

STATEMENT OF COMMON GROUND (SoCG)

BETWEEN

**LANCASTER CITY COUNCIL and
LANCASHIRE COUNTY COUNCIL**

**WITH REGARD TO STRATEGIC PLANNING MATTERS
INCLUDING TRANSPORT, MINERALS AND WASTE,
EDUCATION AND PUBLIC HEALTH**

DATE: APRIL 2019

1.0 INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been developed in order to address Strategic Planning matters between the parties consisting of Lancaster City Council and Lancashire County Council.
- 1.2 The Statement sets out the confirmed points of agreement between the parties with regard to:
 - Transport;
 - Education;
 - Minerals and Waste; and
 - Public Health matters.
- 1.3 The purpose of the SOCG is to inform the Inspector appointed for the Lancaster Local Plan Examination and other parties about the areas of agreement between Lancaster City Council and Lancashire County Council in relation to key strategic matters contained in the Lancaster District Local Plan (2011-2031). Duty to cooperate engagement has been a consideration in the development of the policies, supporting explanatory text and Infrastructure Delivery Plan for the draft Local Plan.

2.0 BACKGROUND

- 2.1 Lancaster District Council is the Local Planning Authority (LPA) for its administrative area. Lancashire County Council is the Local Planning Authority in relation to Minerals and Waste for Lancashire including Lancaster District and is also the Local Education Authority and Local Highway Authority. Both parties are prescribed Bodies for the purposes of the Duty to Cooperate. Lancashire County Council has a statutory role and corresponding duty to improve the health of the people that live in Lancashire.
- 2.2 Meetings have been held between the councils throughout the plan making process, to discuss and resolve issues arising through the production of the draft Plan. Officers from both councils have a close working relationship and this has continued and strengthened throughout the Lancaster Local Plan-making process
- 2.3 This SOCG reflects the agreed position between Lancaster District Council and Lancashire County Council for submission to the Inspector of the Lancaster Local Plan Examination.

3.0 AREAS OF COMMON GROUND

Transport – Mitigation and Delivery of Key Infrastructure

- 3.1 Over recent years Lancashire County Council and Lancaster City Council have worked collaboratively to design, plan and implement strategic and local transport improvements, co-ordinating multiple sources of public and external funding to maximise benefits and efficiencies, including Department for Transport, European Regional Development Fund, Local Sustainable Transport Fund, Heritage Lottery Fund and Coastal Communities Fund monies. Since 2011, these joint activities have delivered the Bay Gateway (M6 to Heysham Link Road), St George's Quay and Beyond the Castle public realm improvements and more recently Lancaster Square Routes and Morecambe Area Action Plan programmes of activity in each of the town centres, comprising new road capacity, highway remodelling, pedestrian priority and traffic regulatory changes and further enhancing public realm facilities to supporting walking, cycling and bus use.
- 3.2 An officers steering group has met on a six weekly basis over the last three years to ensure that proposals outlined within the highways and transport masterplan and other aspects emerging are fully integrated into the Lancaster Local Plan review. The invitation to this meeting extends to wider partners such as Highways England and Lancaster University. This meeting of officers and wider partners has proved invaluable as the Local Plan review progresses and elements outlined within the highways and transport masterplan have progressed, most notably the ongoing work on the Housing Infrastructure Fund business case submission for South Lancaster.

The parties have agreed that:

- 3.3 The Highways and Transport Masterplan is an appropriate transport evidence base for the Lancaster Local Plan;
- 3.4 Local Transport Plan 3 continues to form part of the evidence base for the Local Plan. Lancaster City Council will be a key stakeholder in the preparation of the Local Transport Plan 4, which is to be prepared shortly. The Local Transport Plan will acknowledge the importance of Lancaster to national connectivity and its role in the wider Morecambe Bay area;
- 3.5 The WYG Local Plan Transport Assessment (Part One and Part Two) forms a proportionate evidence base in understanding current and future capacity and potential betterments that help deliver the local plan identifying where key junctions can be improved;
- 3.6 There is confidence that there is sufficient certainty for development in respect of impacts on the transport network in the short term (to 2023) before major proposals come forward. To deliver the full local plan in the longer term it will be necessary to continue working on the business case for strategic projects;
- 3.7 Collaborative working will continue on sustainable transport measures including bus priority measures, cycling and walking infrastructure; this includes ongoing preparation

of the City Centre Movement Strategy and Local Cycling and Walking Infrastructure Plan;

- 3.8 The spatial strategy is appropriate in recognition of the need to maximise opportunities for sustainable transport and modal shift through an urban focused approach and to minimise the impact of car movements from rural areas where there is limited opportunity for public transport.

