

STATEMENT OF CASE ON BEHALF OF IT'S OUR CITY  
under Rule 6 of the Town and Country  
Planning Appeals.

Planning Inspectorate Ref: APP/A2335/V/09/2095002

For the Public Inquiry into Applications by Centros Lancaster LP  
Various sites in Lancaster in Connection with Comprehensive  
Redevelopment at Canal Corridor  
North Site, Edward Street, Lancaster, Lancashire

## 1. Introduction.

It's Our City is a community group of residents and independent businesses who oppose the Centros planning applications. Our subscribers are city wide and we have strong support from residents of the rural environs and visitors to the city. We are committed to the sustainable development of the Canal Corridor North site.

## 2. Site and Surroundings

In evidence the appeal site and surrounding sites will be described. Particular reference will be made to the nature of the surrounding land uses and the area generally will also be described, including the site's relationship with the surrounding residential properties, the city centre and other properties, uses, community and needs. The site is situated on the edge of the city centre. The site has as its boundaries St Leonard's Gate, Stonewell, Moor Lane and the Lancaster Canal. Lancaster City Council owns 40% Mitchells owns 40% and the rest of the site is in private ownership.

## 3. The Planning Process

We will demonstrate a range of inadequacies within the planning process concerning this development.

1. We will examine the process by which Centros became preferred developer in April 2005. We will demonstrate that the decision to grant preferred developer status to Centros was taken without the full range of information being available.
2. We will show that the master-planning process has not been conducted in a genuine manner. The plans have not fundamentally changed since they were initially introduced in early 2006, despite significant local opposition to key elements of the scheme.
3. We will examine the extent to which the planning applications of 2007 and 2008 differ.
4. We will demonstrate the ways in which It's Our City has participated throughout the entire planning process concerning this development.
5. We will examine the nature and extent of debate within the Planning Committee concerning this development.

## 4. Consultation

1. We will demonstrate that Lancaster City Council have failed to conduct adequate and appropriate consultation on this development on their own behalf. They have instead primarily relied on the wholly deficient consultation undertaken by Centros.
2. We will demonstrate that the consultation conducted by Centros did not conform to recognised best practice and will provide evidence in relation to the following key issues:
  - i. The consultation failed to maximise community involvement in contravention of PPS1. It comprehensively failed to promote and provide a process of genuine and honest

dialogue with the local community.

- ii.** The results of the consultation have been significantly misinterpreted and misrepresented.
  - iii.** The consultation was not conducted by an independent third party but by a PR company employed by Centros, indicating a fundamental conflict of interest.
  - iv.** The consultation was not inclusive and accessible, as it failed to include a broad range of communities likely to be affected by the development, instead primarily relying on a narrow range of ill-defined stakeholders.
  - v.** The consultation was not well publicised and information provision was incomplete, inadequate, misleading and untimely.
  - vi.** The consultation was poorly designed and its purpose was unclear. It was significantly unreflexive with proposals for improvement being ignored.
  - vii.** The consultation failed to use a range of appropriate methods and was not conducted within an appropriate timeframe.
  - viii.** The results of the consultation have been poorly reported, consisting primarily of description rather than analysis.
- 3.** We will demonstrate that the consultation undertaken in relation to this development was conducted in a cynical and manipulative manner.

