b>	No comment
<b>Tree Protection Officer</b>	<p><b>COMMENT:</b></p> <ul style="list-style-type: none"> <li>I've read through the revised documents and have no additional comments to make above my original response. Further consideration needs to be given to the likely impact of the development on existing hedgerows, trees and woodland, given the likely changes in levels and future pressure. This may have implications for the level of/the ability of the scheme to deliver the mitigation and compensation measures.</li> <li>No objection in principle subject to confirmation of levels, their impact on retained trees/hedgerows and revised landscaping proposals.</li> </ul>

<b>United Utilities Water Plc</b>	GENERIC COMMENT
<b>The Woodland Trust</b>	<p><b>OBJECTION</b></p> <p>On the basis of damage to an unnamed area of woodland abutting the southern and south western boundaries of the site (Arboricultural Impact Assessment ref: W1, grid ref: SD48705786). This woodland appears on the first edition OS Sixinch map series published in 1848, 1895, 1914, 1933 and 1947 and is therefore of historical and ecological importance and likely to be ancient woodland. The Trust therefore recommends that further mapping research is carried out before any decision is made about this application. Furthermore, Natural England should be consulted for their opinion on the application, the antiquity of the site and its likely effects on the woodland.</p> <p>Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Woodland Trust requests that assessment of the possibly unmapped area of ancient woodland is pursued further with Natural England, as the statutory body for ancient woodland. If Natural England confirms the wood's ancient woodland status, then the Trust requests that the application is amended to provide an appropriate buffer of 20m in line with Natural England's standing advice.</p>
<b>Waste And Recycling</b>	<p><b>COMMENTS</b></p> <ul style="list-style-type: none"> <li>Collections are from the point of the property nearest to the adopted highway (or proposed adopted highway). Lancaster City Council collection crews and vehicles do not go onto private driveways, shared driveways or private roads. Given that on collection days, Lancaster City Council collect at least one grey bin, 3 x recycle boxes and an optional green bin for garden waste (possibly more, depending on subscription) there is potential for at least 1 wheelie bin and recycle boxes to be presented from each property. This may increase in future should we start collecting recycling from wheelie bins, and in future should food waste be collected separately on a weekly basis as suggested in the recently published Our waste, our resources: A strategy for England (Defra 2018).</li> </ul>

5.2 Overall, the LPA has received **211** representations which raise the following matters:

#### Character of area

- Absence of a green buffer between the proposed development and existing urban edge of Lancaster, specifically the area between the houses of Dunkenshaw Crescent, Winmarleigh Road and Shireshead Crescent;
- Building a development directly adjacent to existing development without a green buffer would limit the accessibility of the animals and lead to loss of habitat.
- No mention of the separation between the new homes and existing settlements, i.e., the houses to the north of the proposed development along Winmarleigh Road and Shirehead Crescent.
- Feels nothing has changed to make this urban sprawl any more desirable than previously.
- Prospect of 9000 houses to the west of the A6, amounting to a new town with again no facilities or vehicle access even if the suggested Galgate bypass is built.
- This development will effectively join Lancaster to the University and to Ellet and Galgate
- Destroys a glorious, elevated landscape filled with wild life, rich mature trees and hedgerows. It's brutal in the way its footprint devours every contour and corner to maximise house build capacity with the 'we should be grateful' nod to a playground and some new saplings.
- Will follow the same dreary and depressing low eco and poor energy efficiency new builds already recently constructed in Lancaster
- Does little to enthuse or excite those who seek innovative housing landscapes
- Destroys land that acts as a precious green buffer. At best left alone and if not then treated with less intensive and creative options for future housing needs
- Proposal would destroy neighbourhood, open space and peaceful neighbourhood
- Rural character of the area would be lost
- Development would create urban creep

- Developing on the green buffer zone which is an integral part of the site
- Loss of open green space
- Quotes Woolerton Dodwell report in highlighting beauty of the Bailrigg area
- Enjoy this green space in its undeveloped form: the loss of this green space cannot be reversed once it becomes developed
- Would constitute just urban sprawl and certainly not an identifiable and separate development
- Hamlet of Bailrigg would lose all of its distinction
- Proposed development is on the last remaining green space between Lancaster and Galgate
- Mass urbanisation is going to turn Scotforth into another congested town.
- Development would represent urban sprawl
- This stretch of farmland creates a green corridor between the coast, marshes, the Lune and the moorland landscape of Clough and the Bowland hills. Additionally it acts as a woodland / hedgerow and meadow route for birds from the woods around Campus into South Lancaster. Parts would be lost.
- The smooth curves of the glacial drumlins will be lost & the traditional sledging slopes

### Design

- Gladman's proposal for 644 houses, one shop and a dog walk park underneath an electricity pylon is clearly a development of poor design, and as Gladman's recognise from the NDG, such a proposal should be rejected.
- Proposed 'green buffer zone' is inadequate
- Should be a defined separation from existing housing by substantial planting to trees and shrubs
- Area of Separation behind the Grade 2 Listed Bailrigg Farmhouse is still in-sufficient
- This development will spoil the whole ambience of the area. Green spaces must be protected.
- Loss of beautiful open green fields which have been so valuable to the local community in recent years also the inevitable increase in flooding caused by building so many new houses on these fields
- Would constitute just urban sprawl and certainly not an identifiable and separate development
- No meaningful natural buffer between it and the existing built development would have a serious detrimental effect on the existing rich wildlife in the currently undeveloped area
- No provision for new woodland and thicket planting to provide an area of separation between the proposed new homes
- Understanding was that development to the south of the city would be distinct and maintain a green boundary around existing areas of Scotforth and Hala. Proposal does not do either.
- Concerns with siting dog walking area under electric lines
- Does not provide a 'very high standard of urban design to deliver new development in a holistic and comprehensive manner
- Where is the 'distinct sense of place'

### Connectivity

- Negligible public transport links to Lancaster and Galgate
- Little thought given to connection with existing public transport links
- Impact on cycle/pedestrian routes making
- Still no mention of any sustainable travel plans in the amended application for this car-dependent development
- No indication of how a bus operator to run a service through the development would be procured or funded
- Eddisons report that a cycle path should be constructed along Lentworth Dr, Hala Square, Claughton Dr, Whinfell Dr. These roads (and houses) have flooded in the past. This cycle path should be a raised structure to also provide a flood bund
- Plenty of car parking and garaging accommodation is envisaged by the applicant but no enhancement to public transport will be forthcoming.
- The infrastructure doesn't lend well to a dedicated bus lane, and a guided bus way would only seem possible alongside the West coast Main line.
- Holds little weight in cycle paths and sustainable transport being a solution.
- Seems not to take account of the needs for easy cycling access to the University
- Public footpath running from Winmarleigh Road to Bailrigg should be protected in its rural format



- Does the demographic of home-owners that can afford this type of housing utilise public transport on a daily (commuting) basis?

### Construction period

- Disruption to existing residents during the construction phase
- Health impacts on existing populations living close to the application site
- Disruption during construction phase
- Disruption when laying new pipes and cables
- Increase traffic movement both construction vehicle and construction workers vehicles, noise impact pollution at every level and serious impact to the environment, loss of green space and the tranquil
- No good access for traffic, particularly the heavy construction traffic required for building via Hala Hill

### Land use

- Emphasis should remain on creating considered in fill developments with minimised negative impact
- Green countryside is a local walking area to enjoy nature and should not be built upon.
- Scale and need for development unjustified
- Number of houses in this proposed development is excessive and the need for them has not been demonstrated
- This is a one-dimensional "dormitory" development. It provides only housing, with no employment opportunities
- There are brown field sites in the local authority area that should be redeveloped before green belt land is sacrificed.
- Proposed development would constitute a piecemeal opportunistic accretion to the built area
- Developers first reuse and repurpose land that has already been built on and left derelict to house people rather than simply create more university accommodation
- The very low density of the proposed housing is not only an extremely inefficient use of the land, but it will encourage car dependency, in contravention of all the Council's objectives.
- What justification is there for this continued erosion of farmland?
- The quantum of development appears excessive for the site area available. Yet what is to prevent an increase in the number of units applied for at the detailed application stage?

### Local plan policies

- Countryside in South Lancaster should not be developed in a piecemeal way, before the Local Plan inquiry outcome is known and before a coherent plan for BGV is in place
- It would make sense to support the Bailrigg Garden Village application first as a trial, which specifically sets out the development of suitable road networks, infrastructure, paths, GP practice, 3500-5000 houses and schools before other developments are built
- Pre-empting the BGV with this development undermines the vision and ambition of the BGV project, which was developed in close consultation with residents, the local council and key stakeholders
- Unlike this proposal, the BGV addresses the key principles of the SPLA DPD. What is needed for the development of South Lancaster is cohesive, joined-up thinking;
- Reiterates part of Policy SG1.
- Too much green belt land is being used for housing, is there not more brown land to be used before using green belt
- Fear that current national policy favours developers and ignores local democracy
- Premature development and would undermine the ongoing strategic plans of Bailrigg garden village south area action plan as a whole
- Question how the application can be approved with regard to climate change emergency declared by the Council.
- How does this huge, proposed development on green fields contribute to Lancaster's role in leading by example, reducing carbon emissions and meeting the local challenges of global climate change?
- Clear lack of planning. Existing plans for 10000+ houses are far in excess of need
- Areas of Separation are not compliant with Garden Village Principles

- The application needs to be considered alongside the wider BGV development, as part of the AAP process, to ensure a cohesive and integrated approach to planning and the provision of the necessary infrastructure for south Lancaster.
- Where is the green buffer zone in the BGV Final Draft Masterplan between Hala and this proposed development of 644 houses?
- No clear proposals of how it will be delivered unless provided by others as part of significant development elsewhere
- Proposal to build a relief road round Galgate is dependant on some 9,000 houses being built in the garden village. This is unlikely to be realised and should not be considered as mitigation for the increased volume of traffic movements which this application would produce.
- Garden Village of some 3,500+ houses around this site this would negate the need for any other developments south of the city
- Emerging revised local plan which does not feature this site the application should be refused on these grounds alone.
- Bailrigg Garden Village should be started first
- Developers first reuse and repurpose land that has already been built on and left derelict to house people rather than simply create more university accommodation
- Premature development and would undermine the ongoing strategic plans of Bailrigg garden village south area action plan as a whole
- ES indicates that a fabric first approach will be utilised to reduce carbon emissions and goes on stating that housing will be to the minimum requirements of the building regulations. These are the worst possible and most basic standards you can build to; therefore, no consideration has been given to the climate emergency;
- Still no mention of any sustainable travel plans in the amended application for this car-dependent development
- Contrary to policy (E31) called Key Urban Landscapes which rightly reserves the land alongside the motorway for trees and open spaces.
- This development joins the city to Bailrigg and if classed as part of the Bailrigg Garden village project, it takes the BGV out of the "stand alone" category
- Would be contrary to climate emergency
- This satellite development is attempting to 'bypass' the grand plan and start development piecemeal.
- Planning permission should therefore be restricted to 250 dwellings in the area marked B on the Gladman schematic map below and only landscaping be applied within the two policy areas of E31 and EN6 (marked A, C, D & E).
- Limited acknowledgement of our Climate Crisis in the Environment Statement but whilst it states that addressing climate change is paramount it offers little in concrete solutions. 'Efficient designs', 'latest heating systems', 'encouraging user behavioural change', are all too vague and difficult to pin down.

#### Impact on infrastructure

- No mention of secondary schools, of which spaces are very limited at present.
- Not convinced that Ellet St John's CE Primary School could accommodate the level of development
- Applicant must therefore provide own infrastructure within this proposed development.
- The proposed development contains neither a primary nor secondary school
- Offers no contribution to the additional demands that will be generated for health/educational etc
- Requirement for cars to be used to get to the nearest school (thus contributing to air and noise pollution) is at odds with Lancaster City Council's sustainability vision
- Local schools do not have the capacity to accommodate the significant additional number of children proposed to reside in the new development
- Note that the proposal is to increase Ellet St John school size. This is not safe or possible due to the street configuration for the entrance to the school.
- Doctors' surgeries will struggle with extra patients.

#### Impact on highway network

- Main objections are the increase in traffic to the south of Lancaster with no provision for access to the motorway or improvement to the A6 proposal for an access from Hala Hill will cause major traffic disruption at an already difficult junction
- Will become a noisy 'rat run' inconveniencing and endangering local residents.

- The infrastructure doesn't lend well to a dedicated bus lane, and a guided bus way would only seem possible alongside the West coast Main line
- Increase in road traffic
- Additional traffic to an already crowded road network
- Increased traffic and parking congestion
- Increased traffic impacting on the already stretched road infrastructure
- Given that the Bailrigg Garden Village will create at least 3,500 new homes along the A6 it is rather ridiculous to assume that "it is unlikely that there will be the same scope for traffic growth."
- Development along the A6 is already causing issues and further planned developments will only add to it.
- Daily congestion in the Scotforth and Greaves areas , there is no possible way that this could ever be alleviated, it is for these serious unsolvable reasons that this application must be declined
- Questions why traffic increase is not significant.
- Traffic loads on existing roads would be exacerbated
- Plenty of car parking and garaging accommodation is envisaged by the applicant but no enhancement to public transport will be forthcoming.
- No housing developments should be considered until the reconfiguration of junction 33 is completed
- Traffic generated will inevitably flow to Galgate and the junction with the A6 which is already over capacity at peak times
- Projections on traffic flows must be recalculated from a 2022 timebase if they are to have any validity
- Travel to the M6 or the town centre is totally inadequate to accommodate this scale of development
- Proposed road to join the top of Hala Hill is likely to cause severe congestion
- Will bring an enormous increase in traffic using Hala Hill and Bowerham Lane/Blea Tarn Road
- Bentham road is already used as a rat run and cannot be placed under more pressure
- Would add to congestion and other means of transportation initiatives are not progressed
- Proposed opening of the HIC road through into the estate and out at the north end on Hala Hill will just become a car "rat run"

#### Highway safety

- Legal or not, it should be resolved for a right turn to be resolved on the Hala Hill junction the sun shines very low in winter from the east blinding traffic doing a similar manoeuvre out of Bentham Road, therefore this should be resolved at this stage not left for when it is too late
- Hala Hill across Bowerham Lane when driving south from the town - experienced the traffic speeding down from the motorway bridge over what is almost a blind bend. Sight lines around the existing junction are already poor and will be made worse by traffic exiting the new estate onto Hala Hill.
- Safety concerns regarding use of walkway from Bay Horse Drive to Bentham Road
- Road design would lead to poor highway safety
- Two exits proposed this will cause a monumental and unworkable increase in traffic access onto Hala Hill would be dangerous
- Highly unlikely that the intended access from Hala and Bailrigg Lane would prove adequate
- Categorically assured that the land between the motorway and Barnacre Close would not be built on danger to highway safety on Hala Hill
- Environmental Statement (May 2022) contains a major error concerning speed limits (section 2.3), an error repeated in the Non-Technical Addendum (p.5). Thus it is evident that there has not been an adequate checking of factual information.
- New road through the new estate will become a short cut to the A6
- The proposal which the County Council now favour seems to vary very little from that which they were unhappy with in their comments of 17th January 2022 (Version D);
- Vehicles approaching the new junction in a northerly direction up the new ramp (if they overshoot) could end up in the gardens of houses on Greenacre Court. Similarly, vehicles coming down Bowerham Lane from the direction of the motorway bridge will be doing a severe manoeuvre (coming back on themselves) if they want to enter the new estate
- In the previous County Council comments there was concern about the estate becoming a "rat run". This seems not to be mentioned in the further report.
- new concept of gravity funding suggestion per unit on this development (£4383) seems to be much less than figure quoted in the Story Homes proposal on Ashton Road (£7853).

- surrounding the new junction it is not currently adopted highway will be maintained by a management company? Surely that adds another element to the danger. If plants and grass grow then sightlines will be obstructed even more.

### Flooding

- Make flooding worse and have an adverse effect on my property and therefore my quality of life;
- Inaccuracies in the EIA, both the Conder and Ou Beck have flood defences in place in Galgate including flood walls and barriers;
- It should be noted no water than currently enters the beck should be added to it. This is to prevent downstream flooding attenuation features need to allow for none of this water to enter the beck at an increased flow that is current and slow the flow measures could be utilised on the downstream farms prior to Galgate village to hold water back
- Surely the condition from the LLFA should be to “stop” any flood risk
- Flooding often occurs in Bailrigg Lane
- More concrete will add more flooding to the whole area and not just Bailrigg lane
- Behind Knowe Hill Crescent we have already had Ou Beck overflowing several times, development would exacerbate problem;
- More house in this extremely vulnerable flooding area can only make the situation far more serious than it is already
- The proposal does not do enough to mitigate against the flood risk and could increase the risk of flooding to our property
- Flooding - no guarantees have been given, nor can be given, that new development on this substantial scale can contain all of its own water run-off and that existing flood problems will not be exacerbated.
- The area is prone to flooding, and the drainage plans only seek to maintain current levels of run-off, which is entirely insufficient given the successive recent flood events
- More hard surfaces will increase the likelihood of flooding
- Building on the fields can only lead to more water runoff and the risk of further flooding

### Residential amenity

- Air and noise pollution from the M6 to the development
- Disturbance at night from proposed shop, play area and community centre
- Additional noise impacts
- Affect open space around property
- Need to maintain several yards of space beyond the fencing of back gardens at the peripheries
- Findings of report seem perfectly clear about the unsuitability of noise levels for residential development adjoining the motorway
- Will affect personal wellbeing.
- Undoubtedly impinge on my privacy and in consequence reduce my standard of living
- Block out light to my property depending on buildings and garden designs.
- Development would add noise and pollution to what currently comes from the M6
- Need to maintain several yards of space beyond the fencing of back gardens at the peripheries
- Concerned about the invasion of our privacy posed by building new homes so close by
- Access road will run right behind my house and those of my neighbours.
- Addition of another road will exacerbate noise.
- The addition of a road will allow strangers to see into our gardens and therefore compromise both privacy and security

### Pollution

- Increase in cars in the area will cause air pollution, noise pollution and the potential for further accidents.
- Air and noise pollution from the M6 to the development
- 1288 car movements per day, the majority will be fossil fuelled few will be electric cars again adding to poor air quality and increased pollution

### Services and facilities within site

- No provision for additional schools, Doctors' surgery, Dentist or any other service which will be required
- Who will upkeep and maintain proposed community centre;
- Community hall/facility is insufficient to create a functioning community if it does not also include medical and educational institutions
- Place the facilities more centrally to the new development to be more equidistant for the future residents
- No plan for local services, such as local health care and other services to support extra residents
- Adverse effect on residents' access to local school, GP surgeries and other services in Lancaster
- Concerned that no school or doctors' surgery are proposed
- Plans lack detail in important areas such as sufficient transport provision, load on schools and medical centres, consideration of cycling links between the University and town, and most of all environmental impact and flood management
- A small local centre, plus shops is proposed with a community hall including two carparks should be in the centre of the site where new residents can choose to live next to and not imposed on the local residents which will have significant impact.
- No commercial nor social amenities other than one modest sized convenience store to serve the development therefore encouraging travel by car
- Infrastructure required to support this 1,546 person development does not exist no clear proposals of how it will be delivered unless provided by others as part of significant development elsewhere
- Creating the capacity is only theoretical however as the only nearby GP practice has no ability to expand further
- Local schools do not have the capacity to accommodate the significant additional number of children proposed to reside in the new development
- Infrastructure in the local area has not evolved enough to support this development.
- Applicant must therefore provide own infrastructure within this proposed development.
- The location of the community hall and facilities at the outskirts of the proposed development with no specification of the future location of electrical substations
- No commercial nor social amenities other than one modest sized convenience store to serve the development therefore encouraging travel by car

#### Surface water

- Adequate drainage and soak aways should be planned for in line with changing climate and not redirected towards other residential areas
- surface water runoff from the significant number of proposed dwellings and all of the associated hard surfaces would be very great.
- Environmental Impact Statement fails to provide adequate details of what will be required in terms of additional reservoir capacity, mains water supply, sewage collection and treatment, gas piping, electricity cabling.
- Building of properties or urbanisation above Barnacre Close and Ou Beck would cause increased rainfall runoff from the use of impervious materials and removal of vegetation and soil
- Surface water needs to go somewhere but it is not clear that the optimal solution has been reached

#### Spaces within the site

- No meaningful natural buffer between the proposed built form and the existing built development would have a serious detrimental effect on the existing rich wildlife in the currently undeveloped area
- That Areas of Separation are not compliant with Garden Village Principles
- Should be a defined separation from existing housing by substantial planting to trees and shrubs
- Does this also mean that all areas marked as Landscaped could in theory have an access road running through them?
- Enjoy walking our dog along the footpath (yellow on the plans) which will be reduced to a simple through-estate path;
- No mention of the separation between the new homes and existing settlements, i.e., the houses to the north of the proposed development along Winmarleigh Road and Shireshead Crescent.
- By destroying this area, you remove green spaces that have been accessible to the public

- East area around the hamlet of Bailrigg has not been given sufficient woodland screening from the development particularly on the north aspect looking from Bailrigg towards the pylons
- Proposal does not highlight which areas of separation will be observed within the proposed area of development, and the boundaries of South Lancaster

### Trees and hedgerows

- The hedgerows between the houses of Winmarleigh Road, Shireshead Crescent and the proposed development are not illustrated on any of the figures present in the documentation.
- Destruction of woodland on the eastern side of the development on biodiversity grounds as replacement tree planting is insufficient
- Not clear how many mature trees are intended to be removed
- Token replacement by saplings, is insufficient by itself
- Object to proposal to destroy woodland on the eastern side of the development by cutting a road through it
- Tree cover could be increased to support the existing bats, deer and otters
- Destruction of woodland on the eastern side of the development on biodiversity grounds as replacement tree planting is insufficient

### Wildlife

- Fields are a haven for wildlife, with deer, foxes and badgers seen almost every day (to name a few) any development would eradicate wildlife.
- Superb opportunity to answer some climate emergency challenges by "rewilding" all of this land to increase biodiversity, prevent flooding and create beautiful open space for the people of Lancaster
- Converting this field to housing would of course destroy the habit of the animals which currently reside there.
- Environmental impact to this development will be huge not just from a nature point of view but also a public wellbeing aspect
- The proposal further threatens biodiversity in the area.
- Noise and disturbance this construction site will produce will have a negative effect on well being
- Will destroy much of the beautiful habitat we have for wildlife in the area
- The proposed access road and the proposed new housing will lead to a loss of wildlife habitat
- Site sustains a population of many birds and small animals, including hedgehogs, shrews and field mice, which are in general decline nationally

### Heritage assets

- Area of separation behind the grade 2 listed Bailrigg farmhouse is still insufficient

### Other

- Has the potential to reduce the current valuation of my property creating a negative fiscal impact
- Unsure of the reason for the canal and rivers trust comments given there is excess water proposed to be put into ou beck. Therefore, request the canal and rivers trust are ask to reassess this issue;
- Water quality assessment should be undertaken for ou beck
- No mention of an electrical substation on any of the diagrams of the new proposed development.
- Contradictory statements regarding infrastructure
- Is this landscaped area to include a road junction through the narrow field at the back of my house
- Reference made to view of council officers not wanting an acoustic fence along m6, implies decision has already been made.
- Surprised and disappointed that a 377 page document does not include a contents or index page
- Supports BVRA letter of objection
- Not enough jobs to support new population of the development
- Affordable houses will be presold / kept and rented by the developer
- Aside from a clear dereliction of responsibility, the fact that no plan for employment has been considered is important

- Comparing the updated 2022 plans to the original 2019 design and access statement, the only significant difference is that all mention of the Bailrigg Garden Village has been removed.
- Dark skies at night, looking east, which would be destroyed by the accompanying lighting for new roads and buildings
- Recommending retrofit over new builds, where possible, re-use existing buildings and recycled materials, as opposed to building new by default
- References to 'Morecombe' in 10.3.8 and 10.3.9 only cast further doubt as to the reliability of the application
- Need more greener areas, parks for children and public sports fields instead!
- The fact that no plan for employment has been considered is important
- Would you please make the planning proposals more transparent and easier to read by the public? The proposals are laid out poorly, overly repetitive and, frankly, composed entirely of "planning speak"
- Loss of views into countryside
- How are you going to ensure that this footpath on my property and using my driveway will not become an overused pathway from the proposed development
- Question on housing shortage if student accommodation is being built or new builds are bought to let
- No housing development should start until the reconfiguration of Junction 33 to the north of Galgate.
- As the application is only in outline i have a concern that the detailed applications by the building companies will vary the detail considerably. Would it not be better for this application to be withdrawn and a detailed application to be submitted which has more certainty?
- Lack of detailed consultation with residents affected by surface water flooding or the presentation of suitable plans to mitigate any increased risk of flash flooding
- The socio-economic sustainability statement is a series of simplistic assumptions based on various local and national statistics, without any error bounds or confidence intervals
- comment about the management company - maintenance of ponds/swales to be created for flood defence of existing houses. Existing householders/ratepayers should not be left with future problems such as flooding which in turn will lead to difficulties obtaining insurance etc.