Education Provision and Contributions Arising from Proposed Growth

The parties have agreed that:

- 3.7 The housing development proposed in the Lancaster Local plan will require commensurate growth in local schools. The provision of education facilities can be delivered through financial contributions to increase capacity at existing facilities or provision of new schools infrastructure.
- 3.8 Lancashire County Council's The School Place Provision Strategy 2017/18 to 2019/20 (2017) is accepted by Lancaster City Council for the provision of school places, the methodology for securing developer contributions and the costs per pupil place.
- 3.9 A number of additional primary schools will be required to facilitate new homes on a number of strategic sites through the life of the local plan. Existing Lancaster primary and secondary schools have little or limited options of expansion and there is an acknowledgement that additional places have already been provided by Lancashire County Council in a number of schools in the Lancaster district.
- 3.10 It has been reiterated through the methodology that any surplus places at existing schools is taken into consideration when assessing planning applications before developer contributions are taken into account. This is a position which Lancashire County Council will continue to review through the life of the plan. Evidence has been provided, through the consultation process and regular meetings, of the capacity and surplus pupil places available highlighting the number of forms of entry required.
- 3.11 As a number of school expansions have already been provided and the number of school sites which could support an expansion are limited, the submitted local plan policies sets out a requirement for a number of new primary school sites for the following strategic sites:
 - SG9 North Lancaster Hammerton/Beaumont Hall;
 - SG7 East Lancaster Cuckoo Farm;
 - SG11/SG12 South Carnforth; and
 - SG1 Bailrigg Garden Village
- 3.12 To meet the pupil yield of the development needs of the district one new secondary school located in principle towards the southern end of the SG1 Bailrigg Garden Village will service the future needs of the whole district. At the present time based on the number of dwellings indicated in the local plan a minimum 600 pupil secondary school would be required on a site as set out by the Department of Education guidance.
- 3.13 The location of each school is not agreed at this point of the SoCG and will require a master plan for each site. It is agreed that stakeholders, including education, will input into this process at the appropriate time.
- 3.14 Lancashire County Council's The School Place Provision Strategy 2017/18 to 2019/20 (2017) will be used by the County Council when responding to planning applications

submitted during the lifetime of the draft Plan, arising on strategic sites, other allocated sites or windfall sites, to provide information on the proposals required contribution towards new school place provision, with the latest pupil projections being used for all education contributions.

- 3.15 Lancashire County Council divides all districts into defined planning areas for primary schools which all forecast figures are based upon. This is a system endorsed by the Department for Education. This process and forecast information has been shared with Lancaster City Council to assist in the future planning process. To assist this, the two councils are sharing electronic geographic (GIS) information to better understand the impact all developments have on the school planning areas. Lancashire County Council considers all developments, strategic and non-strategic, contribute to the capacity of local schools and therefore advise that the planning process takes a comprehensive approach to all developments.
- 3.16 The notional pupil yields for new primary and secondary school places will be based on the table below and are set out within the education methodology supplied with each consultation return. This includes the education contribution per place for primary and secondary schools which all Lancashire district councils have been consulted on and considered to be an agreed point of commonality.

No of Bedrooms	Yield per development - Primary	Yield per development - Secondary
1	0.01	0.00
2	0.07	0.03
3	0.16	0.09
4	0.38	0.15
5+	0.44	0.23

- 3.17 Delivery schedules are dictated by the planning authority's understanding of the timing of developments of which Lancaster City Council has provided trajectories to assist Lancashire County Council to forecast in principle. However, this trajectory can change and, therefore, regular dialogue continues as strategic sites move towards the master planning stage.
- 3.18 The timing for the delivery of a new school requires continual dialogue. This is due to a number of assumptions when preparing a forecasted position, for example, birth rates and migration, together with the phasing of developments either increases or decreases. Any delivery of a new school too early could have a destabilising effect on existing schools, therefore timing is crucial and careful monitoring of phasing through the annual Housing Land Supply assists with the monitoring process. The forecasting process is an element that has agreement from all parties and is dependent on up to date information supplied by the planning authority. Lancashire County Council's

forecasts have an excellent rate of accuracy, as benchmarked with other authorities by the Department for Education.