## 5. Retail Impact and the Economic Case

- 1.** Our central argument is that the development will supplant the role of the existing centre rather than fitting into it in a complementary way. We shall examine the national, regional and local planning policy tests against which the developer has failed to demonstrate how such a large edge-of-centre development, relative to current capacity, will not vitiate the 'vitality and viability' of the existing city centre.
- 2.** We shall demonstrate how attempts to date to predict and provide retail comparison floorspace, in the White Young Green Report of February 2006 and in the Centros application documents have been deeply flawed.
- 3.** We will demonstrate that the development is of an inappropriate scale; that the site is not readily accessible; that the proposal will impact significantly on the vitality and viability of Lancaster city centre; that there are more suitable sites for the scale of development which is appropriate; that the amenity of adjacent uses is prejudiced; and that the development results in the loss of employment land with no guarantee of replacement.
- 4.** The trading implications of the retail proposal for existing centres within and without the district are likely to be serious and we will refer to objections to the Centros' scheme submitted by South Lakeland DC, by retail centre operators, and retailers themselves, in Lancaster city centre.
- 5.** We will demonstrate that the amount of additional expenditure available during the study period for comparison goods due to population growth will not support the proposed retail units. Nor will the volume of claw-back of leakage.

6. We shall demonstrate that there is minimal net migration of comparison spending from the district, despite its geographical spread.
7. In terms of the compatibility of the proposed development with neighbouring land uses, we shall demonstrate that it will not be consistent with the mix of uses within the immediate surrounding area and that the proposal will diminish the quality, attractiveness, and character of the area.
8. We shall show that this development will concentrate growth in one centre at the expense of others.
9. We shall pay particular attention to fact that the scheme is a significant departure from Canal Corridor North development plan brief.
10. We shall present data and analysis to indicate how the proposed development would impact on existing retail centres and how the retail impact assessments produced by Centros fail to make the contrary case.
11. We shall demonstrate the adverse impact of similar retail developments in the UK on existing centres and on independent retailers and why this matters to the health of the local economy.
12. We shall demonstrate how the letting agreement fails to protect the existing city centre from migration to the proposed new development.
13. We shall show that the scheme represents an excessive increase in net retail capacity.
14. We shall examine the proposition put forward by the developer that Lancaster as a retail destination is in relative or even absolute decline by reference, to among other documents, the retail impact assessments and the White Young Green report; as well as data from retail consultants such as Experian and the Centre for Retail Research; and from other public sources such as the Office for National Statistics and Preston city council.
15. We shall demonstrate how the spending growth and floorspace projections by Centros are based on a series of false assumptions.

## 6. Transport

1. We will question the adequacy of the short stay car park surveys carried out in February 2006 in terms of establishing a body of base data upon which Centros bases its predictions of how the development would impact on traffic volumes in Lancaster.
2. We will examine the fact that Centros has made no attempt to make clear the number of extra vehicles the development can be expected to attract to Lancaster based on the base data and calculation method included in the Transport Impact Assessment.
3. We will demonstrate that the information on expected increases in traffic volumes in Lancaster supplied in the 2007 and 2008 Traffic Impact Assessments is misleading and inadequate.
4. We will demonstrate that the calculating base factor employed by the Traffic Impact Assessment 2008 does not represent a like for like comparison between the existing city centre and the proposed development.