A further two representations have been received following notification of the revised Environmental Statement and are summarised as follows:

- volumes of technical data are presented in the application which cannot reasonably be considered accessible to the community
- 'Potential site access arrangement Rev H' shows no awareness of domestic drainage from properties on the north of Bailrigg Lane (Cherry Trees/White Walls) south across Bailrigg Lane
- it is unclear what the intentions are for sewage drainage from the site more generally
- appreciate the efforts to address flood risks on the site these efforts are focused on Ou Beck
- conclusions and recommendations of this report shows "Soakaway drainage is not considered feasible for this site."
- the application acknowledges flooding issues to the south west of the site but has not put in any new measure to mitigate against this
- Despite these additional reports which clearly show a risk to our property from activity on the proposed site – 'ES - 03.3 Development Framework' – shows no intention to create a SuDS area, nor any other mitigation, in the south west of the site next to Bailrigg Lane and adjacent to our property
- insufficient consideration of the wider impact on infrastructure, traffic, access the the south of Lancaster and the lack of school places
- As residents of Bailrigg Lane major concerns are raised about water, drainage and flood risk
- housing numbers should be restricted on the development until an improved road layout is in place
- acoustic fence does not solve excessive noise levels in gardens close to the M6

## 6.0 ANALYSIS

6.0.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless

material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD, the Arnsdale and Silverdale AONB DPD and 2 Neighbourhood Plans. The SPLA DPD and reviewed DM DPD were adopted in July 2020 and result in an up-to-date Local Plan. For the reasons as contained within this report the council have embarked on a full review of the local plan given the recent HIF decision.

6.0.2 It is noted that on 31 March 2022 the Council submitted the Lancaster District Climate Emergency Review of the Local Plan 2020-2031 to the Secretary of State for independent examination. This is in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (2) - Regulation 22. Given the stage of the review limited weight is applied in the determination of the planning application. The LPA are confident that the Climate Emergency Review will be capable of being deemed sound, and therefore adoptable in 2024.

6.0.3 The key considerations in the assessment of this application are:

- Principle of Development
- Infrastructure Requirements
- Affordable Housing and Housing mix
- Housing Standards
- Sustainable Design and Renewable Energy
- Effect on landscape character
- Design and Form
- Open Space Design
- Transport and Highway Matters
- Archaeology and Heritage Assets
- Flood Risk and Drainage Issues
- Biodiversity
- Trees and hedgerows
- Residential Amenity
- Contamination
- Impact on minerals
- Economic benefits
- Planning Obligations
- Planning Balance and Conclusion

6.1 **Consideration 1 - Principle of Development - NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes); SG1 (Lancaster South Broad Location for Growth), SG3 (Infrastructure Delivery for Growth in South Lancaster) EN3 (The Open Countryside; Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs) and DM4 (Residential Development Outside Main Urban Areas)**

6.1.1 In terms of the principle of the development the site lies within a "Broad Location for Growth" where Policy SG1 of the adopted Strategic Policies & Land Allocations Development Plan Document sets a broad location for growth in the South Lancaster area and a series of key growth principles for the future development. Policy SG1 does not set specific allocations of land for development or other purposes, nor does it provide a detailed planning framework through locally-specific planning policies. It does however set a commitment to prepare and deliver a new Area Action Plan DPD for growth in South Lancaster, including the delivery of Bailrigg Garden Village.

6.1.2 The Broad Location for Growth identified the delivery of least 3,500 new homes supported by a range of commercial and business opportunities, which includes the delivery of the aforementioned Lancaster University Health Innovation Campus. Policy SG1 sets out the parameters for growth whilst Policy SG3 provides the framework for a specific Lancaster South Area Action Plan DPD to be adopted by the Council.



6.1.3 There are 15 Key Growth Principles set out in SG1. These principles provide a basis for determining planning applications and set out the scope of issues which are to be tackled within the Area Action Plan. A summary of these principles is set out here:

- I. Pro-active community engagement.
- II. Securing high-quality design and development with a sense of place.
- III. Seeking modal shift (public transport and cycle infrastructure).
- IV. Delivering market and affordable housing to meet evidenced housing needs and to secure cohesive and balanced communities.
- V. Ensuring necessary infrastructure is delivered to support the strategic growth of South Lancaster.
- VI. The delivery of high-quality open space and green corridors and securing distinct areas of separation between the BGV and the existing urban edge of Lancaster and Galgate.
- VII. Development to take account of the Heritage Impact Assessment for the area.
- VIII. Safe, accessible and well-serviced development to create healthy and cohesive communities.
- IX. Master planning for growth of the University Campus and its wider estate.
- X. Safeguarding the University Campus.
- XI. Design new development to minimise its contribution to, and the impacts of, climate change and to be resilient and adaptable to the effects of climate change.
- XII. Managing and reducing surface water and flood risk to existing and new residents and businesses.
- XIII. Housebuilders to provide opportunities to work alongside local firms/suppliers during construction and the BGV to provide opportunities for self/custom build properties.
- XIV. Promotion of innovative design and use of technology for buildings, transport and energy.
- XV. Improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel.

6.1.4 To support the delivery of strategic growth in South Lancaster significant infrastructure will be required and is considered under SPLA DPD Policy SG3. This ranges from new highways, public transport networks, cycle infrastructure, education facilities, local centre(s) and valuable open space and green/blue corridors/networks. The mechanism for the delivery of this strategic growth area rests largely with the Council in the first instance with the requirement to prepare a subsequent DPD, entitled the Lancaster South Area Action Plan (AAP) DPD with the Framework set out under SPLA DPD Policy SG3.

6.1.5 In September 2023, the City Council resolved to commence a full and comprehensive review of the Local Plan in light of material changes in circumstances in South Lancaster since the original adoption of the Plan in 2020. Specifically, expectations around delivery in South Lancaster have changed in light of the suspension of the South Lancaster Growth Catalyst (SLGC) by Lancashire County Council. The SLGC was to include the delivery of new strategic transport infrastructure in South Lancaster to open up growth opportunities connected to the delivery of Bailrigg Garden Village. As part of the decision to commence a Full Review of the Local Plan, the City Council also decided to cease work on proposals for a new Garden Village and the Lancaster South Area Action Plan and will re-investigate options for growth in this area through the review process itself.

6.1.6 Whilst work on the Action Plan has now ceased, Policy SG1 does include an early release mechanism which provides an interim position which permits development in advance of the Lancaster South Area Action Plan provided a number of exceptional circumstances are met, these include:

- a) There would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider Bailrigg Garden Village development;
- b) That the development would conform with and further the Key Growth Principles described in Policy SG1; and,
- c) That the opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe.

6.1.7 Within the justification to Policy SG1 it makes clear that the Council would only permit development in advance of the Action Plan in *exceptional circumstances* (our emphasis). Given this it is critical that any application in this area can demonstrate, beyond any doubt, that these exceptional circumstances

have been met in full. This is particularly the case in relation to ensuring that infrastructure matters, as set out in Policy SG3 of the SPLA and the key growth principles are fully considered and addressed to the satisfaction of the LPA. Whilst the AAP is at an early stage of preparation, Policy SG1 makes clear the ambitions of the Council about development within the 'Broad Location for Growth' designation that it is seeking to achieve sustainable, high-quality development which is distinctly unique and separate to the surrounding settlements of Lancaster, Galgate and Bailrigg Village. Given the siting of this proposal, there are potential implications of achieving such separation should development be permitted in this location.

- 6.1.8 Most of the matters set out within the Key Growth Principles will be considered in detail in the separate sections below. However, there are concerns that a number of these principles have not been adequately addressed, in particularly relation to: high quality design; seeking a modal shift; minimising impacts on climate change; and addressing constraints and capacity issues in the strategic and local road network. The principle of the development cannot therefore be supported as the proposal would be contrary to the aims and objectives of Policies SG1 and SG3 with regards to the expectations of new housing development in this area.
- 6.1.9 In terms of the other matters of principle the remaining sections will consider community engagement (criteria 1 of SG1), the loss of agricultural land, demolition of Low Hill House, suitability for residential development and a local centre comprising retail space and a community hall.

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### Community engagement

- 6.1.10 In regard to the matters of principle SPLA Policy SG1 sets out that involving local communities in a pro-active consultation remains at its core. As such, the applicant has prepared and submitted a statement of community involvement to support the application which sets out the level of engagement which has taken place with interested parties. The consultation programme undertaken by the applicant comprises:
- Leaflet distribution on 24th May 2019 to over 1500 households & businesses within the proximity of the site outlining the development principles together with feedback cards and details of a dedicated website and how to make comments;
  - A press advert, advertising the public consultation of the proposed development, was published in the Lancaster Guardian on the 30th May 2019;
  - A dedicated website for the project which is informed by a number of consultation board. The address for the Bailrigg Lane, Lancaster website, is <http://www.your-views.co.uk/bailrigg> and was operational from 24th May 2019;
  - Direct contact and through consultants with stakeholders during the pre-application stage, namely, Scotforth Parish Council and Ellet Parish Council, Local Ward Members of Scotforth East Ward and University and Scotforth Rural Ward, Cat Smith MP (Lancaster & Fleetwood), Bailrigg Village Residents Association, Lancaster University, Morecambe Bay Clinical Commissioning Group & Lancashire County Council School Planning Team and South Lancaster Flood Action Group.
- 6.1.11 Meetings were held with the stakeholders and copies of correspondence are enclosed with the applicant's SCI.
- 6.1.12 It is considered the consultation is comprehensive and how the feedback has been addressed. Notwithstanding other matters in the recommendation of this application the applicant's consultation has been undertaken in a pro-active manner which satisfies criteria one of SPLA Policy SG1.

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### Loss of agricultural land

- 6.1.13 The proposed development would result in the loss of land for the purposes of agricultural. The NPPF under Paragraph 174 and within footnote 58 informs that decisions about the natural and local environment. The NPPF advocates that decisions should protect and enhance landscapes, biodiversity, geology and soils; recognise soils as a natural capital asset that provide important ecosystem services; consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land and prevent soil, air, water, or noise pollution, or land instability from new and existing development. Best and most versatile (BMV) land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a.

- 6.1.14 Paragraphs 001 and 002: Planning Practice Guidance for the Natural Environment explain why planning decisions should take account of the value of soils and agricultural land classification (ALC) to enable informed choices on the future use of agricultural land within the planning system.
- 6.1.15 The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b.
- 6.1.16 In respect of the Local Plan the strategic objective SO3 informs a number of DPD policies. The Local Plan identifies as an indicator of the take of Grades 1,2 and 3a agricultural land for development. A target is to reduce uptake of grade 1 agricultural land. Policy DM44 sets out that development should avoid use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable.
- 6.1.17 Using Natural England's Provisional Agricultural Land Classification (ALC) the site straddles grades 3 and 4. Grade 3 covers the majority of the southern of the site and comprises land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Grade 4 which is on the eastern side of the site adjacent to the M6 comprises land with severe limitations which significantly restrict the range of crops and/or level of yields.
- 6.1.18 The applicant has undertaken a soil resource and agricultural land classification survey of the site. The survey identifies that the land within the application site is under permanent pasture and 95% of the land comprises Grade 3b. The remaining 5% is non-agricultural which is woodland, scrub, a house and garden. The soils are identified as medium loamy topsoil with an upper subsoil being susceptible to compaction.
- 6.1.19 Protection will be given to agricultural land which is considered to be the best and most versatile. However, it is recognised that not all agricultural land can and should be protected from loss. Therefore, land that is of a low agricultural grade will not be considered necessary for protection from development. Taking into account the land within the application site is not grade 1 or 2, while the loss of agricultural land is regrettable, it would not conflict with the strategic objective and Policy DM44 of the Local Plan which aims to protect the higher quality agricultural land. Furthermore, the loss of 3b and grade 4 would align with the NPPF as the areas of poorer quality land have been used instead of higher quality land.
- 6.1.20 As such it is considered the loss of agricultural land is considered to be acceptable.

#### Demolition of Low Hill House

- 6.1.21 Low Hill House is situated in the central western part of the site with access taken from Bailrigg Lane. The property is two storey, detached, rendered with a pitched slate roof and finished with clay ridge tiles. The property is situated towards the north of the plot with a detached garage to its side. The majority of the garden space is between the property and Bailrigg Lane along its southern boundary.
- 6.1.22 Given the property is currently vacant it was included in the ecological surveys carried out over the site. The findings will be discussed in more detail later in this report; however, it was found that the property held no evidence of bats was found internally or externally during its inspection. Although the property is proposed to be demolished to facilitate access to the wider proposed development it is considered there to be sufficient socio and economic benefits to outweigh its subsequent loss.
- 6.1.23 As such, subject to the detailed ecological findings it is considered the demolition of Low Hill House in terms of the principle is acceptable.

#### Proposed Dwellings

- 6.1.24 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. It is acknowledged that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most up to date housing land supply position for the council is contained within the Housing Land Supply Statement (October 2023) which identifies a 2.4-year supply of housing land. The Council's lack of a five-year housing land supply is a material consideration in the determination of this application and also requires

the application of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. This means applying a planning balance in favour of proposals for housing development.

- 6.1.25 It is acknowledged that opportunities to address this lack of a 5-year supply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process of which this site is expected to contribute as part of the Broad Location for Growth (under policy SG1 of the adopted Local Plan). It is acknowledged that the BLG is more of an area identified for growth and not an allocation. Whilst it does not seek to identify parcels of land for specific land uses it will facilitate the delivery of least 3,500 new homes and 1205 new homes anticipated within this plan period, including affordable housing. Which parcels of land within the BLG designation most suitable for residential development has not yet been determined, as this will be established through the preparation of the South Lancaster Area Action Plan.
- 6.1.26 The applicant contends their proposal would comply with the conditions for early release set out in policy SG1 and that in the absence of a five-year housing land supply position planning permission should be granted in accordance with the presumption in favour of sustainable development.
- 6.1.27 Notwithstanding the requirements of Policy SG1 and other development plan policies there is no doubt that the proposed development would make a meaningful contribution to the district's five-year land supply and would provide much needed market and affordable housing. However, taking on board the provisions of Paragraph 73 of the NPPF an underlying theme is that large scale housing can often be best achieved provided they are well located and supported by the necessary infrastructure and facilities. Notwithstanding the provision of housing will largely be governed by the requirements of SPLA DPD Policy SG1 (and other policies within the Development Plan) it is noted that the application site is positioned in a sustainable location on the southern edge of the existing built-up area of the city bordered by the M6 and Lancaster University. However, as will be discussed in more detail later in the report it is difficult to establish what infrastructure will actually be possible or brought forward in a meaningful way to support the housing.
- 6.1.28 Nevertheless, the site is close to a key public transport corridor and adjacent to the existing urban edge of Lancaster with the potential of connecting to the existing pedestrian/cycle network. The site is suitable, in principle, for residential development.
- 6.1.29 As this requires consideration of all the impacts of the development, this will be fully considered within the conclusion of this report.

#### Local Centre and Community Hall

- 6.1.30 The Framework Masterplan sets out the general parameters of the local centre and community hall. Siting the two uses in the central part of the site adjacent to an existing public right of way it is anticipated it would be located on a 0.32 hectare site, comprising 280 square metres of retail floorspace and 150 square metres for the community use floor area. The building(s) would be a maximum height of two storey, reflecting the surrounding area with spaces for pedestrian movement, gathering and car parking.
- 6.1.31 Notwithstanding the detail it can be gleaned that the retail and community use would contribute towards a number of the overarching objectives of SG1 in promoting a sustainable, attractive place to live, defining a sense of place and creating a sense of community for its new residents.
- 6.1.32 DM DPD Policy 19 outside of a city, town or local centre supports main town centre proposals (such as retail) where the floorspace falls below 150 square metres, is located in an urban area, is easily and safely accessed by foot or cycle and is compatible with surrounding land uses. It is recognised that not all retail development takes places within defined centres and therefore the Council will support small-scale retail development that demonstrates a local benefit and its proposed use serves the community.
- 6.1.33 It is unknown at this stage if the retail floorspace would be sub-divided to form smaller units and would sit comfortably under DM DPD Policy 19. However, given the retail space would be associated with the wider proposed residential scheme it is considered there would be local benefit when combined with the creation of a community hub within the site which would weigh in its favour. Given the retail space will be brought forward in conjunction with and would serve the surrounding residential

development there are also sufficient benefits in being easily and safely accessed by foot and cycle. As such, it is considered that the proposed retail space is acceptable in principle terms.

6.1.34 DM DPD Policy 24 advocates that the creation of new cultural facilities (which includes community halls) will be supported subject to being demonstrated that it will deliver benefits to the wider economy, located in an accessible and sustainable location that can be accessed by a range of transport methods, including public transport and that it won't result in a negative impact to amenity particularly residential and highway safety.

6.1.35 The proposed community hall through its envisaged design to create a distinctive new landmark. The Framework Masterplan recognises the proposed hall to be a key community focal point and hub of activity. Like many community spaces this could be used for a number of activities but essentially it will be placed within the context of the proposed development in which it will principally serve. It can be construed that the community hall would deliver benefits to the wider economy and inevitably promote community cohesion. It is difficult to assess the impact on residential amenity or highway safety, however, a forthcoming scheme can be designed in a way to minimise an impact and to maintain a high standard of road and footway safety. It is therefore considered the proposed community hall would satisfy DM DPD Policy 24 and is acceptable in principle terms.

**6.2 Consideration 2 - Infrastructure Requirements - Education and Health NPPF paragraphs: 93 and 95 (Services and School Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SG1 (Lancaster South Broad Location for Growth), SG3 (Infrastructure Delivery for Growth in South Lancaster); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)**

6.2.1 This application for the proposed development has been submitted in advance of the Lancaster South Area Action Plan DPD. As discussed earlier in the report, SPLA DPD Policy SG1 does permit development in the BLG providing it would not prejudice the delivery and would not undermine the integrated and co-ordinated approach of the wider Bailrigg Garden Village including its infrastructure requirements. It is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, to ensure that development can be achieved in a sustainable manner for the benefit of new and existing residents and local businesses.

6.2.2 The Local Plan transport and accessibility policies seek to direct new development to sustainable locations and to ensure new development provides and encourages opportunities for a range of transport options and to reduce the overall need to travel. Policy requires development to make positive contributions to the walking and cycle network.

6.2.3 The Council may permit development proposals that are in advance of the finalisation of the Lancaster South Area Action Plan DPD under SG1. The Council will not seek to support piecemeal development, however, where proposals are consistent with the key growth principles set out in Policy SG1 of this DPD and do not prejudice the wider delivery of Growth in the South Lancaster area (including the Bailrigg Garden Village) then development will be permitted. Policy SG3 also sets out the requirement for necessary strategic infrastructure to deliver growth in South Lancaster, including highway infrastructure. It sets out that the Council will not permit piecemeal development that does not seek to address matters of strategic importance.

6.2.4 DM DPD Policy 58 sets out a framework for planning contributions to ensure that growth within the district is supported, where necessary, by the provision of infrastructure, services and facilities. The Council will require planning contributions where they meet the tests set out in paragraph 57 of the Framework which are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Education

6.2.5 The submitted parameter plan shows the quantum of development and does not include a school within the site. Instead, the applicant has advocated that a contribution for offsite provision would be made

to satisfy planning policy and contribute towards the delivery of educational infrastructure for the future occupiers of the development within the BLG.

- 6.2.6 Lancashire County Council Schools Planning Team have requested financial contributions for 148 primary school places and 97 secondary school places on lack of infrastructure provision grounds. They have advised in some circumstances, due to the scale, location or collective demand brought by housing developments in the area, it may not be feasible to expand any schools in an area to provide the places required to mitigate development impact. If expansion of an existing school or extending the age range is not possible or not appropriate, and a high number of additional school places are still required, a new school in the area would be required. As such they have therefore applied a 'New Build Cost Per Place' in line with LCC's Education Contribution Methodology and DfE guidance if provided as part of a new school. The figures given at present, although acknowledging that this is an outline application and the precise details of the proposed units is not fully known, equates to:

Contribution requirement	Contribution for Primary	Contribution for Secondary
Extension to existing school	£3,108,000.00	£2,591,549.00
New build	£3,710,720.00	£2,725,312.00

- 6.2.7 The above figures are based on 644 units comprising four bedrooms. The development impact would be reassessed on reserved matters approval, taking into account detailed bedroom mix information. A formula at the outline stage would be secured by Legal Agreement. It is noted that in reality if approved the scheme would include a mix of dwelling sizes and therefore all 4 bedroom is worse case scenario.

- 6.2.8 In addition to the above, Policy SG3 sets out infrastructure that would be required to support development in this area, covered by Policy SG1. This includes the delivery of sufficient education places at both a primary and secondary school. The current position of the Schools Planning Team state they will be seeking a school site for the provision of new school places by establishing a new school or by expanding an existing school onto the proposed school site. However, an updated position will be reported to Members as a late item.

