

## **Report to the Cabinet**

Meeting to be held on Thursday, 7 October 2021

## **Report of the Head of Planning and Environment**

### **Part I**

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

### **South Lancaster to M6 Road Scheme: M6 Junction 33 Reconfiguration with Link Road, Spine Road serving Bailrigg Garden Village, and Park and Ride Facility**

(Appendices 'A' - 'D' refer)

Contact for further information:

Niamh O'Sullivan, Tel: (01772) 530695, Principal Planner,  
niamh.osullivan@lancashire.gov.uk

#### **Executive Summary**

Approval is sought to take forward the South Lancaster to M6 Road Scheme by approving the route of the Spine Road to serve Bailrigg Garden Village; and a site for a Park and Ride facility, together with the use of compulsory purchase powers.

Earlier decisions made by Cabinet in relation to this scheme, in January and February 2021, are referred to within this report.

The design exercise and the preparation of a planning application have commenced for the Bailrigg Garden Village Spine Road route and the Hazelrigg Lane Park and Ride.

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 have commenced with landowners however; agreement may not be achievable in time or at all. Consequently, it may be necessary to use Compulsory Purchase powers available to the county council, under the Highways Act 1980, to acquire the land. Approval is sought for use of such powers.

Additionally, a Side Roads Order under the Highways Act 1980 will also be required to enable alterations to be made to the existing highways including the M6 and changes to private means of access. Other Schemes and Orders under the Highways Act will also be required to enable the construction of a bridge over the canal's navigable waters.

This is deemed to be a Key Decision and the requirements of Standing Order C19 have been complied with.

### **Recommendation**

Cabinet is asked to:

- (i) Approve the provision of a Spine Road serving a Bailrigg Garden Village (Appendix 'A') and site for a Park and Ride facility (Appendix 'B').
- (ii) Subject to approval of recommendation (i) set out above, the route, as shown on Appendix 'A', be approved and adopted as the route for Bailrigg Garden Village Spine Road.
- (iii) Approve the use of the county council's powers of Compulsory Purchase contained in the Highways Act 1980, and all and any other enabling legislation, to acquire all the necessary land and rights for the construction/improvement and future maintenance for the South Lancaster to M6 Road Scheme (including the reconfiguration of M6 Junction 33 and a new Link Road and subject to the approval of (i) and (ii) the Spine Road serving a Bailrigg Garden Village and a Hazelrigg Lane Park and Ride facility).
- (iv) Authorise both the preparation of Compulsory Purchase and Side Road Orders for the South Lancaster to M6 Road Scheme and other appropriate Notices Orders and Schemes under the relevant statutes and the taking of all other procedural steps in connection with the making of the Orders and Schemes, prior to approval and sealing and making of the formal Orders and Schemes.
- (v) Approve the acquisition by agreement in advance of Compulsory Purchase powers of all rights, interests, enabling arrangements to facilitate the South Lancaster to M6 Road Scheme.

### **Background and Advice**

Following the submission of a Housing Infrastructure Fund application (HIF bid) for the £261m South Lancaster Growth Catalyst (herein referred to as 'the Catalyst') in March 2019, the Government confirmed a £140m allocation to the Catalyst in the spring Budget in March 2020. The Catalyst will create capacity for at least 9,185 homes (this figure includes the new student homes) in South Lancaster, as well as the 4,000 new students and 3,000 new jobs expected on the University campus by 2027 as well as delivering wider benefits. The scheme will also open up the potential for further growth and will develop Lancaster's public transport networks and deliver a wide range of new, high quality housing.

The Catalyst was the subject of a report to the meeting of 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 Cabinet resolved to approve the report.

The 'South Lancaster to M6 Road Scheme' (which includes the reconfiguration of M6 Junction 33 and an associated new link road, a new spine road opening up greenfield land and servicing the Bailrigg Garden Village development and a new park and ride facility) was the subject of a report to the meeting of the Cabinet in February 2021. That report described the result of public consultation through which a 'Central 1' route option attracted most public support for the Junction 33 Link Road. The Cabinet resolved to approve and adopt the preferred option. Consequently, approval for use of powers and preparation of a Development Consent Order (commonly referred to as a DCO) for that preferred option as part of the South Lancaster to M6 Road Scheme was approved by Cabinet in February 2021.