3.19 Subject to sufficient funding and the ability to secure sites where necessary, no insurmountable school capacity issues have been identified as a result of the proposed levels of growth proposed in the Local Plan review. No insurmountable school capacity issues have been identified as a result of the proposed levels of growth in the Local Plan.

3.20 The parties disagree on:

3.21 The basis for and proposed level of local contribution to meet requisite school place provision. Lancaster City Council appointed consultants Lambert Smith Hampton (LSH) to undertake a viability assessment of the strategic sites (VI_01, VI_02); this resulted in figures of contributions as a percentage and used to inform the Infrastructure Delivery Schedule (VI_03). As part of the work by LSH, Lancashire County Council has provided Lancaster City Council with a revised bedroom mix forecast for each strategic site. Based on this information the indicative pupil yield and contribution costs based on the bedroom mix table above show a funding gap to the figures detailed in the IDS as contributions for education infrastructure. Therefore, further financial contributions from developers would be required before any agreement can be reached in respect of infrastructure funding. Following a meeting March 2019 with Lancaster City Council and Lancashire County Council the 20% suggested contributions by Lancaster would not be acceptable to meet the financial contributions required and the cost per pupil used by Lancashire County Council does not cover the total cost per pupil, but is accepted by the Department of Education as a reasonable cost.

3.22 The following information was sent to Lancaster City Council following the meeting to explain the match funding.

3.23 The cost per place sought from developers for primary and secondary school places does not meet the overall cost of providing school places, with the remainder of the cost met by Basic Need (Central Government) funding. This topping up to meet the actual costs is, in effect, equivalent to 'match funding'. The current developer contributions sought are £15,753.31 for primary places and £23,737.28 for secondary places. These cost per place figures are provided by the Department for Education, to which BCIS indexation is applied at the point of payment.

3.24 Based on the average actual build information, calculated using figures provided in Lancashire's SCAP return to the DfE, the average costs per place for new primary and secondary places are £22,279.94 for primary and £27,753.30 for secondary. Using these average figures, the current topping up of match funding of developer contributions to Basic Need would be:

Primary – 71% developer contributions to 29% Basic Need

Secondary – 86% developer contributions to 14% Basic Need

- 3.25 The surplus identified for each of the strategic sites is identified to be sufficient to accommodate this uplift in principle. Details of the cost per place are annually published in Lancashire's [Education Contribution Methodology](#).
- 3.26 The county council provides school places where needs are forecast; this is challenged by the Government's Free School Agenda to provide free/academy school places. The county council has very little control or influence over this strategy and advise caution of delivery of school places in areas too early for the full need or delivery to meet the phasing of development.
- 3.27 The Free School Agenda sets out a preferred option to build minimum two form entry schools or the equivalent to 420 pupils from the outset due to economies of scale. The county council uses information from the district on the build out rate or annual housing delivery to determine the right size and location of a school to avoid the potential of a school not achieving its potential. It is for this reasoning that the policies set out a need for a one form entry primary school for 210 pupils on a potential site that would accommodate expansion up to 2 forms of entry.
- 3.28 It is appreciated and agreed with Lancaster City Council that a two form entry site would not be compliant and developers should only be asked to provide land to mitigate their impact. A common agreement with Lancaster City Council would be to facilitate discussions with developers over the additional land above one form entry, however this would be at a cost to Lancashire County Council. No insurmountable school capacity issues have been identified as a result of the proposed levels of growth in the Local Plan.

Minerals and Waste Matters

- 3.29 The County Council is the Minerals and Waste Planning Authority for the Local Plan area.
- 3.30 The Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD was adopted in February 2009. The Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies was adopted in September 2013.
- 3.31 Work is underway to prepare a review of draft revised Joint Lancashire Minerals and Waste Local Plan, with a consultation on a draft plan held in late 2018.

