

<b>SUBJECT:</b>	<b>WESTERN GROWTH CORRIDOR – PLANNING APPLICATION SUBMISSION</b>
<b>DIRECTORATE:</b>	<b>DIRECTORATE OF MAJOR DEVELOPMENTS</b>
<b>REPORT AUTHOR:</b>	<b>KATE ELLIS – STRATEGIC DIRECTOR OF MAJOR DEVELOPMENT</b>

## **1. Purpose of Report**

- 1.1 This is the last of three reports on the 20 March 2019 Executive agenda that deal with various components of the delivery of the Western Growth Corridor (WGC) scheme. The first two reports are outlined in section 3 below.

This final report, which is subject to the approval of the two previous Part B reports, provides feedback to the Executive on the final element of the development public consultation on the WGC masterplan/further transport and flood mitigation work. It then seeks approval to submit the outline planning application for the WGC based on the proposed Masterplan with detailed applications for two of the three access junctions into the development.

## **2. Background**

- 2.1 The Western Growth Corridor (WGC) is one of 4 sustainable urban extension (SUE) areas around Lincoln identified and promoted in the Central Lincolnshire Local Plan for development to meet the area's growth projections up to 2036. It is the closest SUE to the city centre and has the greatest opportunity to achieve real sustainability both within the development and for the surrounding communities. It is the major area for housing and employment growth in the city itself and is a key part of delivering Lincoln's Growth Strategy over the next 20 years.
- 2.2 There have previously been three main attempts (1996-2001, 2005-8 and 2013-16) to bring development forward in partnership between the Council and adjacent landowners. Significant issues in relation to flooding concerns (majority of the land is in a flood risk area), transport impacts, comparative commercial viability and landownership have prevented the development from coming forward. The scale of development has reduced over this time from around 5,000 homes with 36 hectares of employment land and 2 local centres to address the key historical issues faced by the development including flooding and transport.
- 2.3 The Central Lincolnshire Local Plan adopted in April 2017 following a robust and thorough examination has now approved the principle for development of the site. Having established the principle of development, the next stage has been to consider the key building blocks of the development at a broad rather than a detailed level. The Local Plan allocation is for a new neighbourhood of 3,200 new homes (20% affordable), 20 hectares of commercial/employment space, a new

Leisure Village, improvements in accessibility and range of green space, flood mitigation improvements, remediation of the former tip and a range of improved connectivity (roads, cycle paths and pedestrian routes).

- 2.4 The City Council is a significant landowner (owning about 60% of the site included within the proposed masterplan area) and has been leading on bringing forward development of the area in a viable, sustainable and deliverable way since 2016. WGC is a key priority within the City Council's Vision 2020 and delivers across all the Council's priorities and objectives. It is also the single biggest development area within the City boundary.
- 2.5 As reported to Executive on 24 September 2018, Lindum Western Growth Community Limited (Lindum) purchased about 40% of the site in Summer 2018, enabling the Council and Lindum to work together since September 2018 to progress the scheme.
- 2.6 The previous development led public consultation on the WGC draft masterplan was a comprehensive consultation undertaken between 28 June and 15 November 2017 including 9 events and resulted in over 350 people attending the events, 298 responses containing 982 comments covering 41 different topics. The Executive considered the consultation feedback on 02 July 2018 and a detailed response to the consultation along with a number of key changes to the Masterplan approved.
- 2.7 The areas of most comment were related to traffic, flooding, Hartsholme Drive access/connection to the development and infrastructure. It was agreed that further work would be undertaken on the transport and flood concerns (which form the basis for the final element of developer public consultation) and that the access from Hartsholme Drive into the development was amended to be a cycle/pedestrian link only.

### **3. Delivery Agreement & Scheme Viability**

- 3.1 There are a number of documents that need to be agreed to progress WGC to the next phase. These are key documents that will steer and shape delivery of the scheme, in terms of financials, timescales and objectives.  
They are:
  - Landowner Delivery Agreement (DA) including:
    - o Scheme Viability Assessment (overall) (SVA);
    - o Grants Strategy (GA);
    - o Procurement Strategy (PS);
    - o Design Code (DC);
    - o Infrastructure Phasing Plan; and
    - o Housing Delivery Phasing Plan;
  - Scheme Viability Assessment (Council) (SVAC); and
  - Phase 1a Costs & Delivery.
- 3.3 The Delivery Agreement is the single key overarching legal document between the Council and LWGC which will underpin delivery of the overall WGC scheme including:
  - Working together to implement the delivery of the WGC in accordance with the Central Lincolnshire Local Plan in the most efficient, effective,

- economical and sustainable manner;
- Submitting a joint planning application;
- Establishing the viability of the development through the SVA;
- What constitutes Common Infrastructure Costs (CIC);
- Procurement Strategy;
- Each party responsible for the non CIC costs and delivery on their respective landownership in accordance with the Infrastructure Phasing Plan and the Housing Delivery Phasing Plan;
- Grants Strategy setting out the principles, process and apportionment of grant funding in accordance with state aid requirements;
- Governance structures to oversee the implementation of the DA with a mutually beneficial approach that maximise outcomes for both parties;
- Duration of the agreement;
- Approach to State aid;
- Ability to accelerate common infrastructure;
- Ability to suspend development, if contrary to scheme viability assessment;
- Ability to undertake CPO action against third party rights;
- Termination clauses;
- Longstop dates; and
- Dispute resolution.

