

LAND AT LUNDSFIELD QUARRY, CARNFORTH
ALLOCATION SG11 OF THE STRATEGIC POLICIES & LAND ALLOCATIONS DPD
MEMORANDUM OF UNDERSTANDING BETWEEN LANCASTER CITY COUNCIL
AND HOMES ENGLAND

- i. This document forms an agreed Memorandum of Understanding (MoU) to assist the Examination of the Lancaster District Local Plan, specifically the delivery of the Strategic Policies and Land Allocations DPD. The MoU has been formulated by Lancaster City Council (LCC), the Local Planning Authority and the owners of the site, Homes England. The two parties are hereafter referred to as 'the Parties'. The MoU relates to the allocation for a residential-led development on Land at the Lundsfield Quarry, Carnforth (Policy SG11).
- ii. This MoU reflect those matters which have been agreed between officers of the Parties to date, notwithstanding any future agreement which may be reached between the Parties and respective land owners. This MoU does not preclude any additional representations by Homes England or that their professional advisors may wish to make to the Local Plan Examination, whether orally or in writing, in respect of relevant matters relating to the proposed allocation.
- iii. This MoU is not intended to be and is not a legally binding agreement between the Parties.
- iv. To assist the Inspector, some minor suggested changes to the wording of Policy SG11 are provided at Appendix 1 to better align the policy with the content of this MoU, on the basis that more up-to-date evidence has become available since the original submission of the Plan.

PRINCIPLE OF DEVELOPMENT

1. This is a brownfield site which is located within the urban settlement area of Carnforth. The Parties agree that the site is available, suitable and deliverable for a residential-led development in the Strategic Policies & Land Allocations DPD.

HOUSING MATTERS

2. The Parties agree that based on the current understanding that the site can deliver in the region of 200 residential units as part of the proposed allocation (as submitted). Both Parties acknowledge that the site capacity could be, via modification to the Local Plan, increased to 250 units in light of further up-to-date evidence.
3. The Parties agree that the exact type and mix of housing will be determined through planning applications in due course, but that future applications are likely to accommodate a mix of housing types and tenures, as well as affordable housing. In determining the housing mix for the site, consideration will be given to the most up-to-date housing needs evidence and that advice will be sought from the Council's Strategic Housing Team to provide balanced communities in South Carnforth. It is acknowledged that the current needs are identified in the 2018 Lancaster Housing Market Assessment.

4. The Parties agree that as part of the plan-making process and based upon work undertaken by the Developers and LCC to date, it has been demonstrated through high-level viability evidence contained in the Local Plan Viability Assessment produced by Lambert Smith Hampton, that the site can deliver affordable housing in accordance with the requirements of the Local Plan, specifically the Development Management DPD Policy DM3 (including proposals to seek delivery of up to 20% affordable housing on brownfield sites in Carnforth).
5. The parties agree that understanding on the delivery of affordable will be supplemented further by more detailed viability assessments as part of future planning application(s).
6. The parties agree that new housing provided at the site will be required to deliver the design and construction standards as set out in the final adopted version of the Development Management DPD, unless there is a clear policy justification or other material considerations, presented as part of any future planning application demonstrating why this would not be deliverable.

FLOOD RISK, DRAINAGE & UTILITIES

7. The Parties agree that to this point there are no known issues in relation to water supply, electricity supply or gas supply to the allocation that would prevent the delivery of that allocation.
8. The Parties agree that site specific flood risk assessments will be prepared as part of future planning applications for the site.
9. The Parties agree that SuDS features will be provided on-site where feasible with the detailed design to be determined at the planning application stage.
10. The Parties agree that in accordance with the requirements of United Utilities, a foul water drainage strategy will be prepared as part of future planning applications for the site. This will take account of relevant Development Management DPD policies and the proposed growth elsewhere in South Carnforth.
11. The Parties agree that new development will provide for Fibre to Premises broadband (FTTP). The Parties agree that provided BT Openreach maintains free provision of FTTP infrastructure, the Developers should register their willingness to work with BT Openreach at least nine months before the date that they want the service to be provided to the first property. The Parties agree that there is no reason why BT Openreach would delay housing delivery from the site.