The parties have agreed that:

- 3.32 Minerals and waste operations are necessary to support the growth aspirations of the draft Plan.
- 3.33 The infrastructure requirements (new minerals or waste capacity required) resulting from the growth proposed in the draft Plan can be accommodated within the existing Minerals and Waste Local Plan policies and will be taken into account through the Minerals and Waste Local Plan review.
- 3.34 Mineral safeguarding areas are established by Policy M2 of the Minerals and Waste Local Plan (DPD_MW) and defined on the policies map for the plan area. The County Council is responsible for allocating mineral safeguarding areas. Where mineral safeguarding areas coincide with allocations proposed in the Plan, these have been considered through the site appraisal process (doc ref: Ho_SHELAA_03); this is a matter for the City Council as the decision maker in this matter.

The parties disagree on:

- 3.35 The policy approach to sites potentially impacted upon by minerals infrastructure. Minerals and waste developments can impact residents of housing or other sensitive developments; where such developments encroach on existing sites or allocations this can affect the viability of those sites. Allocations proposed in the Plan have considered this through the site appraisal process. However, at the publication stage consultation Policy SG12 did not recognise this issue and the county council submitted representations in March 2018 objecting to this.
- 3.36 The City Council consulted on suggested main modifications in November 2018. Additional text in policy SG12 (SPLAM151) and justification (SPLAM145) were proposed to rectify this situation. These changes include a criteria to ensure these matters are considered at the planning application stage so as to protect a regionally significant mineral reserve and resource. Lancashire County Council is of the view that these are necessary to make the draft Plan sound.
- 3.37 SPLAM151: *"Proposals should fully and satisfactorily address amenity issues, including noise and air quality issues which arise from the proximity of the M6 and quarry operations which are located to the east of this site".*

3.38 SPLAM145: *"To the east of the Strategic site is the M6 motorway and, beyond, a number of active quarrying uses including a concrete products and asphalt batching plant which is of regional importance due to its use in the repair and maintenance of the strategic road network. It is important that the amenity issues are therefore fully addressed in any development proposal that comes forward. This consideration is necessary in order to make development in close proximity to the motorway and quarry workings acceptable in planning terms and to ensure that residents of the new development are not unduly impacted by this adjacent land-use. This can be achieved through for example setting housing back from Back Lane (the main haul route from the quarry to the M6), the provision of triple-glazing for any properties which have frontages onto Back Lane, orienting housing so that it does not face onto Back Lane, providing for a bund or landscaping adjacent to Back Lane to reduce noise impacts arising from the motorway and quarry operations".*