3.4 The Delivery Agreement has been negotiated with LWGC on the basis of the key principles agreed by the Executive on 24 September 2018 and all these key principles have been met. They are:

- **Parties:** The agreement will be between the Council and Lindum (either Lindum Group Limited or a suitably funded subsidiary company with ideally a parent company guarantee).
- **Purpose:** To regulate certain matters relating to the delivery of the Western Growth Corridor in accordance with the Central Lincolnshire Local Plan 2012-2036 (particularly Policy LP28 and LP30). No joint venture or partnership is created or intended.
- **Development:** Save as dealt with under the agreement, each party will have an unrestricted ability to develop their respective land-holdings, taking full development risk.
- **Planning:** A joint planning application will be made; the agreement regulating the deadline for agreeing and submitting the application, what will be considered an onerous or unacceptable planning condition, as well as the basis for whether to appeal a refusal. The agreement will also deal with finalising the terms of the s.106 agreement.
- **Infrastructure:** Common infrastructure will be defined, principally being the highways infrastructure (including bridges and primary spine road), drainage works, landscaping, and other works of a strategic nature. All other costs will be recovered solely out of the relevant “plot” and therefore not shared between the parties.
- **Infrastructure costs:** These will be apportioned on a fair and equitable basis between the two land-owners. An appropriate proportion of relevant historic costs incurred by the Council are to be recovered.
- **Infrastructure works:** These will be procured either by the Council or on an agreed joint basis. All works will be procured in a way which meets Public Contract Regulations 2015 and delivers value for money. Works will be let in packages and sequenced. Frameworks will be used where

appropriate.

- **Grant monies:** Any grant or other public funds available to the Council will be applied towards infrastructure costs as permitted by the grant provider. The application of these funds will be reflected in the method for apportioning costs and compliant with state aid law.
- **Security:** To protect the Council, and depending on the detail of how costs will be met, the agreement may require Lindum to provide security in respect of its financial commitment to meet infrastructure costs as they are incurred.
- **Assignment:** It will be recognised that appropriate obligations (including those arising under an agreement with Homes England) will need to be passed on to third parties (for example, where a parcel of land is sold off to a house-builder) or with the land. As such, the agreement will deal with that by means of deed of covenant and/or s106 and/or title restriction.
- **Development:** The agreement will describe how the development will be phased and will ensure that the two land-owners are not competing with each other (in addition to, or by reference to, any equivalent planning obligations). This will include appropriate terms in respect of sales, marketing, signage, etc.
- **Transport:** The Council will continue to lead on all matters requiring engagement with the Highways Authority and Highways Agency.
- **Fetter of discretion:** The agreement will make clear that it does not, and cannot, fetter the exercise of the Council's statutory discretion, including as planning authority.
- **General:** The agreement will contain the usual terms in relation to matters such as confidentiality, dispute resolution, service of notices, means of communication via representatives, open book, and so on.

3.5 **Scheme Viability Assessment:** The Scheme Viability Assessment was prepared by an external expert development cost consultant. Various versions have been developed as the Masterplan for WGC has evolved to ensure that the scheme that proceeds to planning and the basis for the commercial terms within the landowner delivery agreement is both deliverable and commercially viable.

Scheme viability is very complex at this stage and depends upon a range of assumptions and variables ranging from build costs to sales values, rates of sales and timing of infrastructure and section 106 contributions. The viability also varies depending upon whether the landowner sells unserviced land, serviced land, develops parts or all of the land themselves as either residential or commercial. The potential iterations are endless. However, the Council's assessment shows that so long as the Council delivers a significant proportion of the development itself and/or in a form of joint venture then the scheme is viable to proceed.

3.6 **Cost & Delivery of Phase 1a:** As a result of the scheme viability assessment work it is proposed that the first 52 units on the Council's land at Skellingthorpe Road is developed by the Council itself for market housing. Sufficient resources, supported by Homes England grant, are available to deliver these new homes with any surpluses being set aside to help fund future phases.