- 6.2.9 The Schools Planning Team have undertaken an initial scoping exercise of the local schools and it has been determined that Lancashire County Council intend to use the primary education contribution to provide additional primary places at the new proposed primary school SG1/SG3 – Lancaster Land Northeast of Bailrigg Lane South broad location for growth including Bailrigg Garden Village and/or Ellel St John the Evangelist Church of England Primary School. It has also been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at the new secondary school at Lancaster South broad location for growth and/or Lancaster Central High School and/or Bay Leadership Academy. It should be noted that this would be subject to the following:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams

- 6.2.10 The Schools Planning Team have advised that, as planning applications have been submitted prior to the adoption of the AAP there needs to be a clear position on school land provision. There is currently no detail provided within the application regarding how either school site will be secured and provided. Without confirmation of the mechanism for the provision of the required school land it is not clear that this development is sustainable and the Schools planning team have objected to the proposal. Policy SG1 is clear that development would only be permitted in advance of the AAP if it would not prejudice the delivery of the wider Garden Village, including its infrastructure requirement.

- 6.2.11 Furthermore, it would be difficult to consider that the contribution option for either a new school or extension to an existing school would meet the tests of a planning obligation. As it currently stands



there are no details of a school within the Bailrigg Garden Village or the wider BLG where there is the certainty that would come forward (even more now given the uncertainty associated with the garden village). This current application must be determined with what is before the Local Planning Authority and as there is no certainty a new school would be forthcoming. The application must therefore be determined in accordance with the Act which emphasises the starting point is the Development Plan taking into account any material considerations. In terms of an extension to an existing school and in particular Ellet Primary school, given the above criteria and the comments from the Parish Council it is unclear if an extension is feasible. As such there remains doubt that there is no mechanism to secure a school site or contributions towards this. The current proposal would therefore fail to comply with the requirement of Policy SG1 as it would potentially undermine the delivery of the school infrastructure required to support development in this area, covered by policy SG3. Officers are discussing the position of whether a new school be it primary or secondary is required to make the development acceptable in planning terms, and whether there is the scope within the current schools to accommodate this development. Members will be updated verbally.

#### Health provision

- 6.2.12 The response from the NHS sets out that the proposal will generate approximately 1546 new patient registrations based on average household size of 2.4. The site falls within the catchment area of Lancaster Medical Practice and they have advised that this need can only be met through new infrastructure at Lancaster Medical Practice in order to ensure sustainable general practice. To account for the new infrastructure a contribution of **£356,106** has been requested. The response continues to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated. It is advocated that the general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. It is therefore recommended the trigger of any healthcare contribution to be available linked to commencement of development. The response also sets out that the physical constraints of the existing site means that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken.
- 6.2.13 It is not clear how the requested contribution would be used and, with a lack of evidence to support this request. It is considered that it fails to meet the requirements of the CIL regulation tests and could not therefore be requested at this time.

#### Transportation

- 6.2.14 Policy SG1 sets out a number of growth principles for the Broad Location for Growth which includes seeking a modal shift away from traditional forms of private car usage and addressing longstanding constraints and capacity issues in the strategic and local road network.
- 6.2.15 The delivery of significant development throughout the District will require extensive new highway changes and improvement to existing infrastructure. As such, it is anticipated that development of this scale would provide financial contributions to help fund the projects. In addition, both Policy SG1 and SG3 are clear that development in this area should contribute to infrastructure requirements.
- 6.2.16 In relation to highway infrastructure projects, the Highway Authority have set out that the key measures being developed include:

A6 Preston Lancaster Road, Scotforth Road and Slyne Road, A588 Corridor (South) and A588 Ashton Road (North)
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Pedestrian Facility Upgrade - Hazelrigg Lane Intelligent Traffic Management (Linked MOVA or Similar) Scotforth Rd / Hala Rd Scheme (Signals, Kerblines, Lining, Bus stops and Ped provision) Barton Rd, Bowerham Rd and Bowerham Ln Scheme for Traffic Management, Traffic Calming and Road Safety Collingham Park to Whinfell Drive Traffic Calming
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Pointer Roundabout
Additional highway capacity and network resilience. Improvements to enhance the reliability of journeys made by vehicles, cyclists, pedestrians and public transport which pass through the junction.
City Centre Gyratory
<ul style="list-style-type: none"> <li>Intelligent Traffic Management including Bus Priority Signals Work</li> <li>Market St Crossing</li> <li>Scheme for Damside St (Kerblines and Marking) and integrating provision for peds and cyclists</li> <li>Pedestrian Facility Upgrade - Around Town Hall / Dalton Square Ped Crossings</li> </ul> <p>Technological improvements to enhance the reliability of journey time reliability through junctions and improvement of link capacity, for journeys made by vehicles, cyclists, pedestrians and public transport which pass through the corridors.</p> <p>Improvement to support active travel and promote and encourage travel by sustainable modes, resulting in modal shift away from private vehicle usage.</p>
Lancaster Area wide
<ul style="list-style-type: none"> <li>Red Routing</li> <li>Speed Car and Maintenance</li> </ul> <p>TROs to introduce a route including clearways to enhance public transport reliability and prevent inappropriate stopping on the highway influencing delay and congestion. Limit temporary stopping of vehicles in key locations that obstruct traffic flow. Positively impact driver behaviour and better maintaining constant vehicle speeds. Help to ensure that poor driver behaviour does not impede network operation.</p>

- 6.2.17 The total contribution to address the above is **£1,907,000**.
- 6.2.18 For a development of this scale LCC Highways would request a contribution of **£24,000** to enable LCC to provide a range of Travel Plan services.
- 6.2.19 Notwithstanding that the HIF funding for the J33 link road scheme has been returned, the Local Highway Authority have set out that the remaining elements of the infrastructure required will need to be delivered through contributions secured from development. Given the scale of the measures necessary to support the Local Plan, they have advised that it is appropriate that all development that comes forward should contribute in a fair and equitable manner towards the delivery of the infrastructure and associated measures. A wider strategy has been developed by the Highway Authority that incorporates the above, providing levels of contribution from all developments in Lancaster through a gravity model approach. The consultee response sets out a total contribution of **£1,907,000** and confirms the Applicant supports the approach, what it funds, the benefits it provides to mitigate against its impacts, and that this funding is necessary, relevant, and proportionate to the scale of development.
- 6.2.20 The Highway Authority have listed a number of potential options where the committed sum would be spent. However, it is unclear that any of these projects would come forward within a reasonable timeframe, be deliverable and therefore cast doubt on their certainty that they would be appropriate and meet the obligation test of the NPPF. Furthermore, there are currently a number of concerns with the approach that has been developed to cover development across the District (although the latest county response helps provide the narrative on projects the City Council required). However, it is acknowledged that a level of contribution would be required to support the delivery of the wider allocation as set out in Policies SG1 and SG3 and the list of projects does include some relevant to this proposal. The recent highways response of November 2023 does allay some of the concerns with the City Council as they have provided both projects, and Section 278 works and this is a step in the right direction.
- 6.2.21 It is considered that the contributions would go some way to make the development acceptable in planning terms, but there are tensions between Highways England and County with their responses. If a scheme was to be supported it is considered a package of works could come forward to make the development acceptable in planning terms. It is worthy of note that whilst the County highlights some schemes, the City Council have their own thought process in terms of other improvements such as an attractive cycle/ped route along Burrow Beck which could assist in modal shift.



## Open Space

- 6.2.22 SPLA Policy SG1 sets out specific criteria for development within the BVG area to contribute towards the provision of open space, namely:
- (a) 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 walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. The delivery of such spaces and routes should make for distinct areas of separation between the new development and the urban edge of Lancaster, Bailrigg Village and Galgate and give potential to bring forward a new country park
  - (b) 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.
  - (c) To support the delivery of growth in the South Lancaster area, including development of the Bailrigg 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. This is set out in Policy SG3 of the Local Plan DPD and will be addressed in more detail through the preparation of the Lancaster South Area Action Plan DPD.
- 6.2.23 Policy DM27 'Open Space, Sports and Recreational Facilities' states that proposals which seek to protect and enhance existing designated open spaces, sports and recreational facilities, that are provided for their important value, will be supported by the Council. The policy continues, that where a development proposal is located in an area that is recognised to be deficient in open space, sports and recreational facilities, there is a requirement to provide appropriate contributions towards these forms of open space provision, either through on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site.
- 6.2.24 Policy DM27 also refers to development that is proposed adjacent to designated open spaces, sports and recreational facilities, in that it will be required to incorporate design measures that ensure there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.
- 6.2.25 In accordance with Policy DM27, any provision made for open space, sports or recreation facilities should be fully accessible to the public without any restrictions and will be provided in addition to any private amenity space or landscaping. Proposals should not have an adverse impact on surrounding residential amenity in terms of light and noise-disturbance, with any potential impacts being appropriately mitigated against. Policy DM43 highlights that development proposals should incorporate new and/or enhanced amenity green spaces of an appropriate type, standard, size and reflects the needs/deficiencies for the area as set out within the Council's Open Space Assessment or successor documents.
- 6.2.26 In terms of quantity, it is calculated that 11,720.80 square metres of amenity space comprising mown space where young children could have a kick about is required on site to satisfy DM DPD Policies 27 and 43 with SG1 continuing by advocating the spaces should be safe and in accessible locations.
- 6.2.27 The application is supported by a Parameter Plan which sets out the quantum of development and the non-developable area i.e. open spaces. The plan shows that 17.70 ha has been set aside for natural and semi-natural greenspace, amenity greenspace, allotments, children's play areas. 1.69ha has been set aside for surface water attenuation basins and 0.66ha for an off-lead dog walking area. The open areas are shown to intersect the proposed built form and create buffers on its perimeters which enable the open spaces to be accessible by foot and cycle. In terms of the overall area the proposal satisfies DM DPD Policies 27 and 43.
- 6.2.28 The layout of the green spaces does lend itself to contributing to a network of green corridors which would have the potential of enhancing walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents.

- 6.2.29 Public Realm in their consultee response states an offsite contribution would be preferred towards Williamson Park and/or Greaves Park, particularly towards Williamson Park lighting and path works. They have cited that added footfall has caused paths to deteriorate, which the Council have had to start closing due to health and safety and some lights are now inoperative. The costs for repairs are for and the enjoyment of the park by the new residents. A new management plan is being drawn up for Williamson Park which will identify these key issues with a recommended plan of action and costings. This will be available in time if this application goes to reserved matters stage.
- 6.2.30 In relation to contribution towards playing pitches, Public Realms response was based on KKP Playing Pitch and Outdoor sport Strategy (PPOSS) 2018. This is currently being reviewed and there should be a new PPOSS Action Plan element in time if this application goes to reserved matters. Therefore, Galgate and Royal Albert are put forward for contribution, with the decision to be made at reserved matters when there is more evidence as to where a contribution would be most needed. There is still a need for a 3G pitch in South Lancaster, but this would need match funding.
- 6.2.31 Indeed, while the above amount of open space and the offsite contributions which would satisfy DM DPD Policy 27 and 43 it is unclear why open space enhancements cannot be located within the site as a preferred option. This matter is still in discussion with officers and the applicant. The outcome of the preferred option will be reported to Members as a late item.
- 6.2.32 It is noted that Sport England have raised an objection to scheme. Although there is a standing objection, this would be lifted once provision has either been secured on site either through planning condition or a Legal Agreement with the head of terms to also include how the open space within the site is maintained and managed.
- 6.2.33 The assessment of the quality of the open spaces within the site will be assessed under the design section of this report.

**6.3 Consideration 3 - Affordable Housing and Housing mix - NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Strategic Policies and Land Allocations (SPLA) DPD policy: SG1 (Lancaster South Broad Location for Growth) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).**

- 6.3.1 Policy DM3 sets out the requirements for affordable housing and that 30% affordable housing will be required on site on greenfield sites, for 15 units and over. It requires that the tenure is split into 50/60% affordable/social rent and 50/40% intermediate tenure. However, since the plan was adopted, the Government has introduced a requirement for 25% of affordable homes to be provided as First Homes. These are homes are discounted by 30%, sold to first time buyers and secured by a S106 Agreement. Until such time the affordable housing tenure mix is amended in the local plan (DM DPD Policy DM3), the PPG provides a tenure split which will result as follows: 25% First Homes, 37.5% shared ownership and 37.5% social/affordable rented. The SHMA identifies the affordable housing need and table 4.1 of the DMDPD provides an indicative mix as follows:

Property Type	Affordable %
House (2 bed)	30
House (3 bed)	20
House (4+ bed)	5
Bungalow	10
Flat/apartment (may include 1 bedroom house)	35

- 6.3.2 This is an outline application and the 30% for the dwellings to be affordable units can be covered by a Section 106 Agreement, including the mix and tenure. Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). A condition could be added to any planning permission to ensure that the mix provided as part of a subsequent reserved matters application is in line with this.
- 6.3.3 The development will therefore provide an appropriate level of affordable houses on site. Conditions can be included to ensure that an appropriate mix and standard of accommodation is achieved. Any final layout would also need to ensure that the affordable housing was distributed throughout the site.

- 6.4 Consideration 4 - Housing Standards - SG1 (Lancaster South Broad Location for Growth) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards)**
- 6.4.1 Policy DM2 adopts the Nationally Described Space Standards (NDSS) for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement (M4(2)) in relation to accessible and adaptable Dwellings. Securing the policy compliant housing standards can be secured and access requirements can be controlled by planning condition.
- 6.5 Consideration 5 - Sustainable Design and Renewable Energy - NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Strategic Policies and Land Allocations (SPLA) DPD policies: SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation).**
- 6.5.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the Key Growth Principles, set out in Policy SG1, relates to taking proper account of the need to design new development to minimise its contribution to, and the impacts of, Climate Change and to ensure that new development is resilient and adaptable to the effects of Climate Change.
- 6.5.2 It is difficult to consider the proposal would be close to net zero for regulated energy associated CO<sub>2</sub>e emissions or embodied carbon. The Health Impact Assessment which includes a section on healthy living discusses the focus of design of the proposed development and to limit energy consumption and CO<sub>2</sub> emissions. The section sets out design principles and its approach to achieving the principles to reduce energy requirements and consumption. However, whilst acknowledging the content of the HIA it is unclear how the proposal will facilitate the transition to net zero. It can be gleaned that the approach would still contribute to worsening of carbon emissions in the district not only at the point of build but also, given the content of the HIA, the buildings will continue to contribute to CO<sub>2</sub>e emissions over the lifetime of the heating strategy for the buildings.
- 6.5.3 As such the homes as proposed in the HIA are significantly at odds with a net zero future-proofed design making these properties potentially out of date before even complete and will place a future retrofit burden on occupants. In relation to renewables and particularly Policy DM30, it is not clear from the submission how the development would incorporate any measures, if at all. The HIA almost takes a conventional fabric first approach but stops short of any measures that would move the proposal to a net zero position. Nevertheless, it is acknowledged that Policy DM30 only requires high standards of design to be encouraged and this fabric first approach is a positive start to addressing CO<sub>2</sub> savings which can be conditioned at this outline stage. This would ensure a future forthcoming design at the reserved matters stage would address Policy DM30. This would naturally change when the review of the Plan to account for climate change is adopted.
- 6.5.4 However, the proposal's sustainable design and renewable energy is also a key consideration of the Broad Location for Growth where DM Policy SG1 sets out that one of the development principles include being of innovative specific design of new buildings and where new appropriate new technologies for buildings are investigated. The fabric first approach is a positive start to addressing CO<sub>2</sub> savings, however, the HIA does not set out how the proposal would satisfy SG1 in incorporating new technologies to achieve net zero and ultimately address the factors which contribute to the climate change emergency declared by the Council.
- 6.5.5 It is acknowledged that the imposition of a planning condition would satisfy DM Policy 30. Nevertheless, the satisfaction of DM Policy 30 does not necessarily outweigh the high expectation bar of SG1 in respect of being innovative in the BLG of new buildings and/or technologies or indeed overcome the factors contributing to the climate change emergency declared by Council. It is therefore considered this matter can be given neutral/negative weight in the planning balance of DM Policy SG1.

**6.6 Consideration 6 - Effect on landscape character** (NPPF: Chapter 15 paragraph 174 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD Policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact)).

- 6.6.1 In 2012 Woolerton Dodwell undertook a landscape assessment of 5 strategic sites which includes the application site (Whinney Carr, Bailrigg, Grab Lane, Heysham Energy Coast and Carnforth South), alongside a review of existing key urban landscape allocations (a local landscape designation). The purpose of the landscape assessment was to help inform the Council's consideration of the allocation of sites in the Land Allocations Development Plan Document (DPD) which forms part of the Local Development Framework (LDF) for Lancaster District. The site was considered to be a Key Urban Landscape ('KUL').
- 6.6.2 In 2018 Arcadis consultancy were commissioned to review of the Key Urban Landscape designation, and as part of which created a new designation 'Urban Setting Landscapes' which comprises "...Landscapes peripheral to the built form and located only on the edge of main urban area. They are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context or legibility to features either within the landscape or surrounding it...".
- 6.6.3 A further report by Arcadis Consultancy had been prepared on behalf of Lancaster City Council (LCC) which identified at a high level the likely landscape and visual implications which could result from the development of the Bailrigg site, including a number of other strategic sites, as identified by LCC. It was considered that development would be possible across the strategic site with careful consideration for key views and the protection of key landscape features to ensure effects on landscape character and visual amenity are minimised.
- 6.6.4 The site is not within a conservation area and is outside of the general countryside area designation (owing to the site being located within the Broad Location for Growth (BLG) designation). The South Lancaster Area Action Plan (AAP) is intended to address landscape effects (along with other considerations) when allocating futures uses within the wider BLG. In the absence of the AAP however, consideration should still be given to the visual and landscape effects of the proposal in accordance with DM46.
- 6.6.5 The criteria for assessing landscape impacts are provided under Policy DM46 of the Development Management document which recognises that, in addition to nationally and locally designated landscapes, the district also has a range of landscapes and townscapes which are valued, unique and provide a direct sense of place, which the Council seeks to protect and enhance. The policy goes on to state that outside of protected and designated landscapes the Council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance, and landscaping. The need to consider both the individual and cumulative impacts of a proposal are also noted.
- 6.6.6 There are a number of character assessments which range from the national Landscape Character assessment to a Lancashire wide assessment that includes the application site. However, it is considered appropriate to assess this application using the Woolerton Dodwell LCA and the 2018 Arcadis Consultancy Identified Sites Landscape & Visual Assessment as they have been informed by the wider character assessments and are site specific.
- 6.6.7 The landscape character assessments identify the western side of the site draws akin to low whaleback hills that rise to approximately 40m high. This landscape type extends over a wide area of the coastal lowlands to the west, interrupted in places by Open Coastal Marsh. The eastern side of the site is classified within the 'Drumlin Field' where drumlins are similar but rather higher. They are variable in height and form but typically have relatively steep sides and broad rounded tops and are roughly symmetrical about their long axis. The alignment of the drumlins gives the landscape a distinctive grain across the landscape.

- 6.6.8 The 2012 landscape assessment identifies that two further sub-areas are within the application site and comprise the Bailrigg drumlin and undulating land to the west of Bailrigg hamlet. The elevated form of the Bailrigg drumlin both obstructs and creates opportunities for views. Within the site, there are no views of the drumlin's western side slopes from the east, nor of the eastern side slopes from the west, and its southern face is hidden in views from the north (and vice versa). The Bailrigg site is also a component of views available from a variety of surrounding locations, including in reciprocal views of residents to the west and north in Scotforth including Collingham Park, and residents of Bailrigg hamlet. The eastern side of the Bailrigg drumlin including the Ou Beck valley and steeper slopes that rise up to the motorway embankment are overlooked in more elevated views from the M6, where they form an undeveloped green foreground in broader views over coastal lowlands towards Morecambe Bay in the west.
- 6.6.9 The application site is considered to be moderately sensitive to development. The landscape could appear as an urban extension to existing housing at Scotforth and as a result change fundamentally the open and undeveloped landscape character on the drumlin's upper slopes. Furthermore, the development would affect the broad top has which would be visually intrusive into the skyline particularly in views from the north and east. Steeper land, including the drumlin's western side slopes are also sensitive to development as, depending on design proposals, they may require significant modification of the landform. This reflects the conclusion of the 2018 'Key Urban Landscapes Review' in designating the site as an Urban Setting Landscape, however given the site is within the Broad Location for Growth no landscape protection is afforded.
- 6.6.10 The Environmental Statement submitted with this application reports on the findings of the Environmental Impact Assessment (EIA) carried out for the scheme and contains a chapter on the landscape and visual impact. The chapter considers the landscape character and features of the site, the local and wider landscape character and changes to views and visual impacts for those using routes where views towards the site are possible (e.g. motorists, walkers, local residents and visitors). The 2023 ES revision introduces an acoustic barrier into the consideration and recognises a change in the nature of the view experienced from the M6 motorway.
- 6.6.11 The assessment found that the nature of change during the construction phase of the project would be adverse because the construction period would incorporate a number of visually disruptive elements such as hoardings, plant and machinery, lighting and built features. However, these temporary effects would be reduced by complying with an approved Construction Environmental Management Plan ("CEMP") which will include protection of identified landscape features.
- 6.6.12 During the period before the growth of the planting has matured, the assessment found that there would be a range of negligible to moderate adverse effects on site features, landscape character areas, receptors, existing properties close to the site boundaries, recreational routes and transport routes. It also identified that for a limited number of existing residential properties which lie adjacent to the site's boundaries, there would be a substantial effect.
- 6.6.13 As the growth of the proposed tree, woodland and hedgerow planting on the boundaries and within the Proposed Development matures over a 15-year period, the assessment concludes, as a worst case that there would be some residual adverse effects on views. However, in most views there would be moderate to negligible adverse effects, as views would be filtered or screened by boundary and intervening vegetation, and by other buildings around the site.
- 6.6.14 The submitted D&A Statement reiterates the findings of the ES by advocating that the mitigation measures would respect the site's landscape features and topography. The measures comprise the uppermost part of the drumlins being kept free from development and that new structural landscaping is provided to the new areas of public space to bolster the landscaping which is retained on the site's boundaries. This is reflected on the submitted parameter plan showing the developable areas framing the uppermost parts of the drumlins and a buffer maintained adjacent to the eastern boundary with the M6. The built form within the site has been separated by green infrastructure with retention of the woodland blocks and new planting of woodland and hedgerows.
- 6.6.15 The proposed development of up to 644 dwellings and the associated access and earthworks will result in an inevitable change to the visual appearance and local character of the site. However, the proposed mitigation measures reflect the findings of the background assessment which precedes the adoption of the Local Plan and the site's aspirational allocation. The incorporation into the parameter plan of the

development parcels and areas that are free from development respect the higher parts of the site. With the amount of green infrastructure, it is considered the impact to the landscape is considered to not be significantly severe and views from the north to Lancaster, south to woodlands surrounding the University and west to Morecambe Bay and beyond are respected.

6.6.16 In respect of the introduction of an acoustic barrier this would inevitably change the views of the site experienced from the M6. In regard to the wider effect on the landscape character the proposed intervention into the landscape, whilst notably from short range views is considered to not harm the landscape character.

6.6.17 Consequently, and notwithstanding that design is discussed below it is considered that the quantum of development can be accommodated within the site, taking into account the proposed parameters without significantly adversely harming the landscape character.