5. We will demonstrate that a higher calculating base factor should have been used to predict the increase in traffic volumes caused by the proposed development.
6. We will demonstrate that the Centros 2008 Traffic Impact Assessment is inadequate, inaccurate and misleading in the way its data and calculations are presented to the reader.
7. We will examine the fact that the Centros 2008 Traffic Impact Assessment does not apply an 'increased attractiveness figure' to its predictions on increases in traffic to take account of the 'increased attractiveness' of Lancaster to shoppers after the development is opened.
8. We will demonstrate that the Centros 2008 Traffic Impact Assessment fails to meet the terms of the required Traffic impact Assessment laid out in the Lancaster City Council's Canal Corridor Development Brief.
9. We will demonstrate that the Centros 2008 Traffic Impact Assessment does not include a clear prediction of the increased numbers of heavy and light delivery and service vehicles which will be generated by the proposed development.
10. We will show that the Centros 2008 Traffic Impact Assessment is misleading in terms of its repeated reliance on 'linked trips' to explain away the increase in traffic volumes that the proposed development will generate.
11. We will demonstrate that the inclusion of an 800 space multi-storey car park within the proposed development is a direct breach of Policy T17 of the Lancaster District Local Plan (2004)
12. We will demonstrate that the inclusion of an 800 space multi-storey car park within the proposed development directly contravenes the Lancaster District Local Plan, Policy T13 and the Lancaster District Core Strategy policy E 2.
13. We will demonstrate that this development would contravene policies RT 2 and RT 4 laid out in the North west of England Plan Regional Spatial Strategy to 2021.
14. We will demonstrate that the proposed development will entail contravening National PSA Targets for reducing congestion on the inter-urban trunk road network by 2010 which are also quoted in the Lancashire Transport Plan.
15. We will demonstrate that the comparison with The Lanes shopping centre in Carlisle employed by Centros in its 2007 and 2008 Traffic Impact Assessments is misleading. Reference: the website of the 'News and Star' newspaper which covers stories in Carlisle.
16. We will examine whether or not the proposed 'highways improvements' which formed a central part of the Centros planning applications will serve to ease congestion in and around Lancaster city centre.
17. We will demonstrate that the proposed development fails to adequately address the problem of 'rat-running' traffic through the Freehold area of Lancaster which is a breach of the requirements of the Canal Corridor North Development Brief (para 4.7 0). We will examine whether the proposed development will make rat-running through the Freehold area worse.

## 7. Air Quality

1. We believe that the baseline data used for the air quality model verification is derived from erroneous data which means that modelled predictions of existing and future NO<sub>2</sub> levels are fundamentally flawed.
2. By relying on the sole use of modelling, we believe that the Waterman Air Quality Assessment circumvents 13(1) and 13(3) of the Air Quality Standards Regulations 2007.
3. Allowing the development to proceed would contravene the government's commitment to using the 'Precautionary Principle' mentioned in PPS23 because the modelling predictions cannot assess the risk with sufficient confidence to inform decision-making. We believe the Precautionary Principle should be applied since the development is likely to lead to new breaches or significant worsening of existing breaches of EU limit values including introduction of new exposure likely to cause a breach as well as create a situation where the AQMA would need to be extended due to the proposed residential units.
4. Allowing the development to proceed would contravene Northwest RSS Policy DP7 which requires environmental quality (including air quality) to be protected and enhanced. It would also contravene Northwest RSS Policy DP 9 which says that as an urgent regional priority, plans should contribute to the regional policy to reduce carbon dioxide emissions from all sources, including transport. The development proposal includes nearly 500 additional parking spaces above existing provision which will increase traffic growth and in turn will decrease air quality and undermine initiatives to promote Lancaster's status as cycling demonstration town.
5. The development proposals undermine LDF Core Strategy Policy E2. The development plans fail to consider a park and ride scheme in association with the development or how the increased traffic will affect the Lancaster Air Quality Management Plan. The inclusion of a multi-storey car park in the development proposals will directly undermine proposed actions of the Air Quality Action Plan which says that exceedence of the annual mean air quality objective for nitrogen dioxide in central Lancaster is entirely due to local road traffic emissions.
6. We will present evidence which highlights many shortcomings of the Waterman Air Quality Assessment including, unreliability of using diffusion tube data for assessing concentrations, predictions of future pollutant levels at some locations without using baseline data to extrapolate from, exclusion of locations near the bus station on the grounds of lack of accurate bus movement data, exclusion of other relevant pollutants apart from NO<sub>2</sub> and PM<sub>10</sub>, exclusion of continuous monitoring data from the Water St station, lack of predictions for during the construction phase, inadequate coverage of modelling and the lack of consideration of seasonal signal associated with NO<sub>2</sub> concentrations.

## 8. Tourism, Local Identity and Heritage

In general:

We will demonstrate that Centros has overlooked the importance of tourism to the City's economy and failed to evaluate the impact of the development on Lancaster's income from tourism.

We will show how the proposal damages Lancaster's sense of identity and declared vision for its future.