#### **4. Public Consultation Feedback**

- 4.1 A final round of developer led public consultation, primarily providing feedback on the additional transport and flood work commissioned following the 2017 public consultation feedback, was open from 01-18 February 2019. There were also 6 consultation events held between Tuesday 05 and Saturday 09 February at a range of locations in the neighbouring communities. The consultation and events were publicised in Your Lincoln, a leaflet distributed to around 16,000 individual households within those neighbouring communities, along with a range of local and social media supported by local councillors also publicising the consultation.
- 4.2 Openplan (a Lincoln based place making consultancy with expertise in planning, community engagement and place shaping) have been commissioned by the Council to facilitate the developer public consultation events. They facilitated both the events in 2017 and those in February 2019 and are producing the Statement of Community Involvement as part of the planning application submission.
- 4.3 Over 400 attended the events (more than in 2017) and whilst there were a large number of comments made at the events, there were 48 completed questionnaires (less than in 2017). The feedback from the questionnaires did reflect the individual comments made at the consultation events. The February 2019 consultation period was shorter than the previous consultation that ran between June-November 2017 as it was designed to focus on providing the further information on transport and flood concerns. The full information and analysis on all aspects of the planning application development, including transport and flood, will of course be made available when the application is submitted and the Local Planning Authority will undertake a formal consultation process that will enable people to give their views.
- 4.4 The consultation events largely focused on providing further information on the issues of transport and flooding as the two key public concerns, and whilst transport in particular remains the biggest concern, a wide range of topics were also raised including ecology, provision of affordable housing, health facilities, schools, sustainability, impact on the environment and early provision of infrastructure.
- 4.5 The questionnaire was based on the most frequently raised questions from the 2017 consultation, which the events themselves were then aimed at addressing. The analysis of the questionnaire responses seeks to capture whether the further work undertaken and the information provided in February have helped to address those questions. The results are summarised in the table below.

Question derived from responses to previous consultation (2017)	Are you happy with the assessment that has been carried out and changes that have been made?		
	YES	NO	N/A
Won't this development just add to the current chronic traffic problems in this area and the wider city?	17	<b>27</b>	4
Will the development add more congestion on the Skellingthorpe Road roundabout?	21	<b>22</b>	4
More detail is needed regarding the traffic impact on the A46 bypass. Shouldn't there be an additional roundabout access to the A46 for the WGC?	<b>23</b>	21	4
Hasn't the Environment Agency always been against development on this site as it is considered a flood plain? Why has this now changed?	21	<b>23</b>	4
Won't any buildings on this land be susceptible to regular flooding and have a negative impact on the established properties in the area?	<b>25</b>	19	4
Won't raising the land on the site (to make it developable) provide a significant risk to the existing residents whose homes are lower than the surrounding area? Where will the flood water, which currently occupies the site go once all housing is built?	<b>24</b>	20	4

The analysis of the questionnaires received in relation to transport and flooding did mirror comments made at the events.

- 4.6 There was clearly a lot of concern from event attendees about the current experience of congestion on Skellingthorpe Road in particular. This was both onto the A46 and on to Tritton Road as a result of the railway crossing impact and the junction design. The overwhelming request was for the main spine road that would link Skellingthorpe Road with a bridge over the railway into Tritton Road, therefore avoiding the level crossing impact, to be put in as soon as possible.

From the majority of attendees there appeared to be an understanding that:

- Congestion in the area will get worse **without** the development;
- The solutions proposed by the development itself **will provide relief** to the current issues; and
- **Economically**, it was not possible to put the link in from the start.

However, it is clear that from the community comments that they want the link in as soon as possible.

- 4.7 Openplan's conclusion from both the questionnaire feedback and the comments made during the events themselves is as follows:

"...Although concerns about both flood risk and traffic remain, the information provided during this consultation and the changes that have been made since the previous consultation appear to have reassured most respondents that the issues have been properly considered, and some that the solutions proposed are acceptable..."

## **5. Proposed Planning Application Submission**

- 5.1 The February 2019 consultation itself has not led to any proposed changes to the revised Masterplan that emerged following the previous 2017 consultation. The proposed Masterplan is therefore, attached as Appendix A.
- 5.2 The Outline Planning Application for the overall development as shown at high level on the proposed Masterplan has been developed on the basis of a wide range of surveys, investigations and analysis that comply with all the planning guidance and policy requirements along with the feedback from public consultation and the statutory consultees.
- 5.3 Alongside the extensive transport modelling that has been undertaken, further analysis and work has been undertaken by a second transport consultant to provide an additional technical appraisal of the transport information in relation to both sustainable forms of transport and car movement. This additional work has helped to ensure that the access strategy proposed for the development is the best possible solution to maximise the opportunities that the site offers being so close to the city centre. The measures proposed therefore do actively encourage and ensure that more sustainable forms of movement (particularly cycling, walking and the use of the bus) are realistically possible on this location, whilst still enabling improvements in car movements for both the development and the wider community to reflect the needs of those for whom sustainable travel is not an option.
- 5.4 The detailed design for two of the three access points for the proposed new roundabout at Skellingthorpe Road/Birchwood Avenue and the access onto Tritton Road with a road bridge over the railway into the development have also been prepared to accompany the outline application for detailed consent. These two access points have been designed to enable them to then be developed further for costing, procurement and delivery as part of the first phase of the development.
- 5.5 The Outline Planning Application also proposes 4 main phases of development delivery, split into further sub-phases. They are shown in the table below:

<b>PROPOSED PHASE</b>	<b>DESCRIPTION</b>
1a	- 300 units - New roundabout Skellingthorpe Road/ Birchwood Avenue - Improvements to A46/Skellingthorpe Road roundabout
1b	- 300 units - Tritton Road bridge
1c	Connect main spine road between Skellingthorpe Road/Birchwood Avenue and Tritton Road bridge
2a	- 400 units - Primary school - Tritton Road bus lane - Part provision of strategic Public Open Space (POS)
2b	- 600 units - Start local centre - 5,000sqm commercial - Part provision of strategic POS
2c	- 600 units - 5,000sqm commercial - Part provision of strategic POS
2d	- 600 units - 5,000sqm commercial - Final part of strategic POS
3*	Beevor Street Link
4a	400 units
4b	Final 25,000 sqm of commercial
4c*	Development of Leisure Village
4d*	Development of Stadium

\*Once funding is obtained the Beevor Street link along with the Leisure Village and the Stadium can be brought forward either alongside phase 1c or at any point after.

5.6 The planning submission has been prepared and is now undergoing final checking to be ready for formal submission to the Local Planning Authority (LPA) within the next month. The LPA would then undertake its own normal assessment and formal consultation processes for a Major Application of this size, which may well lead to changes to any of the elements proposed.



## 6. Timescales

6.1 The revised target timescales proposed are as follows:

<b>Activity/Milestone</b>	<b>Target Timescale</b>
Signing of the Delivery Agreement and associated documents.	April 2019
Submission of Outline Planning Application with detailed design for the 2 access junctions at Skellingthorpe Road and Tritton Road.	April 2019
Start of the procurement process to have contractor in place for mobilisation start date.	April 2019
Continued pursuit of appropriate external funding to help bring forward the Tritton Road bridge and link to Skellingthorpe Road	Ongoing
<b>Subject To Planning</b>	
Mobilisation should planning consent be granted	Spring 2020
Start on site (subject to planning) with Skellingthorpe Road/Birchwood Avenue roundabout for Phase 1a	Summer 2020
Completion of Phase 1a infrastructure – Homes England require grant funding to be spent by March 2021	Winter 2020/21

## 7. Strategic Priorities

### 7.1 Let's drive economic growth

The creation of a new neighbourhood provides homes for the workforce alongside 20 hectares of commercial land providing a wide range of employment opportunities.

### 7.2 Let's reduce inequality

The development will have a positive benefit in terms of this priority. As well as 20% of the new homes being affordable, a range of employment opportunities, a range of cultural/leisure opportunities as well as a wide range of options for walking/cycling and other transport measures.

7.3 Let's deliver quality housing

The Council will be ensuring through its land ownership that a full range of type and tenure of housing choice is delivered to a quality standard.

7.4 Let's enhance our remarkable place

The area for development has a fantastic environment and some very special attributes in terms of existing quality landscape, views of the historic area and the biodiversity of the natural environment which will be utilised to create a quality community environment.

## 8. Organisational Impacts

- 8.1 **Finance:** There is sufficient budget already allocated to cover the cost of submission. The fee for the planning application submission will be split 50/50 between the Council and LWGC with a proportionate contribution from Lindum Group in relation to their landholding at Fen Plantation Farm.

The other financial implications arising from this report contain commercially sensitive and exempt information as defined in Schedule 12A of the Local Government Act 1972 and cannot therefore be published.

- 8.2 **Legal Implications:** There are no legal implications arising directly from this report.

- 8.3 **Equality, Diversity and Human Rights:** There are no implications arising directly from this report.

## 9. Recommendations

- 9.1 To receive the feedback from the public consultation and support the on-going work to secure external funding to enable the spine road through the development connecting Skellingthorpe Road with a road bridge over the railway into Tritton Road as early as possible (subject to planning consent being obtained).
- 9.2 Agree to the submission of the WGC Outline planning application with the two detailed applications for the access junctions at Skellingthorpe Road/Birchwood Avenue and Tritton Road. Delegating the final sign off on the content of the planning submission to the Strategic Director of Major Development.

**Is this a key decision?** Yes

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?**

1  
Appendix A – WGC Masterplan

**List of Background Papers:**

None

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