

Report to the Cabinet

Meeting to be held on Thursday, 4 February 2021

Report of the Head of Service - Planning and Environment

Part I

Electoral Divisions affected:
Lancaster Central; Lancaster
Rural East; Lancaster South
East;

M6 Junction 33 Reconfiguration with Link Road – Approval for Use of Powers and Preparation of Documentation for Land Assembly and Planning under a Development Consent Order

(Appendix 'A' refers)

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Executive Summary

The major new road infrastructure scheme to be delivered for the South Lancaster Growth Catalyst is considerable, and comprises the reconfiguration of M6 Junction 33 with a new highway connection providing a link to proposed housing areas west of the West Coast Main Line, along with a new spine road to service the Bailrigg Garden Village. Together these form the 'South Lancaster to M6 Road Scheme'.

As the scheme represents a nationally significant infrastructure project, by virtue of the reconfiguration it proposes to the M6 Junction 33, statutory approval for development must be sought through a Development Consent Order, under the Planning Act 2008.

In order to maintain programme milestones and to ensure the scheme can be delivered, it is essential that the county council has possession of all the necessary land. Negotiations with landowners will commence immediately however, agreement may not be achievable in time or at all. Consequently, it may be necessary to use powers available to the county council to compulsorily acquire land and rights.

Given a Development Consent Order is proposed to be sought, it is appropriate to use the same statutory provision to compulsorily acquire land and rights, and also to give the county council as highway authority the power to stop up, divert, improve or otherwise alter a side road, public right of way or private means of access. Without this power, the county council could not carry out the necessary alterations to the existing accesses.

This report deals specifically with the M6 Junction 33 Reconfiguration with Link Road, which is the subject of an earlier report on this Cabinet agenda. Subject to the approval of the recommendations contained in that report, the recommendations below seek the Cabinet's approval for the use of powers and preparation of documentation for land assembly and planning in respect of this part of the South Lancaster to M6 Road Scheme. A further report in relation to the full scheme will be brought to a future Cabinet meeting.

This is deemed to be a Key Decision and the requirements of Standing Order C20 have been complied with.

Recommendation

Subject to Cabinet agreeing to the recommendations set out in parts (i) and (ii) to Item no. 5 to this Cabinet meeting, Cabinet is asked to:

- (i) Approve the use of the county council's powers of compulsory acquisition of land or rights over land contained in the Planning Act 2008 and all and any other enabling legislation, for the construction and future maintenance of the proposed M6 J33 reconfiguration with link road and realigned footpath network, as part of the South Lancaster to M6 Road Scheme as illustrated on the plan at Appendix 'A';
- (ii) Authorise the preparation of relevant documentation and the taking of other procedural steps towards the drafting of a Development Consent Order prior to submission of any application;
- (iii) Approve the acquisition by agreement in advance of these powers of all rights, interests, enabling arrangements to facilitate the scheme.

Background and Advice

Following the submission of a Housing Infrastructure Fund application for the £261m South Lancaster Growth Catalyst (the Catalyst Programme) in March 2019, £140m was provisionally allocated by Government in the 2020 Budget. The Catalyst will create capacity for 5,000 homes in South Lancaster, as well as the 4,000 new students and 3,000 new jobs expected on the University campus by 2027. The scheme will also open up the potential for further growth of Future Lancaster and will develop Lancaster's public transport networks and deliver a wide range of new, high quality housing.

The South Lancaster Growth Catalyst was the subject of report to the meeting of the Cabinet in January 2021. That report explained the background to the Catalyst Programme and presented details of the integrated package of highway and transportation proposals and the context to this package.

The county council's District of Lancaster Highways and Transport Masterplan (the 'Transport Masterplan') was published in October 2016 and recognised the need for major infrastructure to support a strategic housing location in South Lancaster,

proposing a reconfiguration of M6 Junction 33 near Galgate. Also contained in the Transport Masterplan with a vision for the city centre that aimed to reduce through traffic, increase active and sustainable travel and improve the public realm.

The county and city councils were working collaboratively at that time to develop the Local Plan for the district, and informed by the Transport Masterplan, the Local Plan set out the core principles underpinning broad growth in South Lancaster to be further developed through an Area Action Plan, proposals which have been accepted and are contained in the adopted Local Plan.

Alongside a series of improvements proposed to active and sustainable transport measures into and within the city centre, and changes to the city centre gyratory system, is a programme of major new road infrastructure comprising:

- a) Reconfiguration of M6 Junction 33 and a new link road highway connection to proposed housing areas in South Lancaster.
- b) New spine road (potentially 2km in length) opening up greenfield land and servicing the Bailrigg Garden Village development.
- c) New Park and Ride Site located close to M6 Junction 33 to support sustainable travel to destinations north, including University and employment areas and into the city centre.

Together these form the 'South Lancaster to M6 Road Scheme'.