In the period since, the county council has been informed of National Highways' (formerly Highways England) decision that the Junction 33 Link Road will not become its responsibility once it has been built. This decision, taken alongside the drafting of the Planning Act 2008 in the context of the junction works' status as part of the wider South Lancaster to M6 Road Scheme, means that no part of the South Lancaster to M6 Road Scheme meets the statutory test for nationally significant infrastructure and highway projects under section 22 of the Planning Act 2008. This means that it does not automatically qualify to be determined through the statutory procedure for a Development Consent Order under the Planning Act 2008.

Section 35 of the Planning Act 2008 does allow for a scheme to be put forward to be considered as a nationally significant infrastructure (and thus determined by the Secretary of State) even if outside the statutory criteria. In such instances, a scheme would need to meet other tests and follow the protocol set out. The South Lancaster to M6 Road Scheme is intended to allow housing to come forward and resolve traffic issues on the local highway network and put in place local infrastructure to support this. As such it is not considered to comprise nationally significant infrastructure and the tests under section 35 would be unlikely to be satisfied. Furthermore, seeking to utilise the section 35 process would lead to potential further delay to the project programme.

Accordingly, it is advised that the entire South Lancaster to M6 Road Scheme, including the M6 J33 works and associated Link Road be progressed under a planning application that would be submitted to the planning authority, in this instance the county council, along with Compulsory Purchase and Side Road Orders and a Scheme for crossing the canal.

#### Bailrigg Garden Village Spine Road

The aspiration to provide a spine road to serve the Bailrigg Garden Village in South Lancaster was stated in the Lancaster Local Plan (2011 – 2031 *Policy SG1: Lancaster South Broad Location for Growth (Including Bailrigg Garden Village)*).

The Spine Road represents a critical piece of infrastructure that will be part of the process to enable the development of the Bailrigg Garden Village. To deliver development at Bailrigg Garden Village, there is a requirement for a suitable access road to serve residents and visitors, and in the prolonged construction period, to provide construction vehicles with suitable access to the development sites. The Bailrigg Garden Village Spine Road will provide a central spine for vehicular and

sustainable and active travel and be sympathetically situated and designed to complement the design principles for the Bailrigg Garden Village.

The Spine Road has evolved from the first proposal in the Housing Infrastructure Fund bid as a route through the proposed South Lancaster Future Growth Area (Appendix 'C'). Work has been undertaken considering the engineering and environmental impacts of the route. Discussions have taken place with Lancaster City Council and JTP Architectural Consultants, consultants commissioned by the city council to prepare a Masterplan for Bailrigg Garden Village and to advise on a suitable alignment for the Spine Road. The masterplan exercise has proposed a route that would only have a westerly connection over the Lancaster canal to the A588 (Appendix 'D'). During these discussions the final Spine Road route has evolved to the route in Appendix 'A'. for which approval is sought. This Spine Road provides both a westerly connection to A588 and northern connection to Ashford Road.

The Spine Road will achieve the aim of creating new infrastructure to support the aims of the South Lancaster to M6 Road Scheme whilst simultaneously avoiding a number of constraints. The Spine Road will be sympathetic to the local topography, drainage and flood management considerations, and objectives for the design and configuration of the Bailrigg Garden Village, providing suitable distance from ancient woodland and other important local habitats and natural and man-made features, and farmsteads and other existing properties, whilst ensuring safe and suitable connectivity to existing infrastructure in South Lancaster.