**6.7 Consideration 7 - Design and Form - (NPPF: Chapter 15 paragraph 174 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), Policy EN4 (North Lancashire Green Belt), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact); A Landscape Strategy for Lancashire (2000).**

6.7.1 The NPPF states in paragraph 130 planning policies and decisions should ensure that developments: function well and add to the quality of the area; are visually attractive; are sympathetic to local character and history; establish/ maintain a sense of place; optimise development on the site; and create places that are safe, inclusive and accessible and which promote well-being. Paragraph 134 of the NPPF states that where a development is not well designed it should be refused, especially where it fails to reflect local design policies and guidance on design.

6.7.2 The National Design Guide and the National Model Design Code provide detailed advice and guidance to inform high quality new developments by detailing guidance and structure to help deliver good design which focuses on ten design characteristics across three themes (physical character, community and climate). It was the intention of the forthcoming AAP, through proper masterplanning, explore design across the whole of the strategic site to deliver the Garden Village in a well-planned and comprehensive way, for the reasons as noted above this will no longer be carried out. The Key Growth Principles in SG1 include the need to secure high-quality urban design which promotes sustainable, attractive places to live and creates a sense of community. It should provide high quality open space with a distinct sense of place and should deliver green corridors and contribute to walking and cycling routes. This is reflected in DM29 which also requires development to positively contribute to the identity and character of the area.

6.7.3 The consideration of design is two-fold. Firstly, detailed design matters such as the layout, appearance, scale and landscaping of the development are matters reserved for subsequent approval. The second aspect of design is that of master planning and place-making. It is acknowledged that this submission comes forward in advance of the AAP whereby the design aspirations and vision work for the future Garden Village have not yet been set. However, the question is whether or not this proposal would prejudice the wider design aspirations, masterplanning and place making aspirations for the future Garden Village on the basis of what has been submitted to support the application.

6.7.4 Unlike other sites in the BLG designation, this site is enclosed by existing development and existing transport corridors. The site is crossed by watercourses, drumlins, wooded areas and electric lines with supporting pylons. The applicant, to advocate the scheme delivers a high-quality development to accord with DM DPD Policy SG1, undertook a Design Panel review in 2022 (via the RIBA approved Places Matter! Design review panel), to assess the impact of the proposal. Although undertaken during the course of the application, taking into account Policy DM29, the views and recommendations of design panel will be given due consideration in the design assessment process.

6.7.5 The review acknowledged that the site had great landform, natural water courses and the potential for distinctive local views. However, its conclusion was that the approach and plan was “out of time” where things have overtaken the plan which does not talk to the distinctiveness and beauty reflecting the approach of the best new places that are emerging. As presented, there was no evidence of a single

clear idea of the proposal and what the new place was seeking to be, just a quantum of development and the technical means by which to achieve it. The proposal was considered to be more of precedents rather than a clear vision. It was acknowledged challenging with the site being between corridors of strategic infrastructure but the aim must be to make a settlement of distinction and not just another housing estate on leftover land. It was advocated that streets within this kind of landscape are an opportunity to set up long and short range views which emphasise the shape of the land. A much more contextual approach was advocated to be the driving force of the future development. The changing levels need to be seen as an opportunity to introduce more innovative typologies. The movement strategy lacked a legible street hierarchy, and it was difficult to see an organic form to the street layout. It was urged to develop a series of character areas, in which greater detail can emerge later on. A site of this size demands this kind of approach which also could consider different densities and levels of innovation between the North and South of the site.

- 6.7.6 The applicant has taken onboard the design panel comments and has subsequently submitted a document titled 'design code' to support the masterplan framework, parameter plan and the application. The applicant has not engaged the review panel to undertake a follow up review. As such, it is for this assessment to determine if there is a high level of confidence and certainty that the proposal would deliver a scheme that satisfies SG1 which serves a high bar of excellence in placemaking and urban design.
- 6.7.7 In terms of the general presentation, the design code does not contain many sketches and ideas which was an identified shortfall made by Places Matters! on what was originally presented. The design code still comprises a series of precedents comprising words and generic photos which are difficult to interpret and relate to the proposal. Although there is the inclusion of street views, many are still closed by buildings with and are mainly all based on a flat site, where the site does have a difference of topography which is fleetingly referenced.
- 6.7.8 The difference of levels was highlighted by the design panel where it was encouraged using the changing levels to introduce innovative typologies of housing and the driving force to the scheme in having a more contextual approach. The design code does not clearly set out how the typology of housing and the street layout is particularly innovative, there does not seem to be much variation to the density across the site in relation to height differentials. It is acknowledged that maximum heights have been set out on the parameter plan but it is difficult to see if there are height differences to enhance design and how these would translate into how the site developed across the topography.
- 6.7.9 In respect of character areas, the design code document does introduce three neighbourhood areas. Though topography is mentioned and is considered as a determinant for the neighbourhood quarters it is difficult to understand how the neighbourhood areas have been formed. The western drumlin forms a local highpoint and when on its western side the eastern side of the drumlin cannot be seen. The proposed north to south green route along the drumlin creates a definitive separation, however it is unclear why these areas would be considered the same character. Similarly, the eastern side of the drumlin has a more slightly sheltered, peaceful character (albeit the M6 motorway rising up to the east) compared to the openness of the western side. The arbitrary nature of the selected character areas does not really give me much confidence that the site is understood.
- 6.7.10 It is difficult to see how the design is enhanced through the proposed new neighbourhood areas. For example, visually the area NQ1: Drumlin would much better fit in the NQ2: OU Beck rather than the drumlin quarter taking the contemporary nature of the narrative of the character area into account and the resulting relationship between the existing housing to the north and the M6. The NQ2: OU Beck in the NQ1 area would relate more to the principles of the Garden Village and with the levels lend itself more to a formal frontage relationship of similar proportions.
- 6.7.11 The purpose of policy SG1 is to deliver housing in the Broad Location for Growth, which focuses on high quality development that carefully balances housing and employment requirements, whilst maintaining strong and embedded environmental and high-quality design objectives. It is therefore difficult to see how this proposal has moved significantly on from the design panel review and would achieve the objective of achieving high-quality urban design which promotes sustainable, attractive places to live, defining a sense of place and creates a sense of community for its new residents.
- 6.7.12 The 2023 revision does introduce an acoustic fence adjacent to the M6 which did not form part of the proposal which was considered by the design panel or indeed the Council's Urban Design Officer. The

revised ES notes that the precise extent and height of the barrier is to be confirmed at the detailed design stage of the development but what can be gleaned is the modelling suggests a barrier circa 3.5 metre in height along the eastern boundary of the site (ES paragraph 7.2.93 and in following sections of the ES when considering internal and external noise from road traffic). It is unclear though whether the proposed height accounts for level changes within the application site which may result in the fence being higher on the application side to achieve the overall 3.5 metres facing the M6. Notwithstanding the noise mitigation which is considered under a different section of this report this introduction does present design implications to the proposal given the length and potential overall height raising the question does this promote a sense of place and good design. In effect the eastern boundary of the site, whilst landscaped buffered could be terminated by a substantial solid feature that neither enhances the development within or short range views into the site (albeit from the M6). The Council had advocated from early on that acoustic fencing adjacent to the M6 would not be conducive to good design as given levels difference in some locations would be very visible within the site.

6.7.13 The Council's Urban Design Officer has considered the masterplan and reiterates the view of the review panel in considering the fundamental starting point would be the opportunities the two north-south drumlin landforms present, not just as a constraint but for the visual impact on the character of the development and to maximise opportunities for passive design, good levels of natural light and good views out. The place making possibilities these sweeping views would bring to the site are not considered in the design code. As such it is difficult to see how the unique topographical features of the site have been the key drivers in dictating the proposed layout, the future orientation of buildings and routes, drive sustainable water management and help establish a planting and an energy strategy.

6.7.14 Normally, applications for outline planning permission look to understand and establish whether the use and nature of a proposed development would be acceptable. Even if a number of matters are reserved, detailed consideration of the quantum of development within a prescribed set of parameters set out in an application would be fundamental to the decision-making process. Indeed, while this is an outline application, which only seeks permission for the access and not the layout, scale or appearance of the development the focus is also drawn to the purposes of SPLA DPD Policy SG1 which sets out the principal expectations for developments in the BLG area. In the absence of the APP, SPLA SG1 requires a very high standard of urban design to deliver new development in a holistic and comprehensive manner, creating an attractive environment and a distinct sense of place which provides a sense of identity.

6.7.15 This application has been extensively supported by documents and an indicative layout which helps to illustrate how a site could be developed that has been informed by a design and access statement. Carefully balancing the Places Matter review and the introduction of the acoustic fence it is difficult to categorically say that that the number of dwellings proposed and the constraints within the site would allow for a high-quality design and overall sense of place to be created. There are elements and good aspects contained within the documents, but it is not to say it achieves the high standard expected of SG1.

6.7.16 Given the difficulty in understanding if the site can accommodate the level of development to satisfy SG1 it also makes it difficult to use the CSA report as the basis of the planning condition to require the submission of separate design codes on submission of REMs.

**6.8 Consideration 8 - Open Space Design - (NPPF: Chapter 12); Strategic Policies and Land Allocations (SPLA) DPD Policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).**

6.8.1 Turning to the open space, it has been established in this report that the quantity would satisfy Local Plan policies. Policy SG1, and in particular criteria 6, sets out that the Council will look to create sufficient areas of high-quality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. It goes on to state that the delivery of such spaces should make for distinct areas of separation between the new development and the urban edge of Lancaster, Bailrigg Village and Galgate and give the potential to bring forward a new country park.



- 6.8.2 It is acknowledged the site does provide open space which could be safe and acceptable. The parameter plan shows the creation of green corridors which reflect the relative linear nature of the built form creating buffers to the majority of site perimeter that would be to the benefit of ecology within the site and links with the central green spaces.
- 6.8.3 In the central part of the site adjacent to the bulk of the open space 0.24 ha has been put aside for the creation of an allotment with associated car park which would meet the identified need in respect of this open space typology. Although the details would be forthcoming in a reserved matters application the allotment would complement the open space sitting near to a play area and woodland that is north of Bailrigg village.
- 6.8.4 Three children's play equipped areas are located within the site, a dog walking area and a series of trim trail areas to enhance the areas of open space. The details and management of these spaces can be secured by a combination of a Legal Agreement and planning conditions to ensure they are high quality and managed in an appropriate manner. In terms of this application it has been shown that these spaces to enhance the open space offering can be accommodated within the site.
- 6.8.5 The parameter plan shows the site area narrows and encloses the north, east and southern side of Bailrigg. The proposal does however show a band of open space, allotments and wooded areas which follow the western central boundary of the site which encloses the sides of Bailrigg, providing a degree of separation from the village itself.
- 6.8.6 It is noted the presence of the electricity pylons that cross the middle section of the site and there is a degree of separation with the proposed built form. The lines would cross the open spaces; however, it is considered it would not significantly detract from the area anticipated to be the dog walking area. Given the placement of the enhancement features e.g. play equipped areas it is considered it would be significantly harm the overall quality of the open spaces.
- 6.8.7 Nevertheless, it would be difficult to say the proposed open spaces provides a distinct area of separation between the new development and the urban edge of Lancaster. The band adjacent to Burrow Beck mirrors the existing buffer that is already present, however this is not continued along the northern perimeter where the built form would be seen more as an urban extension due to the closeness of the proposed built form to the existing southern edge of Lancaster. Whilst there is a strip of green space adjacent Ou Beck given its scale it would be difficult to consider this as a distinct area of separation as it does not extend around to the rear of Shireshead Crescent and Dunkenshaw Crescent. The reserved matters application may introduce an element of landscaping along the northerly boundary but not to the extent that it serves as a separation advocated by DM Policy SG1.
- 6.8.8 Given the scale of the proposed development there will always be an element of weighing the individual factors of a scheme as they may not always sit comfortably in a particular policy. As such a judgement has to be made on the design of open space. In quantitative terms the proposal provides a sufficient level of open space which is integrated throughout the site serving to separate the built form. Open space is provided at the top of the drumlins enhancing the existing PROW with separation around Bailrigg village and the north-western side of the site. A buffer separates the built form from the M6 on the eastern side. Indeed, whilst a narrow area of open space is provided to the rear of Knowe Hill Crescent this is not reflected on the south side of Shireshead Crescent and Dunkenshaw Crescent/Winmarleigh Road.
- 6.8.9 It is noted that SG1 does require a distinct area of separation to be created between the new development and the urban edge of Lancaster which applies to the application site and the wider BLG area. Taking into account the Landscape Character Assessments and migration measures within, the open space has provided a buffer to the M6, top parts of the drumlins, along Burrow Beck and around Bailrigg village. A separation with the existing streets along the northerly section of the site has not been identified, however, taking the LCA into account it is considered it would not be untoward to the wider character of the area. The thrust of SG1 is in the context of delivering the Garden Village and as such it is considered this proposal to close up separation spaces is not part of the Garden Village – rather a small-scale extension to the built-up area. The development would instead result in the potential area of separation within the BLG to the perimeter around Bailrigg Chase. Whilst this may weigh against the proposal given it would integrate with the open space within the site it is considered it would not be severe to warrant a refusal of the application as having a harmful effect on the character of the area and the design of open space within the site.

**6.9 Consideration 9 - Transport and Highway Matters - NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SPLA DPD Policy SG1 Lancaster South Broad Area of Growth T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan;**

- 6.9.1 In relation to transport considerations, both national and local planning policy strive to ensure development is:
- Located in areas that are or could be made sustainable;
  - Safe and accessible for all users;
  - Promotes sustainable transport modes;
  - Minimises the need to travel by private car by prioritising pedestrian and cycle movements;
  - Ensure the highway safety and efficient of the highway network is maintained;
  - Create safe, accessible, well-connected and attractive places.

These key requirements are collectively reflected in the Key Growth Principles set out in policy SG1.

- 6.9.2 Given the scale of the development, the anticipated traffic to be generated from the development and given the known local constraints on the local highway network, the application has been supported by Transport Assessment, a Travel Plan and a detailed access proposal. Following initial consultation with the local highway authority (LHA) and Highways England (HE), the applicant has undertaken further surveys and assessment set out in the applicant's Updated VISSIM Modelling Report (for the Galgate junction).

- 6.9.3 Transport infrastructure has been considered earlier in this report. As such the main transport considerations for this section are as follows:
- The access strategy
  - Impact on the Strategic Road Network
  - Impact on the surrounding highway network
  - Sustainable travel

The Access Strategy

- 6.9.4 This is an outline application but also seeks full permission for access into the site. A southern access (primary) is proposed connecting to Bailrigg Lane and the Health Innovation Campus (HIC) spine road through to the A6, and a northern access (secondary) is proposed off Hala Hill. An emergency access is proposed off Winmarleigh Road.

*Southern Vehicular Access*

- 6.9.5 The access is a continuation of the Health Innovation Campus (HIC) road, recently constructed to serve the HIC. The short section of road connecting the site with the Health Innovation Campus Road is subject to a separate, full planning application (PA Ref: 19/01137/FUL). As the Health Innovation Campus Road is extended into the site, it will cross and include connection with Bailrigg Lane. The proposed alterations to Bailrigg Lane comprise changes to the western section of Bailrigg Lane from the A6. The drawings propose to change the priority at Bailrigg Lane and downgrade the western section of Bailrigg Lane to better support sustainable users. It is likely that the western section of Bailrigg Lane will still support some vehicular movements, and therefore, adequate visibility splays are still required which can be secured by planning condition.

- 6.9.6 The access plans for the existing Bailrigg Lane are considered acceptable in principle, subject to detailed design and safety audit which can be secured by planning condition. It is acknowledged that there have been discussions between the Highway Authority and the applicant in regard to the proposals and the necessary treatment of Bailrigg Lane to ensure the character of the lane and impact to Bailrigg Village is minimised.

*Northern Vehicular Access*

- 6.9.7 The layout for the secondary access on Hala Hill has taken account of the visibility splays at the junction and swept path analysis for a refuse vehicle. It is considered the access plans for the secondary access on Hala hill are acceptable in principle, subject to detailed design and protection of the visibility splays by planning conditions to maintain the level of highway safety.
- 6.9.8 The topography falls steeply from Hala Road into the site, and as such, the gradient of the site access for both vehicular and pedestrian cycle movements has had suitable consideration to overcome previous Highway Authority concerns and now satisfy design standards. It is shown there to be a maximum gradient of 5%, which, given the topography of the site, can be made acceptable. The gradient of the access can be secured by planning condition.
- 6.9.9 The applicant has confirmed to the Highway Authority that all areas beyond the limit of the adopted highway (and outside of plot boundaries) will be managed and maintained by a Management Company. This will include the embankment and its drainage as it will not form part of the highway to be adopted.

#### *Pedestrian Access and Cycle Access*

- 6.9.10 From the proposed southern access, it is proposed to lay a 3m footway/cycleway on the western side of the new road, and a 2m footway on the eastern side taking into account of gradient changes. This is a continuation of the provision of the existing HIC road and provides pedestrian and cycle access from the A6 through the site to Hala Hill. The proposed access is in line with the desired gradients as suggested in LTN 1/20 and includes the use of intermediate (level) sections, along the path.
- 6.9.11 The proposed northern access shows a 3m footway/cycleway on both sides of the internal spine road. There is an existing footpath on the south side of Hala Hill that is constructed to just east of No. 24. The proposed development will deliver a continuation of this footway, with a 3m width, up to the new site access and into the site. Further pedestrian provision is proposed with a 2m footway running to the east of the site access, with a new pedestrian refuge proposed at the junction with Bowerham Lane.
- 6.9.12 It is considered the footway/cycleway accesses are acceptable in principle, subject to detailed design that can be secured by planning condition.
- 6.9.13 It is noted that there is limited provision within the applicant's control that improves connectivity to the university (from the south-eastern section of the site). The Highway Technical Note states that discussions are ongoing with the University regarding improved pedestrian and cycle connectivity to/from the University campus. Although an outcome has not been achieved to deliver opportunities which would shorten walk/cycle between the site to/from the University the applicant has confirmed that they will deliver a cycle/pedestrian link up to their site boundary. This can be secured by planning condition to secure a future link whilst dialogue is ongoing.
- 6.9.14 Discussions are also ongoing with the Council in regard a cycle connection crossing the Burrow Beck to Collingham Park. Although not finalised it can be reported that the Council do not have an objection to such a crossing. Therefore, the details of a connection can be secured by a planning condition to improve connectivity with the surrounding area which will engage active modes of transport and encourage active travel, helping to improve people's health and wellbeing.

#### *Pedestrian Access and Cycle use of PROW within the site*

- 6.9.15 The line of the existing PROW 1-1-FP 54 follows the top of one of the drumlins within the site. The PROW exits the site on Winmarleigh Drive into the Hala estate to the north, and housing along Bailrigg Lane to the south. The illustrative masterplan suggests that the existing PROW through the site is to be retained.
- 6.9.16 It is expected that the PROW is suitably enhanced to account for the greater use and for all times of the day and throughout the year. Appropriate lighting (such as low-level lighting) and appropriate surfacing to accommodate pedestrians and cyclists can be secured by planning condition.

#### *Emergency Access*

- 6.9.17 It is considered the proposed emergency access off Winmarleigh Road, on the line of the existing PRoW with collapsible bollards is acceptable.

#### Impact on the Strategic Road Network and surrounding highway network

- 6.9.18 The local highway network in the vicinity of the application site and along the A6 corridor is highly constrained. At peak times through its primary junctions, the network experiences significant traffic and congestion. This is a locally significant concern but is also a significant constraint to future development in South Lancaster as set out early in this report. The Local Plan (mainly policy SG1 and SG3) sets strategic objectives and ambitions to tackle the highway constraints along the A6 corridor, which will require significant intervention including the reconfiguration of Junction 33 of the M6 and modal shift, in order to improve operational capacity between the motorway and the city centre to support significant growth. Policy SG1, however, recognises some development could come forward ahead of the AAP (and plans to secure the transport-related infrastructure) provided the residual impacts upon the network are not severe (in terms of safety and efficiency). This is the primary test in this case.

#### *Strategic Road Network*

- 6.9.19 Over the duration of this application the applicant has been in dialogue with the Highway Authority and National Highways regarding the Transport Assessment (TA) and how the impact on the road network is measured. This has culminated in a VISSIM modelling of the A6 corridor between Galgate and M6 Junction 33. This form of modelling provides a more accurate picture of the complex interactions at the junction. It can take account of driver behaviour, slow-moving traffic and the effects of obstructions on the highway, such as parked vehicles and bus stops. It allows the traffic impacts of development in south Lancaster to be understood properly given that the network experiences significant congestion at the A6 Galgate crossroads that can regularly extend south towards the A6 / M6 Junction 33 Hampson Green roundabout. Consequently, this, coupled with future growth in the area has the potential to extend this queuing further and interact with the operation of the motorway junction itself. Inadvertently it is primarily for this reason that LCC has looked to progress delivery of the South Lancaster to M6 Link Road scheme. This scheme if brought forward would involve the bypassing of Galgate itself and is to be aimed at addressing not only this existing traffic problem at the junction but also supporting future growth in the area identified within the adopted Lancaster Local Plan.
- 6.9.20 However, it must be noted at this time, the Link Road scheme has no certainty of delivery given that it does not yet have planning approval. It should be noted that given the HIF monies have been returned to central government certainly within the next 5-10 years it is hard to see a road being constructed. Consequently, development coming forward at this time must therefore be assessed against the existing road network (and not what may theoretically happen).
- 6.9.21 A 2018 base year VISSIM microsimulation model was prepared by the applicant and was based on 2018 traffic data and had been developed to cover the single junction of the A6 Main Road / Stoney Lane / Salford Road junction. The base model had been agreed with National Highways and is consistent with that used in the assessment of Lancaster application reference 19/00332/OUT (95 dwellings at Lawsons Bridge). The area for modelling was subsequently increased to cover the A6 roundabout and M6 Junction 33. This cumulatively enabled an effective comparison to be made in terms of both committed and cumulative development traffic impact.
- 6.9.22 The VISSIM modelling represents the best level of assessment of traffic impacts on this network from development in south Lancaster that exists currently and is therefore the only robust evidence on which decisions can be made at this time and so represent a minimum standard of approach that is acceptable. The modelling has shown that the full development quantum traffic impact on the strategic road network would increase highway safety concerns posed from queueing traffic. Slip road queueing, even occasionally along the majority of the length of the slip road may be likely to remove the amount of carriageway available for vehicles to decelerate using the slip road and so instead vehicles would then decelerate within Lane 1 of the motorway mainline. It is likely that the addition of the development traffic would therefore impact on the motorway mainline, which would then present safety concerns caused by braking vehicles on the mainline in advance of very slow moving / stationary vehicles ahead on the slip road. This creates a likelihood of shunt-type incidents. The creation of the level of queueing on the motorway slip road is likely to increase over time with background growth and any further development.

- 6.9.23 It is acknowledged that National Highways have not raised an objection to the proposal, subject to the imposition of planning conditions to make the development acceptable in planning terms. However, the proposed mitigation will be discussed at the concluding section following assessing the effect on the surrounding highway network.