The Cabinet considered a report elsewhere on this agenda that presents the outcome of early survey and design activity, and recent public consultation on a series of road options to achieving the following aims, to assist in:

- creating a highway connection between the M6, A6 and proposed housing areas to support growth (over 3,500 homes at Bailrigg Garden Village and other housing development may flow from the new infrastructure)
- improve M6 Junction 33
- easing congestion which occurs in the centre of Galgate village
- the expansion of the University
- reducing traffic on the A6
- removing the Air Quality Management Area in Galgate by reducing traffic

Based on the outcome of environmental, engineering and traffic assessment of the options, and supported by the response of public consultation, the route known as 'Central 1' has been identified and reported to the Cabinet as the preferred option to be developed as the motorway junction reconfiguration and link road.

This preferred option entails the reconfiguration of Junction 33 of the M6, closing the southbound 'off' slipway and the northbound 'on' slipway and relocating these slipways to a location at the south east boundary of Lancaster University and to terminate at Hazelrigg Lane. These two locations would be connected by new 2.5km highway, with a link road closely following the western boundary of the M6 motorway between the motorway and the villages of Ellel and Galgate. The route would join

with Hazelrigg Lane on the Galgate/University side of the motorway. The route would include the improvement of this section of Hazelrigg Lane to approach the Bailrigg Garden Village via the A6 junction with a road underpass under the West Coast Main Line railway.

The full South Lancaster to M6 Road Scheme comprises the addition to the above of a new Spine Road serving the housing development area and connecting to the A588.

Subject to the approval of the recommendations contained in that earlier report, the recommendations of this report deal specifically with the M6 Junction 33 Reconfiguration with Link Road and seek the Cabinet's approval for the use of powers and preparation of documentation for land assembly and planning in respect of this part of the South Lancaster to M6 Road Scheme.

A further report to the Cabinet will follow in connection with the full Scheme, once a route has been assessed for the new Spine Road and a scheme identified for a new Park and Ride facility.

The extent of the M6 Junction 33 Reconfiguration with Link Road is shown for illustrative purposes only at Appendix 'A'.

As the scheme falls under the designation for nationally significant infrastructure project, by virtue of the reconfiguration it proposes to the M6 Junction 33, statutory approval for development must be obtained by means of a Development Consent Order, introduced by the Planning Act 2008. As such, an application, accompanied by a draft Development Consent Order, will be examined by the Planning Inspectorate and determined by the Secretary of State.

The Planning Inspectorate sets out a prescribed statutory process for the documentation which must accompany an application as well as the consultation to be undertaken in order for an application to be accepted for examination. Examination in public is a prescribed stage to the process, following which the Planning Inspectorate must prepare a report to the relevant Secretary of State, who will issue a decision.

A programme has been prepared which anticipates the examination process starting in spring 2023 and concluding in late summer 2024, permitting a start to construction (subject to a positive outcome) at the start of 2025.

In order to maintain programme milestones and to ensure the scheme can be delivered, it is essential that the county council has possession of all the necessary land. Negotiations with known landowners will commence immediately, however, agreement may not be achievable in time or at all. Consequently, it may be necessary to use powers available to the county council to compulsorily acquire land and rights. Acquisition by agreement will always be the preferred way forward and it may be in particular that some or all of the land for the link road will be able to be secured.

Given a Development Consent Order is to be sought, it is appropriate to use the same statutory provision to compulsorily acquire land and rights. This would be in place of a Compulsory Purchase Order, which would be normal in circumstances where a scheme such as this does not fall under the designation for nationally significant infrastructure projects.

The Development Consent Order can also fulfil the purposes, and be used in place, of a Side Roads Order, such that it will also be utilised for this Scheme to give the county council as highway authority the power to stop up, divert, improve or otherwise alter a side road, public right of way or private means of access.

Consultations

The M6 Junction 33 Reconfiguration with Link Road has been the subject of public consultation as part of the 'Transforming Lancashire Transport' options published in autumn 2020. The details of this consultation and its outcomes are presented in elsewhere on this agenda.

Implications:

This item has the following implications, as indicated:

Risk management

Should the recommendations in this report be approved, preparatory work can proceed in accordance with relevant regulations and procedures and documents be produced in order to maintain the delivery programme for this scheme. Furthermore, appropriate acquisitions of land by agreement can be completed.

Financial

The financial model and principles to the South Lancaster Growth Catalyst Programme were considered by Cabinet at its meeting in January. The activities set out above will be funded through the Programme, representing a combination of local authority contributions, including £4.6m from Lancashire County Council, and cash flow and grant from the Housing Infrastructure Fund.

Human Rights

Every person has the right to peaceful enjoyment of his or her possessions under Article 1 of the First Protocol on Human Rights and no one shall be deprived of his possessions except when there is a compelling case in the public interest. If there is to be an interference with this right, this must be done as provided for by the law and the interference must strike a fair balance between the interests of the community and the protection of the rights of the individual. The scheme's design seeks to minimise the interference necessary and, although a balance is required to be achieved, the county council believes that the greater good is in promoting the scheme for the benefit of the people of Lancaster and the wider public, and that this outweighs the harm caused by the use of powers of compulsory acquisition to acquire third party land and rights for the scheme.

List of Background Papers

None

Reason for inclusion in Part II, if appropriate

N/A