The Spine Road alignment is situated to the west of the West Coast Main Line. An underpass of the rail line as part of the Link Road will connect the Spine Road to the M6. The Spine Road will be a single carriageway on its approach to a junction immediately west of the rail line. It then turns north parallel to Burrow Road on its eastern side. The alignment then crosses Burrow Road and Tarnwater Lane (with a junction formed to Burrow Road to its north) and approaches a junction to the east of Lower Burrow Farm on Tarnwater Lane. The route will then travel northwards on the western side of Burrow Heights Farm, running broadly parallel with the Lancaster Canal to its west. The route will then split beyond Burrow Heights Farm. One section of the route will travel west bridging the Canal to serve development to the west of the Canal and a connection to the A588. The second section will continue north to connect with Ashford Road, to the west of Scotforth Cemetery.

### Park and Ride Facility

The Highways and Transport Masterplan for Lancaster District, published by the county council in October 2016, identifies the need to explore the extension of the Park and Ride network beyond the site at Junction 34 of the M6 motorway. Allocations made in the Lancaster Local Plan reflect the aims and objectives of the Highway and Transport Masterplan and as a result, *Policy T1* (of Lancaster Local Plan Part One: Strategic Policies and Land Allocations DPD) states that land at M6 junction 33 will be safeguarded for future investigations for the role as a Lancaster South Park and Ride facility.

The location for the Park and Ride facility represents a readily accessible location on the line of the South Lancaster to M6 Road Scheme, conveniently located to the south of the Lancaster University campus (access for buses to and from the site).

The Park and Ride facility is to be situated to the south of Hazelrigg Lane, east of A6 Preston Lancaster Road. The site would have the capacity for approximately 600 vehicles and a turning circle for buses. A bus service would run between the Park and Ride and Lancaster city centre via the A6 and Bailrigg Garden Village. The Park and Ride would alleviate the traffic that is experienced in Lancaster City Centre by providing a sustainable transport route for residents of Bailrigg Garden Village, the local villages of Ellel and Galgate, university students and commuters.

## **Consultations**

The Spine Road alignment has been the subject of consultation through the Bailrigg Garden Village Masterplan exercise. JTP Architectural Consultants working on behalf of Lancaster City Council, who are responsible for undertaking the masterplan for Bailrigg Garden Village, have ran several consultation events during 2021.

The most recent consultation event was on 23 March 2021, which presented the latest draft masterplan for the Bailrigg Garden Village and included a northerly and westerly route for the Spine Road.

During this time, discussions with JTP Architectural Consultants, Lancaster City Council and Lancashire County Council have been held which produced the Spine Road which represents the northerly and westerly routes in combination.

## **Compulsory Purchase Order**

Whilst the county council's Head of Estates will be proactive in approaching landowners regarding the required land and other enabling arrangements, there is no guarantee that they would be prepared to conclude negotiations by agreement in respect of the South Lancaster to M6 Road Scheme. To ensure progression of the scheme when appropriate, it is therefore recommended that the county council is authorised to progress a draft Compulsory Purchase Order to acquire the land and rights and prepares and progress the other associated Orders and Schemes.

## **Side Roads Order and other Orders and Schemes**

A Side Roads Order, under s14 of the Highways Act 1980, would also be required for the South Lancaster to M6 Road Scheme. It is proposed to progress this and prepare the Order at the same time as the preparation of Compulsory Purchase Order. A Side Roads Order gives the county council, as Highways 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 road, public rights of way accesses. Scheme(s) under the Highways Act 1980 may also need to be made by the county council to make provision for the construction of a bridge over the navigable canal.

## **Implications:**

This item has the following implications, as indicated:

### **Risk management**

If the recommendations are not approved, there is the risk that development will take place along the route making the future construction of the Scheme either more difficult or impossible.

This would also result in uncertainty and delay on progressing statutory planning and land assembly procedures and in turn construction of the scheme when the appropriate time is reached.

The recommended approach also allows for a comprehensive and holistic approach to be taken to infrastructure development in South Lancaster; both in terms of design and the assessment of the proposed works.

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 Homes England 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. The county council will also need to make this case when making the proposed Orders.

## List of Background Papers

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate		
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