#### *Surrounding highway network*

- 6.9.24 Turning to the local highway network the scope of the Transport Assessment has been the subject of pre-application and ongoing discussions over the duration of the application with the Highway Authority. The applicant has committed to a scenario of working with LHA and LPA to fully support the wider assessment analysis/scheme identification, initial design, costings and level of contribution. This is where all matters are understood and agreed between the HA and applicant to a level that demonstrates the application could come forward in line, supporting the Local Plan and associated necessary measures. In doing so a simplified approach has been progressed in respect of the TA. The technical wider modelling will be undertaken by the HA, in line with its strategy and initiatives.
- 6.9.25 Despite being sustainably located with good and improved access to public transport and the pedestrian network, the proposed development will inevitably generate traffic. The applicant's Transport Assessment indicates that the proposed development is anticipated to generate a total of 377 two-way vehicle movements during the morning and 427 evening peak hour period movements. The Highway Authority is satisfied with the assumptions made in respect of trip generation and distribution arising from the development.
- 6.9.26 It is noted that the HA agrees with the committed developments that have been considered in the operational assessments and that they are added to the 2029 growth flows to produce the 2029 base flows. Indeed, while the approach is not contested it should be noted the date which the original Transport Assessment was drafted and the committed sites identified. Following publication of the TA there have been a number of further developments that have been granted approval by the LPA which have not been included which as a result cast doubt on the projected based flows which the assessment has been based upon. Given the proximity of some of these sites it would require to be fed into the assessment to ensure the TA is robust in how it has considered the impact to the local highway network.
- 6.9.27 Given that sites have not been included into the baseline figure this could skew how the effects of additional traffic on the network have been robustly assessed to ensure the proposal does not have significant adverse impacts on the safe and efficient operation of the local highway network. The junction capacity assessments without a full updated committed development only potentially considers part of the traffic generated by the proposed development and traffic generated by committed development, accounting for estimated background traffic growth.
- 6.9.28 With the exception of the Galgate junction, the LINSIG and PICADY Model has been used to undertake the analysis of the operational capacity of the proposed accesses. Galgate junction VISSIM modelling is discussed in detail above but is included here for completeness as it crosses between the HA and NH. Notwithstanding the inclusion of updated committed developments the findings of the effect on the main junctions assessed in the Transport Assessment are as follows:

Analysis software	Location	Within capacity in the '2029 With Development' scenario
LinSig	Southern access	Yes
PICADY	Northern access	Yes
VISSIM	Galgate Signals	Some development (spanning a number of years for this proposal) can be accommodated prior to completion of M6 J33 works. Linked with SRN section above.
Junctions within the Wider Network*		Not formally assessed as a number of junctions are already known to operate at or beyond capacity during peaks and off peak. The proposed Gravity Model approach includes these locations.
* Junctions listed under paragraph 6.4.19 of this report which discusses the gravity model proposed by the HA.		

- 6.9.29 It can be gleaned that the modelling can conclude that the northern and southern accesses could operate within capacity. Due to the approach advocated by NH in respect of the mitigation proposed (i.e. by planning condition) the Galgate signals can be concluded that a level of development (but what

this amounts to is entirely unclear) can take place without significantly affecting the junction, prior to junction 33 link road being brought into use (which NH are advocating).

- 6.9.30 It is noted the theory of a gravity model is for specific interventions, to promote modal shift or implement traffic regulation orders as and when required. Inadvertently this would improve accessibility and safety for unsustainable users along the A6 which is noted of having a number of collisions (mainly cyclists). Given the difficulty in how committed developments have been considered and equally important that this is an EIA application it is unclear if there is a sound and robust baseline for the gravity model to be developed. While the gravity model advocates a proportionate contribution to a number of junctions it is unclear if this is sufficient on the basis of the information presented for the junctions to operate safely and efficiently without adverse effects on the local highway network. Taking into account the comments from the Highway Authority it cannot be discounted that the traffic impacts from the proposal (even with mitigation) would not be severe (given the stance of National Highways) and the development could be accommodated at the quantum proposed. That said the County do not object to the development assuming monies are paid to them for works along their highway.

#### Sustainable travel

- 6.9.31 In terms of the site's accessibility to schools, employment, the City Centre, local services and amenities the TA considers the distances from the centre of the site to local facilities. With regard to the location of services, schools, and amenities, the main desire lines are considered north and south of the site. Located to the north of the site are a number of primary schools, off Bowerham Road, as well as Secondary Schools towards the city centre. The closest primary school is Moorside, which could be circa 2km for the dwellings furthest away on this site. This is at the preferred maximum walk distances by the Institution of Highways and Transportation (IHT). To the southwest of the site is the adjoining HIC and slightly further to the south is the University and related leisure facilities, both within easy reach.
- 6.9.32 Indeed, while the TA suggests that amenities are at a reasonable walk distance from the site, there is a need for quality infrastructure. Subject to agreement with adjoining landowners, there is potential for a number of pedestrians/cyclist accesses to the site, such as Bailrigg Lane, HIC Road, University link to the south, Burrow Beck crossing to the west, and the PROW, and site access with Hala Hill to the north. These would provide a number of opportunities to better access amenities and could be achieved by planning condition to ensure a reserved matters layout provided those opportunities of linkages webbed into the future design.
- 6.9.33 The Lancaster City district cannot just create more vehicle capacity at junctions and links to overcome barriers to development. Where appropriate, highway space needs to be reallocated to sustainable modes to increase the levels of overall capacity for users of the public highway. This is fundamental, underpinning the approach taken in the Lancaster Infrastructure Strategy and lying at the heart of SPLA SG1 for the south Lancaster BLG.
- 6.9.34 Cycle routes form part of a wider package of measures comprising initiatives along the A588, A6, through the proposed Garden Village, and in the city centre. This is to improve active travel connection (South Lancaster Cycleway) to encourage modal shift away from private vehicles, supporting a sustainable approach to growth in South Lancaster. Notwithstanding the certainty matter on being deliverable measures introduced through Galgate, in tandem with J33 reconfiguration, are required to mitigate the impact of growth in South Lancaster on an already congested part of the network.
- 6.9.35 The LCC Infrastructure Strategy cycle route, east of the A6 is proposed along Lentworth Drive and Whinell Drive, is complemented by traffic reduction measures. These improve convenience for other road users by restricting/delaying certain traffic types, typically the private car, and seek to provide connections towards Lancaster University's Health Innovation Campus and the university itself. Its implementation will improve accessibility and creating better capacity for sustainable modes, and also complements to overcome issues with A6 Main Rd / Stoney Ln / Salford Rd – A6 (S) Corridor (Galgate), A6 Preston Lancaster Road/Hazelrigg Lane Signals, and A6 Scotforth Rd / Hala Rd / Ashford Rd - A6 (S). Modelling undertaken by the County Council suggests that, in 2033, all of these junctions are expected to operate significantly higher than theoretical capacity which places significant pressure on a modal shift to work in tandem with development.
- 6.9.36 In respect of bus travel the A6 corridor is well served by public transport, with up to 12 services an hour in peak periods, to destinations including Lancaster city centre, Morecambe, and Heysham. This is an

excellent level of service but walk distances from large parts of the site are excessive and as such, in isolation, will not be attractive to encourage residents to travel to and from the site by bus.

- 6.9.37 The closest bus stop from the proposed northern access is on Hala Hill, approx. 200m from the access, and the closest bus stop from proposed southern access is on A6, approx. 450m from the nearest dwellings on the proposed site. The Hala Hill stop provides 2 services, and the A6 stop provides 9 (non-school) services, which include the 2 services of the Hala Hill stop. This suggests that the A6 stop would be the more attractive stop but is approximately 1.5km from the furthest proposed properties on this site. Walk distances from large parts of the site to frequent services would be an outstanding issue if stops were not provided on site.
- 6.9.38 Paragraph 5.4.11 of the TA states, 'As such, there is potential for existing provision to be improved further by the provision of a penetrative bus service through the site, thus ensuring that all properties are within a short walk of a bus stop. This offer is supported, for the avoidance of doubt, internal provision will be of quality bus standard, and a number of the stops will include shelters. This to be protected by a suitably worded planning condition.
- 6.9.39 The Highway Authority would the access road to provide a 6.5m carriageway to allow bus routing through the site. In addition, it would be expected that bus stops are to be provided by the developer within the site at appropriate locations. Bus stop locations can be agreed with LCC Highways at the Reserve Matters stage taking into account site penetration, routing during different phases of the development, satisfying need and site sustainability including timing for completion of the through access road.
- 6.9.40 The rail station is located circa 3.3km from the centre of the site and can be accessed by a frequent bus service which is served by stops on the A6. The 16-min bus journey to the rail station should be an attractive mode of travel for residents. This is in line with the measures delivered as part of the wider infrastructure strategy.

#### Conclusion and assessment of proposed mitigation

- 6.9.41 In respect of the two site accesses into the site, they are considered, subject to the imposition of conditions, acceptable.
- 6.9.42 In regard to the strategic road network, it has been demonstrated that the full quantum of development cannot be achieved without significantly affecting queue lengths on the M6 motorway slip road at junction 33 to the detriment of moving traffic on the carriageway (therefore introducing a safety concern). The VISSIM modelling, has shown there still to be problems associated with the A6 north of Galgate Crossroads in the PM peak and the A6 south of Hampson Green roundabout in the AM peak forecasting queues of multiple kilometres in either direction. Therefore, it would be reasonable to conclude that the full 644 dwellings would not be deliverable without intervention. With no certainty here the LPA cannot conclude this is acceptable in highway terms as it may create a safety and severe impact.
- 6.9.43 Turning to the surrounding road network, it cannot be determined that the proposed development would not have an adverse effect on the local road network due to a number of committed developments not being considered in the Transport Assessment. Given the applicant has chosen a scenario where a simplified approach is progressed and agreed in respect of the TA, detailed impacts on junctions have not been provided by the HA. However, it is stressed by the Highway Authority that there are junctions that are already known to operate at or beyond capacity during peaks and off peak. The locations are identified under the transport infrastructure section of this report and forms the backcloth to establish the level of mitigation required to improve highway safety and if it is appropriate.
- 6.9.44 The mitigation advocated by the Highway Authority is for a gravity model type of contribution. This is discussed at the transport infrastructure section of the report.
- 6.9.45 In respect of the SRN it is accepted that the modelling does not include the mitigation of the future link road. Instead to facilitate development, NH has requested that a condition be attached which requires amongst other highway improvement works, a report based on modelling work setting out the number of dwellings that can be constructed in advance of the South Lancaster to M6 link road (referred to as the Acceptable Dwelling Limit).



- 6.9.46 The proposed condition although closely associating with, does not explicitly tie the commencement of development to the M6 link road which removes the ambiguity should it not progress, as a form of development could still be implemented. The proposed condition would nevertheless still be ultra-vires as we need to understand what is the current limitation in terms of capacity. NH in expressing the full quantum of development cannot be achieved without the link road, reports that the applicant has not provided information to assess if a lower threshold of development could be acceptable in queue length safety terms at Jct 33. This presents a conflict between the proposed condition and if it is appropriate given the nature of the application. It is unclear why further work has not been undertaken in this regard to establish the capacity of the highway network. Given the information available to the LPA it can only be assumed that the full quantum is incapable of coming forward in a safe manner.
- 6.9.47 Notwithstanding the uncertainty around the link road the imposition of a condition for an acceptable dwelling limit could potentially inhibit the level of development on the site. The imposition of such a condition would fail on reasonableness as it could make the development permitted substantially different from that comprised in the application.
- 6.9.48 Given the unknown level of development that could be implemented prior to the link road being brought into use this could further significantly affect how the development is implemented. The application submitted has set out the general parameters and the quantum of development but has not gone as far to set out the sequence of development and over a timeframe including if it is phased in a particular manner given the constraints of the site. In the absence of a sequence of development which is based on or indicatively based on an acceptable dwelling limit there is not the confidence that supports how the general principles of developing the site can be achieved and at the level proposed to reflect the description of the application and the parameter plan. In short it maybe that 100 units are acceptable or 643 however no evidence has been supported to show this. In the absence of such and the concerns raised by NH in their response the LPA cannot look at the application positively.
- 6.9.49 It has been established that the full quantum of development cannot be achieved without a form of mitigation. Although differing in approach the mitigation suggested by the HA and NH is either based on uncertainty of a link road being deliverable or would significantly affect the general principles of how the site could be developed. This presents serious concerns as the two forms of mitigation would not be appropriate in planning terms and / or fail the tests of a planning condition.
- 6.9.50 Turning back to SPLA Policy SG1 as the starting point, development within the BLG would be permitted forward of the South Lancaster AAP provided the development confirms to the key growth principles, namely (No.15):
- “...Addressing longstanding constraints and capacity issues in the strategic and local road network through improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel. This will involve the re-configuration of Junction 33 of the M6 to afford direct motorway access into the South Lancaster area and remove traffic from Galgate which is currently designated as an Air Quality Management Area (AQMA)...”
- 6.9.51 It is clear with what is before the LPA that it has not been identified how the effect to the SRN and local highway network will be impacted by the quantum of development either with or without mitigation. Furthermore, there are constraints and capacity issues where the mitigation proposed is not appropriate in planning terms and may make the development permitted substantially different from that comprised in the application.
- 6.9.52 The NPPF advocates that the Development Plan is to be taken as a whole and to a certain degree undertake a planning balance to reach a recommendation. However, given the level of impact from the development on the SRN and the surrounding road network without appropriate mitigation there is no certainty that the development could come forward in its current form or indeed at a lower quantum. It is unclear whether the residual cumulative impacts on the road network for a form of residential development up to 644 units could be severe which is either at or beyond capacity at key junctions. It is therefore recommended this is a contributing factor for a reason for refusal as the application would be contrary to SPLA Policy SG1.

**6.10 Condition 10 - Archaeology and Heritage Assets - NPPF: Section 12, Section 16; SPLA DPD Policy SP7 (Maintaining Lancaster District's Unique Heritage); DM DPD Policy DM37 (Development Affecting Listed Buildings), DM39 (The Setting of Designated Heritage Assets) and DM42 (Archaeology).**



6.10.1 An Archaeology and Heritage Desk-Based Assessment has been prepared and submitted in support of this planning application. The Assessment considers the archaeological potential of the Site and the potential impact of the development proposals on any designated or non-designated heritage assets.

6.10.2 Identified Heritage Assets

- Potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site
- The Grade II Listed Bailrigg House is a large former house, which is now converted into Lancaster University offices, located approximately 90 metres from the southern extent of the Site.
- Bailrigg Farmhouse dating from the early 18<sup>th</sup> century which is a two storey with attic facing onto Bailrigg Chase. The property rear faces towards the central part of the application site.

Level of Significance

6.10.3 In terms of archaeological resources, the Desk Based Assessment and Geophysical Survey finds that the Site has a low amount potential for prehistoric, Romano-British and medieval remains.

6.10.4 The proposed development would not have a direct impact on the listed buildings but would be within its setting. It is considered the level of significance would be set to medium with the archaeological potential at a medium.

Impact on Heritage Assets

6.10.5 In terms of the site's relationship with the Grade II listed Bailrigg Farmhouse, the building at the closest point is located 20 metres from the southern section of the site's western boundary. The Assessment finds that there is a documented former historical functional link between much of the site and Bailrigg Farmhouse, although this has now been severed. It also finds that modern residential development and planting to the north and east of Bailrigg Farmhouse contribute to natural screens to obscure intervisibility between the site and the former farmhouse. The Assessment concludes that development within the southern part of the Site would cause a very minor amount of harm that is clearly less than substantial to the significance of Bailrigg Farmhouse.

6.10.6 The Assessment finds that there is no intervisibility between the site and Bailrigg House due to screening from structures and historic planting. Its principal views are to the west over its former parkland which now forms part of the extensive grounds of Lancaster University. The Assessment concludes that the historic links between the house and the site is no longer considered to be appreciable and therefore the site does not contribute towards the heritage significance of the asset.

6.10.7 It is acknowledged that layout is reserved for a later submission, however, given the heights, scale and the developable area the proposal could be planned in a manner which would maintain the setting of the adjacent listed buildings. The development in terms of heights of buildings and how they are arranged would need to minimise the impact. However, if appropriately laid out using a combination of separation as a buffer, the built form and soft landscaping could enhance key views of the listed buildings from within the site, which would positively affect the setting. Therefore, development within the site is not anticipated to result in significant harm to the heritage significance of Bailrigg House and Bailrigg Farmhouse.

6.10.8 Turning to the impact on archaeology it is noted that the site was identified through the Local Plan adoption process and during the screening opinion as having a potential high as yet unknown buried archaeological remains. As such the application was accompanied with an Archaeology and Heritage Desk-Based Assessment. Initially the assessment was considered to fall short of suggesting if the low or low-moderate archaeological potential of the site might warrant further pre-determination or post-permission archaeological investigation. This was to better understand the nature and extent of any below-ground remains, and how the impact of the development might be mitigated; whether by preservation in situ (use of open-space, non-destructive foundation designs such as piles or ring beams) or through their archaeological excavation and recording.

6.10.9 Further pre-determination information in the form of the results of a geophysical survey was submitted to support the desk-based assessment. The survey was taken over 2.3 ha of the 38ha site and

detected a range of different types of anomalies of agricultural, natural and undetermined origins. Natural variations have been identified across the survey area, relating to changes in the superficial geology and soil properties. Magnetic disturbance is limited to ferrous anomalies relating to boundary fencing at the survey perimeter, as well as multiple buried services, an overhead cable bisecting the survey area and an infilled pond. No anomalies suggested significant archaeological features were identified, however, anomalies of undetermined origin were detected. These were considered likely to relate to natural processes and/or to modern and agricultural activity; however, an archaeological explanation cannot be entirely ruled out from the outcome of the survey. A strong circular anomaly has been identified in the south of the survey area, that has the appearance of a circular, possibly tracked, feature of unknown origin. The anomaly is partly visible on satellite imagery, nonetheless, its origin is uncertain.

- 6.10.10 Lancashire Historic Team have considered the findings of the survey and although noting the limitations of this type of survey advocate that it would be unreasonable not to at least draw conclusion that the site, based on the current results has a lesser archaeological potential than before the geophysical survey was carried out.
- 6.10.11 As the site might now be characterised as having a lower archaeological potential it is considered that there would not be the need for such 'ground truthing' to be undertaken pre-determination. There still remains however that the only sure means of validating the results of the geophysical survey is by a further phase of intrusive archaeological excavation such as trial trenching. This would ensure that the development remains acceptable against SPLA DPD Policy SP7; DM DPD Policy DM37, DM38, DM39 and DM42 and the provisions of the NPPF in respect of archaeology.
- 6.10.12 Therefore, given the potential of archaeological is relatively low risk it is considered expedient a planning condition which would require a phased programme of archaeological work in accordance with a written scheme of Investigation would satisfy planning policy. This would ultimately ensure the full investigation, recording and secure any mitigation against any identified impact.
- 6.10.13 In conclusion, it is considered the proposed development would have an effect on the setting of the adjacent listed building, however, through careful design can minimise the impact, which could also be enhanced using the built form and soft landscaping to create spaces and framing key views through the development. The attachment of appropriate archaeological conditions would enable the protection of artefacts. It is therefore considered the development would not have a significant adverse impact on heritage assets. Any harm which may arise, having due regard to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is weighed against the delivery of affordable residential as being a significant public benefit in the balancing of this application as per Paragraph 202 of the NPPF. Overall, the proposed development is considered to meet Policy SP7, DM42.

**6.11 Consideration 11 - Flood Risk and Drainage Issues - (NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 159-169 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth, SG3 (Infrastructure Delivery for Growth in South Lancaster) and SP8 (Protecting the Natural Environment); Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015); Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018).**

- 6.11.1 Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the highest risk (whether existing or future). Paragraph 162 of the Framework goes on to state that development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas at a lower risk of flooding through the application of the sequential test. Local planning policy DM33 reinforces the requirements of the Framework by advocating that development proposals should minimise the risk of flooding by taking a sequential approach directing development to the areas of lower risk of flooding. The Key Growth Principles set out in policy SG1 equally reinforce the need to sustainably manage surface water and reduce the risk of flooding with a general expectation that the development within the Broad Location for Growth (BLG) will provide betterment through the delivery of green networks. Fundamentally, it was for the Area Action Plan (AAP) to address the wider allocation of uses within the BLG, including where green networks and open space would be located.

- 6.11.2 The Environment Agency Flood Zone map indicates that most of the Site lies within Flood Zone 1, the lowest risk of flooding, categorised as 'Low Probability' (less than 1 in 1000 (0.1%) annual probability of fluvial or tidal flooding). The underlying bedrock is classified as capable of supporting water supplies at a local scale, but there are no source protection zones within 1km. The soil in this location is made up of slowly permeable seasonally wet acid loamy and clayey soils and the land is classified as being of Moderate agricultural quality (ALC Grade 3b).
- 6.11.3 A Flood Risk Assessment accompanies the planning application and has been prepared using desktop studies of online and acquired mapping, meetings and written consultation with key stakeholders, the issues and concerns raised by the South Lancashire Flood Action Group with observations of current land use, topography, and drainage features (i.e. watercourses and culverts) from Site walkovers. The FRA is to be considered in conjunction with the relevant sections of the Environment Statement in respect of flood risk.
- 6.11.4 The FRA has identified that the 39.36-hectare (ha) site comprises over a dozen land parcels, with most of the land parcels comprised agricultural (grazing) land, with some small, wooded areas. The soils and underlying superficial deposits have low infiltration potential, with shallow groundwater present. The topography of the site has been grouped into four areas, namely a northern parcel adjacent to Hala Hill and Ou Beck, a central area split into a western and eastern parcel and a southern parcel which is between Bailrigg Chase and the north of Lancaster University.
- 6.11.5 The northern parcel falls towards the southwest and Ou Beck which then allows flows to the south along its western boundary. There is a level difference from 76 metres AoD to 60 metres AoD. The central east parcel (adjacent to the M6) falls from the west (63 metres AoD) and east (77 metres AoD) towards Ou Beck and its floodplain which forms the low topographical point of the parcel (circa 54 metres AoD). The central east is more undulating but still falls towards Burrow Beck, from 64 metres AoD. There is a high point of 50 metres AoD in the southwest corner of the site parcel which slopes back into the site. The southern parcel falls from the M6 and the south towards the west and north approximately 77 metres AOD to 58 metres AoD (westerly point) and 54 metres AOD (north towards the central east parcel).
- 6.11.6 The proposed development and submitted FRA will now be considered if it meets the sequential and exception test in addition to ensuring future users are protected from the risk of flooding.