1. We will give evidence of the current and potential magnitude, nature and economic impact of

tourism to the City of Lancaster.

2. We will question Centros' failure to include tourism in its appraisal of the economic impact of the development.
3. We will show how a large new shopping mall undermines Lancaster's Tourism Vision and future "*as a historic city focussing on its built heritage*" and is in direct contravention of the Regional Spatial Strategy Policy CNL4.
4. We will demonstrate how the proposal would permanently impoverish the heritage of generations of residents in and visitors to the historic city of Lancaster.
5. We will present evidence about the impact of demolishing historic buildings on the proposed site:
  - on heritage tourism
  - on property values in the city
  - on sense of place for residents and visitors
6. We will demonstrate the potential impact of the development on tourist numbers and spending caused by:
  - increased traffic on the ring road impeding tourist movements between historic sites and the city centre
  - an increase in the number of empty shops in the city centre
  - a reduction in the number of independent retail and catering outlets close to historic sites
7. We will demonstrate that a development on cycle routes and tow paths reduces the potential for sustainable tourism.
8. We will present evidence of how the proposed development contravenes a number of policies outlined in the Regional Spatial Strategy (CNL4) and its spatial principles (DP1-9) as well as compromising the future of tourism as documented in the Tourism Strategy for Morecambe, Lancaster and the Lune Valley and its 2008 Update, in particular, the emphasis on heritage and sustainable tourism.

## 9 Document References

The following documents are likely to be referred to in part or in whole in support of our case. This is not intended to be a complete list of documents that we will rely on at the public inquiry and It's Our City reserves the right to produce any other evidence, policies and documents as may be appropriate following consideration of the cases of other parties to the Inquiry.

### Core National, Regional and Local Documents.

Environment Act 1995  
Planning Policy Statement 1: Delivering Sustainable Development.  
Planning Policy Statement 6: Planning for Town Centres.  
Planning Policy Statement 23 Planning and Pollution Control.  
Planning Policy Guidance 15 Planning and the Historic Environment.  
North West Regional Spatial Strategy.  
Lancaster Local Development Framework documents.

### Planning Process and Consultation References

Sustainability Statement Centros (July 2008)  
Sustainability Statement Centros Miller (May 2007)  
Statement of Community Involvement Centros (July 2008)  
Statement of Community Involvement Centros Miller (August 2006 and May 2007)  
Transport Assessment Report Centros (July 2008)  
Environmental Impact Assessment Centros (July 2008)  
Lancaster City Council Statement of Community Involvement (June 2006)  
Lancaster City Council Consultation Toolkit (March 2006)  
Lancaster City Council Consultation Strategy (March 2006)  
Planning Policy Statement 1: Delivering Sustainable Development Department of Communities and Local Government (Feb 2005)  
Real Planning for Lancaster consultation (November 2003)  
Agenda for Action produced by the Lancaster District Local Agenda 21 Partnership (2003)  
Lancaster City Council: Maintaining the Environment Best Value Inspection/Audit Commission (2001)  
Cabinet Office Code of Practice on Consultation  
Community involvement in town and country planning: Good practice note 1  
Canal Corridor North Development Brief  
It's Our City Publicity Materials 2005-2009

### Retail References

The All-Party Parliamentary Small Shops Group report of 2006.  
National planning policies PPS 1 and PPS 6.  
LDLP Special Planning Guidance documents - SPG6 and SPG8.  
Local Development Plan policy S1.  
Northwest Regional Spatial Strategy W5.  
LDLP Core Strategy (policy ER5).  
The British Council of Shopping Centres' publication (2007) 'The Future of Retailing'.  
The LCC 'Shopping and Town Centres Monitoring Report' of January 2004;  
The Centros planning applications of 2007 and 2008.  
The White Young Green report (February 2006) and appendices.

The reports commissioned by Lancaster City Council (LCC) from White Young Green in 2007 and 2008 to assess Centros' retail impact assessments.