Public Health Matters

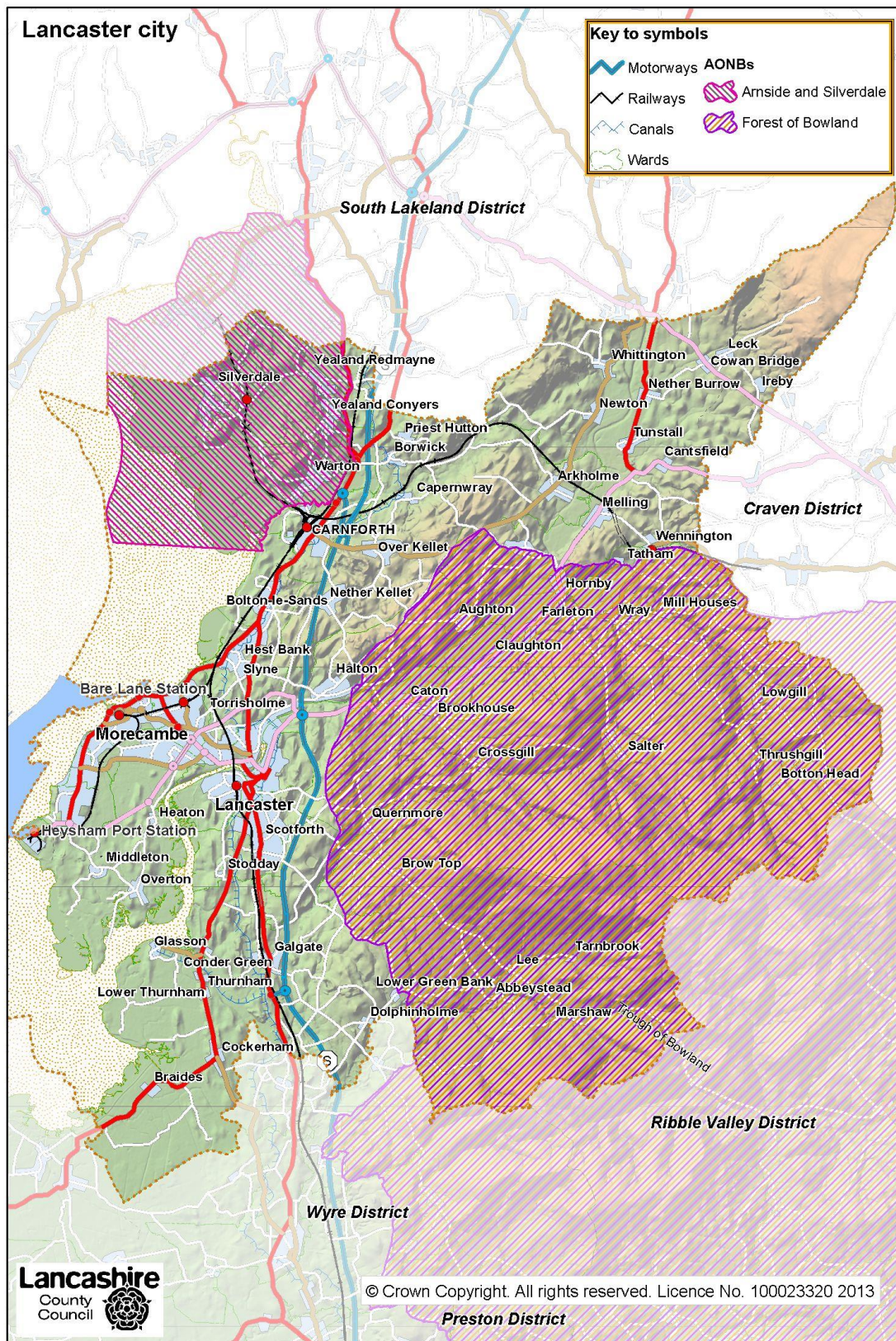
The parties have agreed that:

- 3.39 In general, the vision, objectives and key policies within the draft Strategic Policies and Land Allocations DPD and the Development Management DPD form an appropriate and proportionate approach for facilitating health and wellbeing via the Local Plan.

The parties disagree on:

- 3.40 The policy approach to considering hot food takeaways. The City Council consulted on suggested main modifications in November 2018. Additional text in the justification at para 7.20 to policy DM20 (DMM153) was proposed to ensure the draft Plan adequately addresses health and obesity. Lancashire County Council is of the view that this is necessary to make the draft Plan sound, though it would be better if this additional wording appeared in Policy DM56 criteria VII, rather than in the justification of Policy DM20.
- 3.41 DMM153 *'In relation to obesity in children, the prevalence in reception year hovers at around 10% and for several wards within the district the figure more than doubles when compared to year 6 obesity prevalence. Therefore the aim of this policy is to help assist in reducing these levels and sets a ward level threshold of 15% for year 6 and 10% for reception year, over which proposals for further hot food takeaways will be restricted'.*
- 3.42 Revisions to Policy DM56: Health and Well-being (DMM305) were proposed which would have the effect of removing the requirement for proposals to be discussed with Lancashire County Council at pre application stage. Lancashire County Council is of the view that this is necessary to make the draft Plan sound.
- 3.43 The policy approach to addressing issues of air quality. Significant changes to Policy DM31: Air Quality Management and Pollution (DMM197) were proposed to ensure the draft Plan adequately addresses air quality and health. . Lancashire County Council is of the view that these are necessary to make the draft Plan sound. The requirements for how developers should address issues of air pollution is included within a separate Planning Advisory Note, which will be adopted as a Supplementary Planning Document in due course Policy DM31 should be amended to include *'All development proposals must be in accordance with the Low Emission and Air Quality SPD, ensuring that they do not contribute to increasing levels of air pollutants and adequately protect their users, and existing users, from the effects of poor air quality', and 'All development proposals should provide infrastructure for the charging of electric vehicles'.*

Lancaster within Lancashire



Signed – Lancaster City Council

A black rectangular box redacting the signature of Maurice Brophy.

Maurice Brophy (Planning and Housing Policy Manager)

Signed - Lancashire County Council

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Marcus Hudson (Head of Planning)