#### Sequential and Exception Test

- 6.11.7 This is an EIA application and given its scale would represent a significant form of development. Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. Within the Strategic Flood Risk Assessment (SFRA), which has informed the Local Plan, the proposed site was considered (Land North and East of Bailrigg Lane ref: 334). The SFRA concluded the site was suitable for housing development subject to the site layout being considered and designed around identified flood risks to pass the sequential test. As the Local Plan does not allocate the site (or any other site/parcel of land within the BLG) for any specific land uses the proposal should still be subject to the sequential test. The South Lancaster BLG is a designation of land in principle whose detailed land use allocations are intended to be set by the subsequent AAP.
- 6.11.8 The applicant's FRA identifies the following within the site:

Flooding Source	Potential Flood Risk at Application Site	Potential Source
Fluvial	Yes - area within the western boundary (adjacent to Burrow Beck) is in Flood Zones 2 and 3	Burrow Beck, Ou Beck, Watercourse 1 and Drainage Ditch 1.
Tidal	No	River Lune and Morecambe Bay
Ground water	Yes - medium risk below ground where Alluvium superficial deposits are present	Secondary (undifferentiated) Aquifer - superficial deposits and Secondary A Aquifer - bedrock designation.
Surface water	Yes, following areas within site: 1:30 year event	Poor permeability and Site topography.

	1:100 year event 1:1000 year event	
Sewers/Mains	Yes - Any flood water from leaking mains would shed overland as shallow (<150mm) flows and would following the localised topography	Public sewers and mains
Infrastructure failure	Yes - an area within the middle extent of the Site along Watercourse 1 located within the mapped extent of flooding from reservoir failure of Blea Tarn.	Reservoir failure and highway flooding.

6.11.9 NPPF Paragraph 162 advocates:

“...the aim of the sequential test is to steer new development to areas with the lowest risk of flooding *from any source*. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding...”

6.11.10 Planning Guidance (NPPG) at Paragraph: 023 Reference ID: 7-023-20220825 states:

“...The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding...”

6.11.11 Taking into account paragraphs 6.11.8 - 6.11.10 above it has been identified that there are other sources of flooding within the site. Therefore, to accord with National guidance in respect of flooding a sequential test should be undertaken to demonstrate if there are other reasonable available sites appropriate for the proposed development.

6.11.12 The onus is on the applicant to assemble the evidence to allow the Council to consider whether the development passes the sequential test. As such, taking into account the parameters of the application the applicant has not identified alternative reasonably available sites at a lower flood risk that could accommodate the development. It is therefore considered that the application has not demonstrated that it can be accommodated in areas of a lower flood risk and as such failed to guide development to those areas at less risk of flooding.

6.11.13 The proposal would fail to satisfy Policy DM33 of the Development Management DPD, particularly in relation to the application of the sequential test in terms of flood risk.

6.11.14 It is recognised the remit of the Environment Agency only extends to whether or not the proposals satisfy the requirements of the second part of the Exception Test. It is for the Local Planning Authority to determine whether or not the proposal satisfies the Sequential Test as defined in paragraph 161 and 162 and, where necessary, the requirements of the first part of the Exception Test as set out in paragraph 163.

6.11.15 In conclusion it is considered given there to be other sources of to the risk of flooding within the site a sequential test is required. In the absence of such a test to support this application it is considered the development has not demonstrated that it is sequentially acceptable to accord with the NPPF, Development Management (DM) DPD policy DM33 and Strategic Policies and Land Allocations (SPLA) DPD Policy SG1. As a result of not satisfying the sequential test the exception test has not been applied to the application.

6.11.16 The implications of failing the Sequential Test extend to the presumption in favour of sustainable development for decision-making. In this case footnote 6 of paragraph 11 of the NPPF is applicable because the failure to pass the Sequential Test is such that would provide a clear reasons for refusing the development. This consequently disengages the tilted balance (paragraph 11 (d) i) when assessing the application against the NPPF as a whole. The failure of the Sequential Test is a matter of great weight that must be weighed in the overall planning balance (albeit not a tilted one).

### Surface water runoff

- 6.11.17 Paragraph 169 of the NPPF and policy DM 34 of the DM DPD make it clear that major development proposals should incorporate sustainable drainage systems based on the surface water drainage hierarchy. Sustainable drainage schemes should, where possible, also provide multifunctional benefits.
- 6.11.18 A detailed topographic survey has been used to delineate five watershed catchments within the Site boundary. The proposed drainage strategy would replicate the existing overland flow pathways to ensure runoff from one catchment is not directed to another, to avoid an increased risk of flooding post-development.
- 6.11.19 Soakaway testing was undertaken to investigate the feasibility of the SuDs. Findings show that infiltration-based SuDS would not be feasible due to low infiltration and shallow groundwater. However, options such as detention basins, permeable paving, filter strips, swales and attenuation tanks were also considered appropriate for the site.
- 6.11.20 The surface water drainage strategy proposes rainwater runoff from the housing area and roads will be managed through attenuation basins, which will hold and return water at a controlled rate (site tests show that infiltration would not be feasible due to low rates of infiltration and shallow groundwater). Measures to control pollutants from entering the water environment will be incorporated into the drainage system. The basins will also be sized to allow for future changes in predicted rainfall intensity associated with climate change. At this outline stage, the precise details of the size, type and location of the attenuation facilities are not provided, although the Illustrative Masterplan has been submitted to evidence the strategy is feasible. It is anticipated that the attenuation may comprise a combination of storage facilities to take account of site constraints with the framework masterplan indicating that 1.69 hectares would be for attenuation basins. The precise details can be controlled by condition and accounted for at the reserved matters stage when layout is considered. Notwithstanding this, it is useful to set out at this stage that there is an expectation for the development to deliver predominately high quality, above ground storage facilities in order to conform to the Key Growth Principles of policy SG1 in relation to design and place making and to ensure the sustainable drainage scheme has multifunctional benefits.
- 6.11.21 The basins will be designed to create some permanently wet areas and other seasonally wet areas, which would be planted with vegetation that would benefit wildlife.
- 6.11.22 The LLFA and the EA have no objection to the proposal subject to the imposition of a suitable surface water drainage scheme and maintenance plan. The development sufficiently demonstrates that the development can be sustainably drained to accord with the requirements of the Development Plan and the NPPF.

### Foul water

- 6.11.23 Waste water from the housing would be connected to the public foul sewerage network. It is anticipated that that two pumping stations will be constructed as part of this development. A main pumping station will need to be located roughly in the centre of the development area east of the public right of way (ridge), with a smaller pumping station in the south-east corner. It is likely that foul flows would be directed towards an 825mm diameter public sewer that runs alongside the Burrow Brook and into Scotforth Road, before heading west to the sewage treatment works.
- 6.11.24 The submission includes pre-application correspondence between the applicant and United Utilities who have indicated capacity is not an issue and foul sewerage can discharge at an unrestricted rate. The precise details of the foul drainage scheme can be controlled by planning condition. United Utilities has raised no objections to the proposals.
- 6.11.25 The application is accompanied by a Flood Risk Assessment (FRA), the finished floor levels for the site are above the anticipated 1000-year flood level allowing for climate change. The surface water run-off is maintained at a limit of no more than 5 l/s through the inclusion of attenuation within the proposed drainage system. The design proposed includes measures to minimise flood risk and reflect the risk of flooding such as below GF voids that would flood first and higher electrical points internally.

- 6.11.26 The Environment Agency and LLFA, raises no objection in terms of flood risk or surface water drainage subject to conditions The EA also raised an initial objection regarding access to the river wall. However, have now removed their objection as the matter has been addressed.
- 6.11.27 In terms of foul water drainage, United Utilities do not object subject to conditions and therefore the proposal is in line with policy DM35 of the DM DPD.
- 6.12 Consideration 12 - Biodiversity** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity).
- 6.12.1 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended under the Habitats Regulations 2019) requires that plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of a Special Protection Area (SPA), or a Special Area of Conservation (SAC), collectively termed Habitats Sites, unless there are imperative reasons of overriding public interests and no alternatives. Government policy is that Ramsar sites should be given the same protection as European sites (Habitats Sites), outlined in paragraph 181 of the National Planning Policy Framework (NPPF).
- 6.12.2 The Conservation of Habitats and Species Regulations 2017 (as amended) transposed the Land and Marine aspects of the Habitats Directive (Council Directive 92/43/EEC) into British Law. SACs and SPAs in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network.
- 6.12.3 Regulation 63 of the Habitats Regulations require a Competent Authority (in this case the Lancaster City Council) to carry out an assessment under the Habitats Regulations Assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a designated site.
- 6.12.4 The Habitats Regulations require any person applying for such consent, permission or authorisation to provide such information as the Competent Authority may reasonably require for the purposes of the assessment. This information is commonly presented as Information to Inform a Habitats Regulations Assessment (IIHRA or Shadow HRA). However, it remains the responsibility of the Competent Authority to make an appropriate and reasoned decision.
- 6.12.5 The Site is not covered by any national statutory or non-statutory designations for ecology. Equally, there are no national or non-statutory designations located adjacent to the Site. There are five international statutory designations located within 10km of the Site namely Bowland Fells Special Protection Area (SPA), Calf Hill and Cragg Woods Special Areas of Conservation (SAC), Morecambe Bay SAC/Ramsar and the Morecambe Bay and Duddon Estuary SPA. There are two national statutory designations located within 4km of the Site namely the Lune Estuary SSSI which forms part of the Morecambe Bay SPA/SAC/Ramsar and Bowland Fells SSSI. A similar area is also noted as a Recommended Marine Conservation Zone (MCZ). There are no local statutory designations located within 3km of the Site.
- 6.12.6 A Habitat Regulations Assessment Appropriate Assessment has been prepared in support of this application to screen and consider potential adverse effects on the Morecambe Bay SAC/Ramsar and the Morecambe Bay and Duddon Estuary SPA, either alone or in combination with other plans or projects. Calf Hill and Cragg Woods SAC and the Bowland Fells SPA have been screened out given the degree of separation from the site (although mitigation measures proposed in respect of diffuse recreational pressures on designated sites would apply to the Bowland Fells SPA). This ensures the LPA has complied with the HRA Regulations as the 'Competent Authority'.
- 6.12.7 Morecambe Bay SAC/Ramsar and the Morecambe Bay and Duddon Estuary SPA situated 2.2km to the northwest of the site have been selected as they provide habitats for non and breeding wildlife populations comprising marine areas, sea inlets, tidal rivers, estuaries, mud flats, sand flats, lagoons and salt marshes with salt pastures.

- 6.12.8 In terms of direct impacts, it has been sufficiently demonstrated that the site and surrounding fields are unlikely to be used by a significant number of SPA/SSSI birds and therefore the proposal will not result in adverse effects on the integrity of the designated sites. It is concluded that, providing available mitigation measures are designed and implemented appropriately, the development proposal will not cause any harmful water pollution impacts on the designated sites.
- 6.12.9 The proposal does, however, have potential for indirect impacts in the form of recreational disturbance, construction activities and water pollution.
- 6.12.10 The former can be mitigated given the distance between the site and the designated sites, that there are credible, tried and tested methods are available for avoiding water pollution during the construction and operation of the development and any development will be required to meet existing greenfield run-off rates. Foul water will be discharged to main sewers for treatment. During site clearance, groundworks and construction works, established construction practices are available to avoid any possibility of water pollution during construction operations.
- 6.12.11 There is no direct access to the designated sites (via public rights of ways or other recreational routes) despite a reasonably good network of paths in the immediate area however, a number of studies have shown that recreational disturbance is one of the most significant factors causing harm to the special interest of the designated sites. It would not be possible to conclude the development would not lead to any recreational pressure on the designated sites. To mitigate against this the provision of open space on the site and homeowner packs to be provided to each dwelling is required. This is considered with the HRA for the Local Plan and further complies with one of the Key Growth Principles of Policy SG1.
- 6.12.12 The homeowner packs would be expected to include details of the affected designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. The inclusion within the site of high-quality greenspace available for local recreation, which will avoid the need for people to travel to the coastline for recreation.
- 6.12.13 It is considered the proposed development will not result in cumulative effects with other plans and proposals on the special nature conservation interest of designated sites.
- 6.12.14 In conclusion, the proposed development will have no significant adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by conditions attached to any planning consent. Natural England raises no objections to the proposal and concur with the conclusions of the HRA.

#### Biodiversity net gain

- 6.12.15 In relation to biodiversity net gain, a calculation of the baseline Biodiversity Units using the Defra Metric has been provided to inform the application, along with some written analysis of the likely impacts of habitats. It is noted that such metrics are not compulsory, but they do provide an objective measure of whether a development can provide a net gain in biodiversity, as is strongly encouraged by the NPPF and by Local Policy. GMEU have asked for quantification in terms of Biodiversity Units that will be lost as a result of the development, even if this is caveated with the fact that the designs are at outline stage at the moment. Furthermore, a development of this scale and at this location should be providing at least a no net loss of biodiversity, and it is recommended to provide net gain for biodiversity, would be preferable on the site.
- 6.12.16 The Government's response to the 2018 consultation on net gain suggested there would be a two year implementation period for mandatory BNG once the Environment Bill received Royal Assent and became the Act (which happened on 9 November 2021). The Act includes provision for secondary legislation to set a date for the requirement to come into force. It is anticipated that the mandatory requirement to come into place in January 2024.
- 6.12.17 The applicant has submitted a BNG metric (Defra 4.0) and an Outline Biodiversity Net Gain Plan (Evelyn Ecology, September 2023). The BNG metric has been completed based on an updated UKHab survey and habitat condition assessment carried out in May 2023. GMEU has assessed the submission and



notes that a very small (2.11%) habitat net gain is predicted, and a 24.14% hedgerow net gain is predicted. However, 218m of hedgerow included in this metric has not been included in the plans submitted so far, but has been noted as an opportunity for enhancement by the ecologists. Even if this is removed from the metric, a net gain of over 10% of hedgerows is still achievable. It has been identified that there is an error in the metric table, with regards to tab A-3 – On-Site habitat enhancement. In Row 12 (Baseline Ref 3), Column R (Proposed habitat) the proposed habitat has been changed to mixed scrub rather than remaining as other woodland; mixed. When this is changed to the correct habitat, the overall gain for the site in the results table is lower- 1.56% (or 1.57 units).

- 6.12.18 GMEU conclude in respect of BNG by reporting that the small percentage habitat net gain (whether 2.11% or 1.56% is used), falls somewhat below the 10% net gain target for BNG. With a view expressed that it gives a low level of certainty as to whether biodiversity net gain (or indeed no net loss of biodiversity) can be delivered on site, should some of the assumptions made within the net gain plan not be correct.
- 6.12.19 Notwithstanding GMEU's comments it is recognised that Policy DM44 sets out that there should, as a principle, be a net gain of biodiversity assets wherever possible but does not set out an amount or a requirement to measure this. As such, given the Legislation is yet to come into force it would be difficult to require further information in respect of the biodiversity matrix calculation. Taking into account the habitats on-site are dominated by species-poor semi-improved grassland, with the exception of the linear features, and the opportunities to provide enhancements within the site, it is considered that the lack of a detailed assessment of net gain would not be a sufficient reason to refuse the application.
- 6.12.20 It is recognised that to be compliant with the relevant NPPF policies and Lancaster's Local Plan, sufficient information relating to BNG can be secured at Reserved Matters/Detailed Design stage. This can be achieved through appropriate conditions to update surveys and the BNG metric at the reserved matters stage. Given the uncertainty around the scheme to deliver net gain on site, a mechanism to secure off-site units can also be considered should it be required.

#### Protected species

- 6.12.21 The application has been supported by an Ecological Impact Assessment informed by protected species surveys with an accompanying habitat plan. These surveys focus on the application site with an addendum to include the most northerly area adjacent to Hala Hill to map the habitats to be impacted and review any protected species constraints. As the results of the previous survey work has not identified any significant constraints with regards to protected species, GMEU are satisfied that the update of all ecological surveys can be secured via condition, should planning permission be granted. These surveys would need to have been completed prior to reserved matters applications being submitted and any appropriate mitigation measures also incorporated into the proposal.
- 6.12.22 The Study Area comprises a network of semi-improved grassland fields with additional hedgerow, woodland and aquatic habitats. The area also includes buildings and associated habitats within the curtilage of the property Low Hill. The hedgerows, woodland pockets and aquatic habitats within the Study Area have intrinsic ecological value and provide green links to the wider landscape.
- 6.12.23 The surveys found potential protected species issues relating to bats, otter, birds and great crested newt. Precautionary measures are recommended for badgers and reptiles with the development of the site will also need to consider the presence of Himalayan balsam. Taking each protected species in turn.
- 6.12.24 **Bats** - A building is proposed for demolition to accommodate the access at Low Hill. No evidence of bats was found, but the house was judged to have moderate potential to support roosting bats, and the shed low potential, so 2 bat activity surveys were therefore undertaken in May and August 2019. No bats were seen emerging or entering the buildings. Sufficient survey work in relation to the building demolition has been submitted. There has however been a period of time since the surveys were undertaken. Taking into account the building may have become a newly formed habitat it is considered further survey(s) to ensure the building can be demolished can be secured by planning condition.
- 6.12.25 Turning to the wider site it is noted that the surveys recorded nine species including Soprano Pipistrelle, Common Pipistrelle, Myotis species and Nathusius Pipistrelle. Most activity was recorded along woodland strips and the boundary features. The initial bat survey identified 5 trees within groups that



have a high roost suitability (G10, G17, W1) and 2 trees with parts of groups (T1, T10, G2, G7, G16 and G21) having a moderate suitability.

- 6.12.26 To better understand potential constraints to development by roosting bats, 16 trees within three tree groups initially identified as having Moderate to High bat roosting potential during a preliminary ground-based assessment in February 2019, were subject to a detailed climbing inspection on 05 March 2020. Further survey work identified that 6 trees (G7b, G7e, G8a, G8f, G8g, G21b) are having moderate potential and two trees (G7c and G8b) as having high potential to support roosting bats, and no confirmed roosts were identified.
- 6.12.27 Although the survey work is considered to be acceptable the scheme should be designed to retain the trees identified with medium and high bat roosting potential. If this proves not to be possible as the detailed design is developed, then further survey work and adequate compensation of the loss of these trees will be required.
- 6.12.28 It is noted that the trees identified as having moderate to high bat activity potential are within category B and C in terms of the health of those trees. Therefore, the protection of those trees would have dual purpose in the interests of visual amenity and for biodiversity reasons. This can be secured by planning condition.
- 6.12.29 **Badgers** - The Environmental Statement chapter states that a badger survey was undertaken in February 2019 and although some large mammal holes were found along B13 and within W4 no other evidence of badger was found, so badgers were scoped out of further assessment. Given the potential of badgers and the passage of time in-between surveys and work commencing on site it is considered expedient to require a badger survey to be undertaken in the particular phase to establish if there is the presence of badgers.
- 6.12.30 **Birds** - The habitat on the site (buildings, trees, hedgerows, grassland etc) is suitable for nesting birds. The active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Additionally, species of conservation concern are also known to be present on the site. A desk top study and wintering bird survey was undertaken and included under the shadow Appropriate Assessment.
- 6.12.31 The wintering bird survey identified a total of 41 bird species on-site or flying over the Study Area. These comprised a range of common and widespread species associated with the hedgerows and trees. Three qualifying bird species of the SPA/Ramsar were recorded (including those designated as part of the waterbird assemblage), a Curlew, Herring gull and Lesser black-backed gull. It was concluded, amongst other none identified SPA/Ramsar bird populations that the species were not recorded in significant numbers. A condition is proposed to limit demolition, site and vegetation clearance to avoid the main nesting season (March to August inclusive). Although the study is relatively absent in providing a mitigation strategy a further technical note submitted by the applicant does suggest a series of species-specific bird boxes be installed. Whilst this is welcomed further work is required to establish if there are any other appropriate migration measures that can be employed within the site. As such it is considered the Construction Environmental Management Plan be further extended to include mitigation for the bird population.
- 6.12.32 **Otters** - The aquatic habitat on and adjacent to the site is suitable for otters. Given that otters were confirmed along Burrow Beck there would be a likelihood that Ou Beck may also have potential (although not surveyed). It is agreed with the Environmental Statement in its conclusion that due to the lack of resting sites there is not considered to be a legal constraint. No evidence of water vole was found and therefore it is considered a Construction Environmental Management Plan secured by planning conditions would afford suitable protection during the construction for otters.
- 6.12.33 In respect of GMEU's comments that the scheme should be revisited to ensure connectivity between Burrow Beck and the site it is noted this application is in outline form whereby layout is a future consideration. This could be attached as an advisory note that a reserved matters application need to take into account the connectivity for wildlife around the site close to existing habitat features.
- 6.12.34 **Great crested newts** - There are numerous ponds within the development site and within 500m from the site. A scoping exercise was undertaken to assess the ponds in relation to the site. Ponds were either scoped in or out of the further survey work based on distance from site, connectivity to site and

suitability for great crested nests (i.e. high fish impact). A number of ponds could be discounted from further study due to the presence of the M6 between them and the study site, and other waterbodies were not suitable for great crested newts, such as a raised stone trough present on the site. Three ponds in total were subject to eDNA survey in 2019, which returned negative results for great crested newts. There is limited potential for great crested newts to be present on the site.

- 6.12.35 **Reptiles** - There are records of slow worm within 1km of the study area, and some of the watercourses and field boundary habitat is suitable for grass snake. No specific reptile surveys were undertaken, however, the majority of the grassland is not optimal for reptiles, being closely grazed and lacking the structural diversity that reptiles require.
- 6.12.36 It is therefore considered the Construction Environmental Management Plan can be extended to include both great crested newts and reptiles to ensure all precautionary measures have been taken before any work commences on the site.
- 6.12.37 In regard to the **invasive species**, Himalayan Balsam and Rhododendron, it is considered expedient to attach a planning condition to require its treatment and prevention through an appropriate management plan.
- 6.12.38 The submitted information shows that subject to appropriate mitigation there is no conflict with planning policy in terms of nature conservation.
- 6.12.39 In summary, it is considered that there are no overriding constraints to the development of the site in terms of biodiversity, and that the proposed development could result in enhancements for biodiversity and nature conservation.
- 6.12.40 The proposed enhancement features can be designed in the layout of the residential estate and landscaping scheme which will be considered at reserved matters stage. It is recommended that planning conditions are imposed relating to landscaping and implementation for submission upon the reserved matters.
- 6.12.41 Overall, the proposed development accords with paragraphs 174 – 177 of the NPPF and policies DM44 and DM45 of the DM DPD.

**6.13 Consideration 13 - Trees and hedgerows** - (NPPF paragraphs: 131, 174 and 180; Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)).

- 6.13.1 The effect to tree and hedgerows within a development site is considered principally under DM DPD Policy 45. The policy is twofold whereas the Council will support the protection and incorporation of existing of trees and hedgerows and encourage appropriate opportunities to encourage new planting of new trees, hedgerows and woodlands. The protection of existing trees, woodland and hedgerows will be where they positively contribute either as individual specimens or as part of a wider group to the visual amenity, landscape character and / or environmental value of the location. It is stated that new development should positively incorporate exiting trees and hedgerows which is further echoed throughout the SPLA and DM DPDs.
- 6.13.2 The AIA has identified a total of 29 individual trees, 24 groups, a woodland and 24 hedges within the planning area. The trees, groups and hedgerows dividing the site contribute to the character of the area, and are visible from a range of public domains, including two public rights of way which cross the site, a popular cycle route connecting the University to Lancaster, Bailrigg Lane and the M6 motorway. There are three relevant TPOs on the boarder of the application site comprising:
- TPO 200 (1991) - Trees identified as G2 within AIA, boundary of site with Heversham Close
  - TPO 291 (1998) - Trees identified as T18 – T29 within AIA, sat either side of Bailrigg Lane
  - TPO 414 (2007) - Trees identified as T11 within the AIA, land to the north of Bailrigg Lane
- 6.13.3 The woodland identified within the AIA (Arboricultural Impact Assessment ref: W1, grid ref: SD48705786) sits outside of the proposed development site and forms part of a mature belt of woodland

which encompasses the university campus. Forming a strong boundary between the campus and the motorway. This woodland appears on the first edition OS Six inch map series published in 1848, 1895, 1914, 1933 and 1947 and is therefore of historical and ecological importance.