The correspondence between Centros, its agent, LCC and White Young Green prior to the meeting of the planning committee in October 2008.

The lease and the associated development agreement between Centros and LCC.

LCC response to LDF Core Strategy objections.

LCC Shopping floorspace data.

The objection to the Centros scheme by South Lakeland District Council

## Air Quality & Transport References

Environment Act 1995 - Part IV Air Quality.

The Air Quality Standards Regulations 2007

Parts of 2007 Environmental Statement Chap 13 Air Quality

Parts of 2007 Environmental Statement - Appendix E - Air Quality

2008 Environmental Statement Chap 13 Air Quality

2008 Environmental Statement - Appendix E - Air Quality

Parts of Draft Air Quality Action Plan Aug 2007 – Lancaster City Council

Parts of Air Quality Progress Report 2008 – Lancaster City Council

Report on Waterman Air Quality Assessment – Dr Sara Massey

Parts of DEFRA Local Air Quality Management Technical Guidance LAQM.TG(03)

Northwest Regional Spatial Strategy Policy DP 9

Northwest Regional Spatial Strategy Policy RT 2 and RT 4

Lancaster District Local Plan Core Strategy E2

Parts of Planning Policy Statement 23

Parts of NSCA guidance for Development Control - Planning for Air Quality 2006

Centros Environmental Statement Chapter 2: Environmental Impact Assessment Methodology.

Parts of DEFRA Local Air Quality Management Policy Guidance LAQM.PG(03)

Parts of The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Vol 1 & 2)

Minutes of Lancaster AQMA Steering Group meetings held in 2007 and 2008.

Monitoring data from Lancaster City Council

Parts of Centros Traffic Impact Assessment 2007.

Centros Traffic Impact Assessment 2008.

Transport Section from Its Our City written objection to the Centros 2008 Planning Applications.

Canal Corridor Development Brief.

Policy T13 of the Lancaster District Local Plan (2004)

Policy T 17 of the Lancaster District Local Plan.

Policy 7a in the Joint Lancashire Structure Plan.

Parts of the 2006-2010 Local Transport Plan – Lancashire County Council.

The website of the 'News and Star' newspaper which covers stories in Carlisle.

## Tourism References

Northwest Regional Spatial Strategy Policy CNL4

RSS Policies W6, W7 and EM1

RSS Spatial Principles DP 1-9

Lancaster District Core Strategy

CCN (2008) PPG 15 Assessment

CCN (2006) Masterplanning Report

Julier, G. (2008) Designing the City

Lancaster City Council (2006) Tourism Strategy for Morecambe, Lancaster and the Lune Valley 2006-2010

Lancaster City Council (2007) STEAM Report (issued 18<sup>th</sup> October 2007)

Lancaster City Council (2008) Tourism Strategy (2008 Update)  
Locum Consulting Ltd and Arkenford (2006) Northwest Visitor Segmentation Research  
Minton, A. (2006) The Privatisation of Public Space, The Royal Institution of Chartered Surveyors, London  
National Economic Research Associates (2003) The Value of the Built Heritage, Chapter 2 Value of the Historic Environment  
Northwest Regional Development Agency and English Heritage (2005) Historic Towns and Cities in England's Northwest, Oct  
Novelli, M., Schmitz, B. and Spencer, T (2006) Networks, clusters and innovation in tourism: A UK experience, Tourism Management, 27, 1141-1152  
Sibley, D. (1995) Geographies of Exclusion, Routledge, London  
Urry, J. (1995) Consuming Places, Routledge, London

**Evidence of the importance of identity:**

Tourist brochures,  
Lancaster City Council (2008) Lancaster District Core Strategy  
Lancaster Tourist Websites  
Sparks, J. (2005) A Portrait of Lancaster, Halsgrove, Tiverton  
Possibly findings of research being conducted by the University of Central Lancashire  
Lancashire Life  
Lancaster Guardian  
Evidence from other cities