- 6.13.4 The Ecological technical Note further explores the likelihood if the woodland is considered ancient which follows the original comments from the Woodland Trust. Indeed, the woodland can be seen on the first edition of the Ordnance Survey map and the ecology note confirms that older sources of maps are not available. The applicant has also explored the associated apportionment register (associated with the Tithe Survey) and has identified that the woodland in question was named as plantation, explaining that its description suggested it was planted although it is unclear of time of when this may have been planted.
- 6.13.5 It can be confirmed that the woodland is a habitat of principal importance (under Natural Environment and Rural Communities Act (2006) Section 41), however, it cannot be established if it is likely to be an ancient woodland. On the basis of the information presented it is considered that sufficient investigative steps have been taken and that it is not an ancient woodland for the purposes of this application.
- 6.13.6 To facilitate the proposal, approximately 500 metres of mature hedgerow is to be removed. The AIA identifies three individual trees (T5 and T7-8) as requiring removal along with a small proportion of groups G1, G11 and G19. Given that the rises and falls of the site, there is likely to be a requirement to alter existing ground levels to accommodate the number of proposed dwellings.
- 6.13.7 It is noted that the determination of this outline application will not affect the TPOs identified above. Any work or activity that affects the TPOs will be subject to the protection of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 6.13.8 The Ecological Technical Note does acknowledge that there could be a greater impact on the trees due to the proposed change in levels to facilitate the development. A rise or reduction in soil level can have major implications on the longevity and health of the trees. Minor changes (up to 100mm) can be tolerated in some cases but is heavily dependent on tree species, condition and growing environment. At this stage it is not known what the proposed levels would be which has been acknowledged in the Ecology Technical Note. The description of the outline application does include re-grading but that is to help understand the works within the open space area. The parameter plan within the ES shows the maximum FFLs within development parcels, however, they are set at the highest point not reflecting the undulating nature of the site. It is considered in principle that the loss of hedgerows can be sufficiently compensated within the site and that the tree loss is limited. It is considered that a planning condition to require the submission of finished levels across the site and an updated AIA will ensure that the impact on trees can be considered to give the confidence that the trees, groups and hedgerows can be retained.
- 6.13.9 GMEU take a step further by raising cautious to securing adequate buffer zones at the reserved matters stage giving the Technical Note suggests that other factors which constrain the layout of the site such as drainage and topography have been considered but do not form part of the application.
- 6.13.10 The non-developable areas shown on the parameter plan does provide a degree of separation of the construction and siting of the proposed built form area. Taking into account the Woodland Trust and GMEU's comments under the current layout and in principle it is considered it would be possible to develop this site for residential use whilst introducing a buffer zone and retaining a significant number of trees given they are either near to the boundaries of the site or outside of the developable area. The imposition of a buffer zone as controlled by planning condition would ensure an appropriate area can be agreed when information relating to the change in land levels are known. The introduction of a buffer for the woodland to the south of the site even set at natural England's standing advice (15m) whilst encroaching would not significantly compromise the developable area and the total number of dwellings which could occupy the site.
- 6.13.11 There would be an inevitable removal of hedges and trees along the north boundary to facilitate access from Hala Hill. While regrettable it is considered the loss of the vegetation would not be of worthy retention to withhold the development's proposed access.
- 6.13.12 Clearly there would be more of a loss of hedgerows across the site than trees given their nature is to act as field delineation relating back to the agricultural use. However, the loss of trees and hedges

within the site and the planting of the buffer zone would be controlled by condition to be considered at the reserved stage. This would be in conjunction with new planting across the site to allow assessment of any compensatory planting that comes forward to be considered against the loss of trees or hedges within the site. Furthermore, this allows for compensatory planting to take into account any additional loss by any change in levels.

6.14 **Consideration 14 - Residential Amenity - NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Strategic Policies and Land Allocations (SPLA) DPD policies EN9 (Air Quality Management Areas); Development Management (DM) DPD policies DM29 (Key Design Principles), DM Policy 31 (Air Quality Management and Pollution) and DM57 (Health and Well-Being).**

6.14.1 The key areas for the consideration with regard to the general design principles within Policy DM29 would be the impact upon the amenity of the occupants of neighbouring properties such as issues of overlooking, overshadowing and whether or not the dwellings will be overbearing. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked.

6.14.2 A parameter plan has been submitted which shows the broad area of the developable area within the application site supported by further drawings showing the existing land levels and an indication of the maximum finished floor levels. Although no elevation plans have been submitted the supporting documentation suggests that the buildings would be two storey with a maximum height of 9.6 metres close to the site boundary with higher properties at 2 and a half storey (maximum height of 11.5 metres) being more within the site.

6.14.3 The perimeter of the application site is adjacent to a number of different properties and land uses. Taking into account that representations have been received from properties that are adjacent to the site and concerns raised regarding the potential impact to their amenity this part of the assessment has been guided by each section of the application site.

Effect on Dunkenshaw Crescent to the southern tip of Barnacre Close (Nos. 27/29)

6.14.4 This section covers the land adjacent to the site perimeter between Burrow Beck and Barnacre Close which includes Shirehead Crescent and Winmarleigh Road. The neighbouring properties are mainly two storey and with a couple of exceptions the rear of the properties and private gardens back onto the site. The information is limited but it can be gleaned that there is not a significant difference in ground level between the existing properties and the application site edge given the direction of the drumlins.

6.14.5 Moving into the site i.e. from the perimeter, it becomes less clear. A plan has been included in the ES which sets out the maximum finished floor level of dwellings. However, the development has been grouped into parcels giving the maximum FFL which may not reflect the actual FFL of dwellings in the northern parts of the parcels B, C and D which all are near to the north facing site boundary.

6.14.6 However, it is considered that the site is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively whilst adhering to the standards set out in Policy DM29.

Eastern side of Barnacre Close to 26 Knowe Hill Crescent

6.14.7 This part of the application narrows in width with neighbouring properties adjacent to the westerly side of the site and the M6 on the easterly side. There is a level drop from the M6 of 13 metres to the west boundary of the site with Ou Beck which runs to the foot of the neighbouring property gardens. Clearly this would present a challenge in designing this part of the site to respect different levelled separation distances and also maintain a neighbourly relationship with the existing properties. Nevertheless, the parameter plan does annotate an amended routing of Ou Beck and a linear band of landscaping which would push the developable area immediately away from the boundary of the site. Taking into account this separation, the imposition of planning condition requiring FFLs to be submitted and the scheme

could be designed to DM29 standards it is considered it would be difficult to recommend refusal on an impact to these neighbours given the nature of this application.

#### Heversham Close

- 6.14.8 The application site narrows further to the north where it meets Hala Hill with Heverhsam Close on the westerly side of the application site. The properties on Heversham Close comprise bungalows with variant lengths of rear gardens.
- 6.14.9 The parameter plan shows the northerly area of the application site to include an access road into the site with landscaping. Although the gradient would fall towards Heverhsam Close, given there are no developable areas indicated on the parameter plan the effect to the neighbouring properties would be from level changes of the land and the presence of the access road with the passing traffic.
- 6.14.10 The proposed landscaping acts as a green buffer would not significantly prejudice the amenity of the neighbouring properties. Although there would be a higher level of passing traffic by virtue of the access road against the background noise of the M6 it is considered it would not significantly harm the level of amenity of the neighbouring properties to warrant a refusal of the application. An enhancement of the landscaping in the intervening area with the rear of Heversham Close would reduce a light disturbance from passing traffic.

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#### M6 Motorway

- 6.14.11 There is a linear band of open space providing separation form the edge of the motorway and as such the impact of the proposal on the motorway would not be of significance.

#### Lancaster University

- 6.14.12 The university is beyond the southern boundary of the site. There is a band of woodland separating the developable area from the university complex and taking the intervening distance into account it is considered the relationship to be acceptable.

#### Bailrigg House and buildings to east of site

- 6.14.13 There is a level of existing and space for proposed landscaping in the intervening space to minimise any likely amenity impacts to the neighbouring land uses.

#### Bailrigg Chase

- 6.14.14 There is a band of open space proposed to be planted woodland and ticket around the perimeter of the site to provide a degree of separation of the built form with Bailrigg Chase. The separation inadvertently mitigates any likely amenity impacts to an acceptable level.

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#### Collingham Park and Hazelwood Gardens

- 6.14.15 It is unlikely a loss of amenity would occur given the distance of the existing properties from the application site boundary and the developable area.
- 6.14.16 In conclusion it is acknowledged that a full assessment of the impact upon the amenity of neighbouring properties cannot be fully undertaken at this stage. Although the application has been supported with information it will be the detailed design stage which will enable a full assessment to be undertaken.
- 6.14.17 There are, however, a number of boundaries which given the distance from the perimeter of the developable area may not result in a significantly loss of amenity. The more sensitive boundaries where existing properties are close the scheme would have to be considered against the standards set out in Policy DM29. Taking the developable area into account it is considered it is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively.

- 6.14.18 The following sections will now consider the other impacts on amenity:

- Noise.

- Air Quality Matters;
- Shadow Flicker.

## Noise

6.14.19 The Technical Note (Noise Appendices) written by Noise Consultants Ltd, has been revised (dated May 2023) and now forms the baseline in respect of the noise and vibration information contained within the 2023 Environmental Statement. The revised ES and Technical Note considers the likely noise effects upon proposed residential receptors from construction activities and impacts to both existing residential and non-residential receptors from construction noise through the development process and from road traffic (M6 and A6). There is also consideration of impacts associated with the proposed retail unit to existing closest residential receptors.

### *Associated with road traffic*

6.14.20 Given the proximity of the M6 to the developable area on the eastern side of the site the level of noise from passing traffic at higher speed would be a material consideration for future occupiers. The Technical Note details modelled daytime and night-time sound exposure levels across the site (based upon 5 monitoring locations), both with and without development; and, provides information on indicative noise levels 'with' and 'without' development incorporating predictions of likely noise levels in 2029. Taking an overview of the soundscape at this location, it is clearly evident that noise levels associated with the M6 are significant during both day-time and night-time periods across a large proportion of this site.

6.14.21 There are no significant concerns with regard to minimising the impacts of road traffic noise internally within the proposed dwellings and there is confidence that the sound criteria recommended within BS8233:2014 (both day-time and night-time) would be achieved to ensure 'no observed effect levels' (NOELs) or 'Lowest Observed Adverse Effect Levels' (LOAELs) with an appropriate mitigation strategy in place. This would be determined with a more informed/detailed noise assessment with noise ingress calculations to determine what level of sound insulation/ façade insulation/ uprated glazing was required; and, whether alternative ventilation would be needed where windows need to remain closed to meet targets to ensure that acceptable and not desirable indoor ambient noise levels can be achieved.

6.14.22 Achieving recommended noise levels in external amenity areas could prove more challenging across the site and further information would assist in determining whether noise within external amenity areas will achieve recommended acceptable noise criteria, to achieve at least 'LOAELs'. Recommended 'guidelines' within BS8233:2014 are that noise levels should not be above the range 50-55dB LAeq,16hr. The Technical note contains Noise appendices which indicate the noise levels across the site without the inclusion of the acoustic effect of the specific scheme would result in 'Significant observed adverse effect levels' (SOAELs) indicating that noise levels at this site are unacceptable. Although there is not a significant difference, inevitably the nighttime is slightly more exposed, it should be noted that a significant proportion of the site is above 55db LAeq 16h.

6.14.23 Policy is guided by the principle that any amenity space must have an acoustic environment so that it can be enjoyed as intended. Where this is not achievable the development should be designed to achieve the lowest practicable levels.

6.14.24 The ES chapter discusses external amenity noise levels and advocates that dwellings are positioned in clusters around associated garden spaces to provide self-screening for rear gardens. The introduction of a 3.5 metre high noise barrier is to reduce noise levels from the M6 propagating across the site. Consideration should be given to the orientation of the dwellings so that external amenity areas are positioned to the rear of the property with respect to the dominant road traffic noise source. The combination of the acoustic fence and buildings would in effect deflect noise from external areas.

6.14.25 Sound waves travel in all directions and could effectively travel away initially from a source, only to be deflected back by buildings or through gaps in the built form further into the site which reduces the effectiveness of mitigation to private or public amenity spaces. However, the introduction of an acoustic fence would assist in providing a form of mitigation. The imposition of a planning condition would secure the information required which can be considered if SOAELs could be further avoided to public open areas and private outdoor spaces on the basis of an eventual fixed layout. The information would model the soundscape across the site (use of LiDAR and application in this context) and the

reliability/accuracy of the modelling procedure. Although through condition, it would not necessarily be taken in isolation as any mitigation measures would naturally incorporate and be dependent on an eventual design and how the site is laid out.

- 6.14.26 Turning briefly to SPLA DPD Policy SG1 whilst the noise level could be considered through a planning condition it does however further question how the proposal could be innovative in its design approach. Indeed, it has been considered that an acoustic fence would not necessarily demonstrate how the scheme is particularly high quality and assists in placemaking. It is unclear of how innovative the approach is to just use buildings and the acoustic fence as a way of deflecting noise from the M6 as no other solutions either conventional or unique to this site have been presented or explored. Indeed, while using buildings could deflect noise, it is unclear how this would translate into the built form given the length of the eastern boundary of the site directly adjacent to the significant noise source. The suggestion that future occupiers would have access to POS that does have a lower external level of noise, whilst advocated by wider guidance does not give the confidence that the proposal would be a high-quality design to satisfy SG1 and may present a form of development which is poor in placemaking terms. In the absence of the exploration of how noise could be mitigated in different ways does not present itself as being particularly innovative in its approach.

*Noise associated with construction*

- 6.14.27 A condition can be imposed (aligned with mitigation measures described in section 7.5 of the Environmental Statement) to ensure that any impacts associated with construction noise remain reasonable. The condition would include the submission of the working hours to ensure they are acceptable to the Council.

*Noise associated with proposed retail unit*

- 6.14.28 Conditions can be imposed to control potential unreasonable noise impacts associated with deliveries/opening times and fixed plant to ensure LOAELs with provision of further information, specifically looking at impacts to proposed residential units, rather than the nearby 'existing' residential receptors.
- 6.14.29 In summary, it is anticipated that full sound mitigation measures can be secured by the imposition of planning condition to address internal and external noise associated with construction, the proposed retail unit and sources from outside of the application site. However, it is not clear how innovative the proposal is in its approach to mitigating noise so that the private and public spaces can be enjoyed as intended which contributes to purpose of promoting the high bar of design in SPLA DPD Policy SG1.

Air Quality Matters

- 6.14.30 The application site is outside of an Air Quality Management Area. However, the boundary of the AQMA is adjacent to the northern boundary of the application with a proposed access leading into the AQMA (on Hala Hill).
- 6.14.31 Policy EN9 and DM31 expect developments adjacent to AQMAs to not contribute to increasing levels of air pollutants within the locality and protect from the effects of poor air quality. DM31 takes a step further by requiring that a development demonstrate how either on site or off-site mitigation measures will be put into place to reduce the air quality impact. Proposals should contribute towards delivering the actions detailed within the Lancaster District Air Quality Action Plan, once in place.
- 6.14.32 The effects of traffic emissions arising from the development traffic on local roads has been assessed and the findings published in the Environmental Statement that accompanies the application. Concentrations have been modelled for 34 receptors representing existing properties where impacts are expected to be greatest. In addition, the impacts of traffic emissions from local roads on the air quality for future residents have been assessed at five locations considered to represent the 'worst case' within the new development itself.
- 6.14.33 In the case of nitrogen dioxide, a sensitivity test has also been carried out which considers the potential under-performance of emissions control technology on future diesel cars and vans. This assessment found that concentrations of particulates (PM10 and PM2.5) will remain below the health-based objectives set by the Government at all existing receptors between 2023 and 2029, with or without the

proposed development. This conclusion is consistent with the outcomes of the reviews and assessments prepared by Lancaster City Council, which show that exceedances of the PM10 objective are unlikely at any location.

- 6.14.34 In the case of nitrogen dioxide, the predicted concentrations using DEFRA's Emission Factor Toolkit (EFT) are below the nationally defined objective at all existing receptors in all years considered between 2023 and 2029, with or without the proposed development. For assessment years beyond 2020, the EFT (v9.0) makes additional assumptions regarding the expected improvement in performance of diesel cars and vans beyond this date. While there is currently no reason to disbelieve these assumptions, it is sensible to consider the possibility that this future-year technology might be less effective than has been assumed. A sensitivity test has thus been carried out which assumes that post-2020 technology does not deliver any benefits. Results from the sensitivity test are very much a worst-case assessment and show that the impacts of the scheme can be classified as negligible at most receptors, for all the considered years. This is with the exception of 2023 to 2025, where minor adverse impacts are predicted at two receptor locations along Thurnham Street, within the existing Lancaster Air Quality Management Area, when using 'official' emission factors. However, given the reduction in concentrations measured at diffusion tube monitoring on Thurnham Street between 2017 and 2018, it is considered unlikely that the objective would actually be exceeded here in 2023 or in subsequent years. It is likely that most of the impacts will in fact be negligible, or minor adverse at worst. Overall, it is considered that the proposed development would not have a significant effect on local air quality.
- 6.14.35 In support of the application and is considered against the impact on air quality the applicant has submitted a Health Impact Assessment. To quantify traffic movements further information can be gleaned from the applicant's Transport Assessment.
- 6.14.36 The submitted Transport Assessment, with reference to the trip rate information computer system (TRICS) database, estimates that the proposed development would generate a total of 398 two-way vehicle movements during the weekday peak AM period (0800 Hours – 0900 Hours) and 451 movements during the Peak PM period (1700 Hours – 1800 Hours). Given the quantum of development it can be gleaned that there would potentially be a significant effect on air quality as a result of the traffic movement.
- 6.14.37 The Transport Assessment purports a Travel Plan will be commissioned and implemented for the proposed development.
- 6.14.38 The applicant has taken a holistic approach by setting out the proposed development would:
- contribute towards a healthy public realm,
  - a layout which encourages pedestrian and cycle movement,
  - identifying key place making principles; and,
  - focus of the design of the proposed development will be to limit energy consumption and CO2 emissions under the heading of healthy living.
- 6.14.39 Concerns remain from the Council's Air Quality Officer about how pollutant concentrations have been adjusted incrementally over the course of the development and that there has no reference to the Low Emission and Air Quality PAN. However, failure to strictly follow the guidance of the PAN is not a substantive reason to resist the development. In respect of EV charging points the Building Regulations were amended in June last year to ensure that new residential buildings are provided with infrastructure for the charging of electric vehicles. As such, the Building Regulations have been brought into line with the NPPF and the Government's policy in respect of the increase in the use of electric or part powered electric vehicles. Taking into account the recent change to the Building Regulations the imposition of a planning condition to require an EV charging scheme would duplicate regulatory requirements. As such the imposition of a planning condition would fail the tests as set out in the NPPF and national planning guidance. Quantifying the effects of air quality mitigation, especially when mitigation is largely about encouraging modal shift, is challenging. However, the applicant has presented a robust assessment informed by the Transport Assessment and the Travel Plan measures that would reduce traffic over time, which in turn reduces anticipated emission levels from the development. Whilst there remains an objection from the Council's Environmental Health Officer, it is considered there to be sufficient mitigation proposed to demonstrate the effects on air quality would not be significant. Overall, it is considered that the proposal would not conflict with the Development Plan or the NPPF in respect of air quality.



#### 6.14.40 Shadow flicker

- 6.14.41 A further material consideration to the amenity of future occupiers is the effect of the wind turbine which is located approximately 347 metres southeast of the application site. Whilst wind technology is becoming more common place, understanding its effect to surrounding land uses is still relatively in its infancy.
- 6.14.42 The comings and goings to the turbine would not have an effect on the application site. On a day which does not generate enough wind the stationary turbine would not significantly affect future occupiers. However, when the turbine is in operation, given its height and overall size an effect is created by the turning rotor blades. This effect is normally referred to as shadow flicker.
- 6.14.43 Shadow flicker is the flickering effect caused when rotating wind turbine blades periodically cast shadows in a constant quick succession through constrained openings such as the windows of neighbouring properties. Depending on how close to a turbine the flickering effect can also have an effect to outdoor spaces and within the built form within rooms, if they generally face towards a turbine with no obstruction in between.
- 6.14.44 There have been studies into this effect. In particular a report was published in 2011 for the then Department of Energy and Climate Change which consolidates the background literature at the time and provides a comprehensive assessment of shadow flicker. There have been subsequent reports and studies published since but the 2011 report sets out principal standards which have been used in assessing an impact in planning applications and appeals. From the 2011 report it can be gleaned that there are two main factors which determine the starting point of an assessment:
- Distance from the turbine – the radius of significant affect from a turbine is set at 10 times the rotor diameter
  - The position in relation to the turbine - impacts occur within 130 degrees either side of north from a turbine
- 6.14.45 There are then multiple factors which influence an impact such as topography, intervening obstructions and meteorological conditions to name a few.
- 6.14.46 Planning permission was granted in 2011 under reference 10/01061/FUL for a 2 megawatt wind turbine which is operated by Lancaster University. The application considered the impact to nearby sensitive receptors (e.g. residential buildings) and in taking into account the effect and benefits of the proposal attached planning conditions to enable permission to be granted while ensuring the shadowing impact on residential properties remained in check should future complaints be received and within a general acceptable tolerance.
- 6.14.47 The approved wind turbine given its distance and position is a material consideration for this application. Although the majority of the site is outside of the rotor radius, the southeast part of the site falls within this area. As such, if this application is approved it would introduce a form of residential development within the area which is identified to being the most likely affected by shadow flicker.
- 6.14.48 This presents a potential impact to future occupiers if any impact is not mitigated and conversely place an undue future burden on the operation of the wind turbine given the introduction of new buildings being affected within the radius of significance.
- 6.14.49 The applicant has submitted a Shadow Flicker Technical Note (SFTN) which its purpose is to review the potential for shadow flicker from the Lancaster University operated turbine on the properties within the application site.
- 6.14.50 A further Shadow Flicker Impact Assessment (SFIA) has been submitted to support the technical note modelling an effect from the turbine to positions of dwellings within the site. It should be noted that the position of dwellings have been based on indicative positions within the site.

#### Shadow Flicker Technical Note (SFTN)

6.14.51 The SFTN introduces the context by outlining the size and position of the turbine in operation, identifying properties on Bailrigg Lane which are of significance and providing an overview of shadow flicker and how the effects are determined with factors such as:

- The presence of screening;
- The orientation of the property;
- The distance of the property from turbines;
- The presence of direct sunlight;
- The time of year and day;
- Wind speed;
- Direction of Wind; and,
- The presence of people.

6.14.52 The SFTN uses the assessment undertaken to support the approved turbine as the basis of the review. It can be gleaned that:

6.14.53 The vast majority of the properties within 'the site' lie outside the prescribed 10 rotor diameter distance to the turbine. They would be safeguarded by the same mitigation employed by the turbine developer for Bailrigg Farm 1 [property I in the ES] identified in the assessment.

6.14.54 The properties in the south-east corner of the site, have the potential to be affected by shadow flicker. However, it is anticipated that in addition to the safeguarding implemented for Bailrigg Farm as well as the retention of existing vegetation, the provision of new landscape mitigation and new built-form within the development itself will mitigate a large number of these properties, where they screen views towards the turbine.

6.14.55 The SFTN identifies that the turbine has the option of being turned off when the sun is shining and positioned in the sky as to then cast a shadow on the identified properties i.e. Bailrigg Farm facing south and facing east. This is considered to be the main safeguarding measure for the southeast part of application site with other measures advocated such as installation of window blinds and planting of additional trees and bushes.

#### Shadow Flicker Impact Assessment (SFIA)

6.14.56 All indicatively shown properties are within 10-rotor diameters of the wind turbine. The modelling has assumed standard values whereby that each property has a single window with a size of 1m x 1m with a centre that is 1.5m above ground. A minimum sun elevation of 2 degrees has been considered. The area in which visibility cannot be ruled out, despite partial screening, is the area of the site south of Bailrigg Chase. Based on the potential visibility of the wind turbine from dwellings within this area, the following is proposed as mitigation:

- A 3.5m tall acoustic fence will be implemented along the M6, which will significantly obstruct views of the wind turbine from the ground floor of the closest dwellings in the housing development.
- Existing vegetation along the M6 will be reinforced such that it provides further screening for the dwellings.
- Blinds will be installed on any remaining windows that have visibility of the wind turbine following construction of the housing development, if requested by the residents.

6.14.57 It is advocated by the applicant that views from the ground floor are predicted be significantly obstructed by the acoustic fence, retained vegetation, dwellings in front of them. Above ground floor blinds will be available on request by future residents.

#### Appraisal of SFTN and SFIA

6.14.58 It is considered the SFTN has not however sufficiently assessed shadow flicker to demonstrate that future occupiers would not experience an adverse effect to home or garden. Under an application to discharge planning condition No. 19 attached to 10/01061/FUL the applicant set out a scheme for the avoidance of shadow flicker for legally occupied buildings. The applicant identified further properties as receptors which would be considered under the mitigation scheme, namely properties due west of the southern part of the application site. The additionally identified properties are not featured in the SFTN.

- 6.14.59 The SFTN outlines an area within the southeast part of the site which is within the 10 rotor radius of the turbine and also shows using an indicative layout how much of the area is screened by vegetation and built form. However, in the absence of data the SFTN does explain how any buildings or gardens would be affected which are not on the same alignment to the turbine than Bailrigg Farm and Bailrigg Lane receptors. Similarly, the SFTN is not clear in differentiating an impact depending on the point of the year and how for example how the sun would sit in the sky with a changing pattern of shadow effect as a result e.g. a shadow cast would differ between the equinox and British Summer Time/British Winter Time.
- 6.14.60 It is noted that the SFIA does acknowledge that the southern part of the site would be subject to a shadow flicker effect. However, whilst this application is considered on the quantum of development it is difficult to conclude that the proposed mitigation is sufficient to reduce the adverse impact resulting from shadow flicker on the amenity of future occupiers and the turbine's ongoing operation/generation of power. The proposed mitigation is based on an indicative scheme where the layout is not fixed. Notwithstanding the proposed acoustic fence discussed in other parts of this report there potentially would still be a number of dwellings that would be within the 10-rotor radius. The SFIA does not provide sufficient certainty to demonstrate that the safeguarding measures would be adequate to protect future occupiers in the south east parcel of land taking into account position and casting shadow. Given the layout and distance between buildings could be depending on an eventual design there is no certainty that the dwellings could be positioned in a manner to either naturally restrict a shadow flicker effect or if the proposed mitigation could be implemented in a manner to reduce the effect.
- 6.14.61 The other mitigation measure such as the installation of blinds is considered to not be reasonable to overcome an adverse shadow flicker effect for a residential property. This would likely injure further harm to the amenity of a property meaning future occupiers would have to close blinds to overcome flickering which inadvertently imposes onerous requirements which would harm their enjoyment of their home e.g. at times when curtains/blinds want to be kept open to enjoy natural day/sunlight and outlook.
- 6.14.62 Given the increased potential of an effect on the proposed dwellings in the southern part of the application site the SFTN and SFIA does not take into account the future operation of the turbine and how it might be affected by the intermittent switching off to address any future complaints which may arise. There is insufficient information to demonstrate the turbine will be able to operate during the majority of optimum times given the frequency of potential periods of inactivity to overcome any potential future complaints. As the turbine's purpose contributes to a lower carbon environment the effect on the operation would at times be at odds with the principles of the Council's Climate Emergency.
- 6.15 Consideration 15 - Contamination - Development Management (DM) DPD policies DM32 (Contaminated Land) and DM57 (Health and Well-Being).**
- 6.15.1 Policy DM32 requires, where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the works (including investigation and recording the nature of any contamination) can be undertaken without the escape of contaminants that could cause unacceptable risk to health or to the environment, suitable methods of remediation are proposed and it is demonstrated that the development site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment, including the apparatus of statutory providers. Policy DM 57 requires development does not have an adverse impact on the environment such as remediation of contaminated land.
- 6.15.2 Paragraph 183 of the NPPF advocates that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and risk arising from contamination.
- 6.15.3 The applicant has provided a Phase I Geo-Environmental Report which screens if there would be significant risk to public health from the development of the site. Using historical mapping no significant risk have been identified with respect to soil contamination. No industrial types uses have been identified near to the site. No radon risk is identified, however, there is a potential risk from ground gas associated with the infilled ponds. There is no identified geological impacts and the site is not subject to a level of coal mining activity as it is outside of the Coal Authority reporting area. A non-coal mining activity has been noted within the site, however, it is considered to not present a material risk.

- 6.15.4 Similarly, no significant risks are reported in respect of groundwater flows and hydrology. Although the watercourse Ou Beck has been identified the impact is covered under the submitted Flood Risk Assessment.
- 6.15.5 The Phase I survey has identified there to be a negligible to low risk contamination risk associated with the current land use and infilled ponds. Although the findings suggest that soakaway drainage would be unsuitable it concludes that a Phase II ground investigation be undertaken to provide the design information for future development works which would identify geotechnical and environmental constraints.
- 6.15.6 Taking into account the past use of the site it is unlikely that contamination will be present in the ground. It is noted that the Council's Environmental Health section and the Environment Agency raise no objection in principle to the proposal.
- 6.15.7 Paragraph 188 of the NPPF states that planning decisions should be on whether a proposed development is an acceptable use of land, rather than the control of processes or emissions. To ensure the safe development of the site it is considered expedient to recommend planning conditions for an investigation to be undertaken and if any contaminants are found to secure the remediation of the site to the satisfaction of the Council's Environmental Quality section who would appraise the detailed information.
- 6.15.8 It is considered the ground conditions can be adequately assessed and remediated by way of condition which would make the development acceptable in respect of Policy DM32.
- 6.16 Consideration 16 - Impact on minerals - NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)**
- 6.16.1 There are two Mineral Safeguarding Areas as identified by Lancashire County Council and considered in the Joint Lancashire Minerals and Waste Local Plan within the site. The first area is relatively linear in shape and runs north to south near to the southern end of Barnacre Close and Bailrigg Chase. The second area is a spur connecting to a larger area to the west and follows the route of Burrow Beck along the north-western boundary of the site.
- 6.16.2 Policy M2 of the Joint Lancashire Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:
- The mineral concerned is no longer of any value or has been fully extracted.
  - The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
  - The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
  - There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
  - That prior extraction of minerals is not feasible due to the depth of the deposit.
  - Extraction would lead to land stability problems.
- 6.16.3 The emerging Policy "MW7 – Safeguarding Minerals", states that planning permission will be supported only where the applicant can demonstrate to the satisfaction of the local planning authority that either:
1. The mineral resource is not likely to be subject to commercial extraction due to pre-existing sterilisation or the quality or quantity of the mineral resource; or
  2. The development will not prejudice the working of the mineral resource; or
  3. The need for the development outweighs the need to avoid the sterilisation of the mineral resource.
- 6.16.4 The submission includes a mineral assessment report. This sets out that the site is located within a MSA that has glacial till with a small area of alluvium that contains some sand and gravel, which is the safeguarded mineral resource. A desk study has considered the value of extraction reaching the view that given the strip of alluvium is approximately 2.5ha and contains silt and clay as well as sand and gravel, the quantity of sand and gravel within it is likely to be a few thousand tonnes which is well below what would be needed for a commercially viable deposit.

6.17.5 Consequently, it is agreed that the mineral has no value, so the proposed development is compatible with the adopted and emerging mineral safeguarding policy.

**6.18 Consideration 18 - Economic benefits - Development Management (DM) DPD Policy 28 (Employment and Skills Plans)**

6.18.1 Policy DM28 of the DM DPD requires the applicant to undertake and implement an 'Employment and Skills Plan' that will set out opportunities for, and enable access to, employment and the up skilling of local people through the construction phase of the development proposal.

6.18.2 A socio-economic statement has been submitted to accompany the application. The statement sets out an estimated construction spend of the development with benefits to residents and to the Local Authority of the proposed new homes. It is anticipated that the development would bring 653 FTE construction jobs and 12 indirect jobs associated with the construction phase of the development. It has been identified that there were approximately 20 people within Lancaster district claiming Job-seeker's Allowance and who were actively searching for employment in the construction and building trades.

6.18.3 Clearly given the quantum of development it has the potential to draw upon a pool of local labour both within current employment and those seeking. A significant benefit of the scheme would inevitably help reduce unemployment in the industry during the construction phase and further retain and increase trickling expenditure within the local economy.

**7.0 PLANNING BALANCE AND CONCLUSION**

7.0.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6), the Development Plan for the Lancaster District comprises:

- i. Part One: Strategic Policies and Land Allocations DPD
- ii. Part Two: Review of the Development Management DPD

7.0.2 The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan it constitutes an important material consideration in the determination of planning applications.

7.0.3 In respect of how the planning application is balanced with regard to the NPPF the proposal is considered to represent an inappropriate form of development in an area which is subject to fluvial, ground water, surface water, from sewer/mains and infrastructure failure as sources of flooding and is therefore unsustainable and contrary to a key tenet of Government policy and guidance. The fundamental aim of the sequential test is part of a wider policy of avoiding development in areas at risk of flooding by ensuring that development is steered to areas at lower risk. The sequential test requires that applicants consider the availability of sites that are in a lower flood risk category that are capable of accommodating the development, and only when it is not possible to deliver the development on sites at lower risk, is the sequential test passed. The appellant has failed to demonstrate that there are no sequentially acceptable sites which are not subject to a risk of flooding to enable the Local Planning Authority to reach a view if there are no areas with the lowest risk of flooding in which to steer new development towards. As a result, in line with national and local policy, the proposal should be refused due to failure of the sequential test. There is subsequently no requirement to progress to consider the exceptions test.

7.0.4 It is recognised that the Council are unable to currently demonstrate a 5-year housing land supply, however, this is not relevant to the consideration of the sequential test as confirmed by the Planning Practice Guidance (PPG). Therefore, the 'tilted balance' is not engaged in this case, given the location of the site in an area at risk of flooding and the failure of the applicant to pass the sequential and exceptions tests. This is a clear reason for refusal as per NPPF paragraph 11 and footnote 7 and as such dis-engages the presumption in favour of sustainable development.

7.0.5 As identified in this report the site is located within the Broad Area of Growth which includes the Bailrigg Garden Village within the Local Plan. The site is not allocated for housing and formal land allocations would have only been known once the Area Action Plan for Lancaster South had been adopted. In the

absence of the AAP Policy SG1 envisages the submission of planning applications for residential development prior to the Area Action Plan and this is reflected in the three exceptions to the mechanism for delivery of growth in South Lancaster.

- 7.0.6 In order to represent a form of development that can be supported forward of any AAP the 15 key growth principles have to be satisfied which inadvertently is the second part of the exception criteria. To result in full accordance a development should not prejudice the delivery or undermine the integrated and co-ordinated approach to the wider Bailrigg Garden village. Furthermore, the development should present opportunities for a shift to sustainable transportation modes and that the residential impacts on the transport network will not be severe.
- 7.0.7 Achieving full accordance with SG1 is no mean feat and is reflected by the 'high bar' that is needed to be satisfied if development is to be considered favourably. Nevertheless, in coming to a balanced view, careful consideration must be given to the weight to be afforded to any conflict with the Local Plan, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the council's housing land supply position and the weight to be afforded to development plan and its relevant policies.
- 7.0.8 There have been a number of objections to the scheme as detailed within previous sections of this report by local residents and these objections have been given due consideration and weight in the overall planning balance.
- 7.0.9 Using the three dimensions under Paragraph 8 of the NPPF the following sections will undertake a planning balance.

*An economic role*

- 7.0.10 NPPF Paragraph 8 refers to the economic objective for planning to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 7.0.11 During the construction phase of the development, the scheme would deliver economic benefits through both direct and indirect employment opportunities. The applicant indicates that the development will generate an indicative construction expenditure of approximately £76 million over a 10-year period. The construction phase of development would create approximately 653 jobs (net). An additional 712 indirect jobs would be supported locally from suppliers of construction materials and equipment. The applicant estimates that the development has the potential to generate up to £23m of direct gross value over the build period.
- 7.0.12 The development would also result in wider economic benefits through the provision of high quality, family housing. It is considered that the proposed dwellings would help to diversify the type of housing that is available within the city and would support the continued economic growth of the BLG and the city.
- 7.0.13 The economic benefits of the development are considered to be tangible and weigh in the favour of the application.
- 7.0.14 It is acknowledged that the application is advance of the Lancaster South Area Action Plan DPD, and that the Council and in particular SG1 does allow development in the BLG. This is providing though the resulting development does not result in a piecemeal approach where it would not conform with the growth principles of SG1 and that it would not prejudice the wider BGV and its infrastructure requirements. Notwithstanding the other growth principles, it has not been possible to identify that there is sufficient infrastructure in place or to be brought forward that could support the level of housing proposed. There is no clear mechanism for education provision or indeed highway infrastructure that can be with a realistic prospect that can be delivered to meet the shortfall in provision in the BLG. This weights significantly against the proposal.

*A social role*

- 7.0.15 NPPF Paragraph 8 advocates the social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 7.0.16 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (October 2023) identifies a housing land supply of 2.4 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Taking into account the difficulties in delivering the required infrastructure weight is still applied to the means of boosting housing supply.
- 7.0.17 The proposed retail and community space would be a contributing factor towards the community's wellbeing which should be afforded at least moderate favourable weight.
- 7.0.18 The quantity of accessible open space within the site, providing green amenity areas, corridors and separation to heritage assets should be afforded some weight.
- 7.0.19 The applicant's consultation has been undertaken in a pro-active manner which satisfies criteria one of SPLA Policy SG1 and should be afforded some weight.
- 7.0.20 The resulting positive impact on pedestrian and cycle access and Travel Plan Services promoting other sustainable modes of travel should be afforded some weight.
- 7.0.21 It remains a significant consideration that the application fails to demonstrate how the current proposal could deliver a high-quality design and sense of place, the bar set by SPLA Policy SG1. Although the applicant has engaged with appropriate bodies it is still difficult to see how for example the unique topographical features of the site have been the key drivers in dictating the proposed layout, the future orientation of buildings and routes. Furthermore, while using buildings to deflect noise it is unclear how this would translate into the built form given the length of the eastern boundary of the site directly adjacent to the significant noise source. There is insufficient information to give the certainty that the proposal fosters being well designed to create beautiful places that reflect current and future needs. As such adverse weight is attached.
- 7.0.22 The absence of a clear mechanism to identify and secure infrastructure to support the housing would harm communities', social and cultural well-being attract significant adverse weight.

*An environmental role*

- 7.0.23 NPPF Paragraph 8 advocates the environmental objective is to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.0.24 It is considered the impact to the landscape is considered to not be significantly severe and views from the north to Lancaster, south to woodlands surrounding the University and west to Morecambe Bay and beyond are respected. As such given the scheme would not enhance neutral weight is attached.
- 7.0.25 Similarly, the loss of agricultural land is considered to not be severe, however, given the proposal has not passed the sequential test due to the sources of flooding within the site significant negative is attributed.
- 7.0.26 The proposed development will have no significant adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Measures can be put into place to manage an effect on protected species and on trees and hedges. Again, the scheme attracts neutral weight in respect of these matters.
- 7.0.27 The impact on heritage assets through appropriate conditions and submission of the reserved matters will ensure that the settings are respected.

7.0.28 In respect of the effect on climate change although the scheme satisfies DM30 it does not necessarily outweigh the high expectation bar of SG1 in respect of being innovative in the BLG of new buildings and/or technologies. Furthermore, given the adverse impact on future occupiers from the existing wind turbine (due to shadow flicker) this exacerbates the impact on their amenity and the future operation in the generation of a clean source of electricity (due to agent of change principles). As such significant adverse weight is applied as it is unclear how the scheme overcomes the factors contributing to the climate change emergency declared by Council.

7.0.29 Given the absence of highway infrastructure it has been established though detailed modelling that without mitigation the proposal would affect the Strategic Road Network. Although it hasn't been confirmed by the Highway Authority the local highway network would be significantly affected it can be gleaned that a number of key junctions are known to be capacity and the level of housing proposed would place greater pressure on the local highway. The proposed condition to establish an acceptable dwelling limit would fail the tests of a planning condition, It has not been established that the residential impacts upon the highway network would not be severe. As such the impact on the highway network would weight significantly against the proposal.

#### *Overall conclusions*

7.0.30 The role of the LPA is to objectively determine a planning application in accordance with the Development Plan unless material consideration suggest otherwise and with what is before them. There are a number of benefits with the scheme with the delivery of a large quantum of market and affordable housing this is offered a significant amount of weight in the decision making process.

7.0.31 The site is constrained; however, the technical issues which constrain the site, have been considered and subsequently, there are some developable solutions to realise the benefits of this scheme.

7.0.32 The adverse impacts of the proposed development have been considered, assessed and weighed. Ultimately it is considered the impacts outweigh the benefits of the scheme. It is considered that while some of the impacts associated with the proposed development can be mitigated through the use of planning conditions and obligations the overall balance is tipped against the proposed development.

7.0.33 Indeed, while the Council may permit development proposals that are in advance of the finalisation of the Lancaster South Area Action Plan DPD as allowed for by SG1, as previously discussed, the Council will not seek to support piecemeal development, which are not consistent with the key growth principles set out in Policy SG1 of this DPD. Fundamentally it is considered the scheme cannot be supported by the infrastructure to result in a sustainable development for south Lancaster.

7.0.34 Overall, for the reasons above the application is on balance not consistent with the Local Plan and on the basis there are no material considerations to suggest otherwise, it is recommended to Members that the development is refused.

## **8.0 RECOMMENDATION**

8.0.1 That Outline Planning Permission BE REFUSED for the following reasons:

Refusal No.	Refusal Reason
1	The site is located within the Broad Area of Growth within the Local Plan in relation to the Garden Village. The proposal would undermine the integrated and co-ordinated approach in providing the infrastructure requirement to support the level of development proposed. Given it is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, there is no certainty that education or transport infrastructure would come forward to support the level of housing sought. The imposition of planning conditions to secure such provision is considered to be inappropriate, and as such the application would fail to comply with the relevant Growth Principles in SG1 and furthermore likely to undermine delivery of the wider Garden Village. The proposal therefore fails to satisfy the criteria which allows for development to be brought forward at this time and thereby would be contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 8 and 9, Policies SP9, SP10, SG1 and SG3 of the Strategic Policies and Land Allocations Development



	Plan Document and Policies, DM57, DM58, DM60, DM61 and DM63 of the Review of the Development Management Development Plan Document.
2	The purpose of policy SG1 is to deliver housing in the Broad Location for Growth, which focuses on high quality development that carefully balances housing and employment requirements, whilst maintaining strong and embedded environmental and high-quality design objectives. This is an outline application, which only seeks full permission for the access and not the layout, scale or appearance of the development. However, it is difficult to categorically conclude that that the number of dwellings proposed and the constraints within the site would allow for a high-quality design and overall sense of place to be created. The unique topographical features of the site are the key drivers in dictating how a site would be laid out, the future orientation of buildings and routes, drive sustainable water management and help establish a planting and an energy and noise mitigation strategy. The application does not talk of the distinctiveness and innovation which does not give confidence that the high bar of design of SG1 would be achieved. Whilst there are factors that weigh in favour of the development, they do not outweigh the failure to meet the Key Growth Principles in SG1 to secure high-quality urban design. As a result, the proposed development would be contrary to Lancaster Strategic Policies and Land Allocations DPD Policy SG1, Lancaster Review of the Development Management DPD Policy 29, aims and objectives of the NPPF in particular Section 12.
3	The southeast area of the application site is 700 metres of a commercial wind turbine. The proposal would introduce a form of residential development within the area which is identified to being the most likely affected by shadow flicker. The Shadow Flicker Technical Note (SFTN) and Shadow Flicker Impact Assessment (SFIA) accompanying the application identifies that the turbine has the option of being turned off and advocates that layout design, installation of window blinds and planting of additional trees and bushes are the main safeguarding measures to protect the amenity of future occupiers. This is considered to be inadequate to demonstrate that the safeguarding measures would be sufficient to protect future occupiers in the southeast parcel of land taking into account position and casting shadows. Furthermore, the SFTN and SFIA does not take into account the future operation of the turbine and how it might be affected by the intermittent switching off to address any future complaints which may arise. There is insufficient information to demonstrate the turbine will be able to operate during the majority of optimum times given the frequency of periods of inactivity to overcome any potential future complaints. Given the turbine's purpose contributes to a lower carbon environment the effect on the operation would at times be at odds with the principles of the Council's Climate Emergency. As such, the proposal is contrary to Policy SG1 of the Strategic Policies and Land Allocations Development Plan Document and Policy DM29 of the Review of the Development Management Development Plan Document the aims and objectives of the National Planning Policy Framework, in particular Section 15.
4	The application site is within Flood zones 1, 2 and 3. The applicant has submitted a Flood Risk Assessment which identifies that the site is subject to other forms of flood risk, namely fluvial, ground water, surface water, from sewer/mains and infrastructure failure. The applicant has failed to demonstrate within the application that there to be sequentially acceptable sites which are not subject to a risk of flooding to enable the Local Planning Authority to reach a view if there are no areas with the lowest risk of flooding in which to steer new development towards. As such the proposed development would be contrary to the National Planning Policy Framework, Development Management (DM) DPD Policy DM33 and Strategic Policies and Land Allocations (SPLA) DPD Policy SG1.

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