HIGHWAYS AND TRANSPORT

12. The Parties agrees that the proposed allocation is likely to require access arrangement and local highway mitigation measures, including junction improvements to provide safe and appropriate vehicular access into Kellet Road. The Parties agree that the full scope and timing for access and junction improvements onto Kellet Road, as required by the Local Plan DPDs, will be submitted as part of the future planning applications for the site.
13. The Parties agree that the Local Plan is seeking to promote a modal shift away from the use of private vehicles for local journeys, particularly to limit any impact on air quality issues and congestion which occurs in Carnforth Town Centre. Consequently, the Parties agree that development at the site will be expected to provide safe and convenient footpaths and cycleways to enable direct access through the site for pedestrians and cyclists.

14. The Parties agree that beyond the allocation itself, it is likely that improvements will be necessary to encourage and promote cycling and walking to new residents, especially to services in the City Centre.

TRAINING AND SKILLS

15. The Parties agree that new development will seek to promote opportunities for local apprenticeships through the construction phases of development in accordance with LCC's adopted Employment and Skills Plans SPD.

ECOLOGY

16. The Parties agree that based on the surveys prepared to inform the preparation of the Local Plan, with appropriate mitigation in line with recommendations of the reports outcomes of the Habitats Regulation Assessment (HRA) and the direction and requirements of the Local Plan (particularly Appendix D of the Strategic Policies & Land Allocations DPD), there are no ecological constraints to development of the proposed allocation.
17. The Parties agree that detailed ecological surveys will be required in due course to ensure that the most up-to-date position is available in respect of ecological matters when determining future planning applications.
18. The Parties agree that on-site ecological enhancements (including existing features of ecological importance) will be incorporated into the proposed development in line with the recommendations of an up to date ecological assessment. The detailed design will be negotiated at the planning application stage.
19. The Parties agree that in accordance with the requirements of the Sustainability Appraisal, all new owners of residential properties will be provided with 'Home Owner Packs' which will set out the sensitivities of the surrounding environment, particularly Morecambe Bay, and will promote the use of alternative areas for recreation.

LANDSCAPING AND AMENITY

20. The Parties agree that a landscaping assessment will consider how development can sympathetically work within the landscape in terms of densities, scale, massing and the materials used which will be prepared as part of planning applications for the site. Both Parties recognise the importance of this given the close proximity of the site to Lancaster Canal.

DESIGN

21. The Parties agree a Development Brief, as required by Policy SG12 in the Submission Version of the Local Plan is not required to be submitted and approved by LCC prior to the submission of future planning applications at the site. To replace this requirement, the Parties agree a comprehensive masterplan for the whole site and a bespoke Design and Access Statement(s) will be required with future planning applications.
22. The Parties agree that the comprehensive masterplan will address phasing and the delivery of infrastructure to make the development acceptable in planning terms. The detail of those infrastructure requirements will be negotiated through the planning application process.

23. The Parties agree that careful consideration will be given to the design of new development, through the preparation of a bespoke Design and Access Statement(s) at the planning application stage which relate to land within the allocation. The Parties agree that the Design and Access Statement(s) will recognise the prominent location of the allocation alongside the Lancaster Canal and ensure that development is sympathetic towards its surroundings in term of its scale, massing and material used and will create a well-designed and high quality environment.

AIR QUALITY

24. The Parties agree that future planning applications for the site will consider their individual and in-combination effects on air quality and consider relevant mitigation measures where it is appropriate to do so and seek opportunities to integrate such measures into existing air quality plans and strategies.

ARBORICULTURE

25. The Parties agree that planning applications for the site will be accompanied by landscaping plans which seek to work with the natural features of the site, including existing mature trees and hedgerows. The Parties agree that planning applications should be informed by an appropriate Arboricultural Impact Assessment (AIA) and where trees are proposed to be lost then compensatory planting within the site will be provided in line with LCC's Tree Policy¹.

GROUND CONTAMINATION

26. A geotechnical assessment has been prepared for the site by JBA in 2018 which considers ground conditions and ground contamination. The Parties agree that the Lundsfield Quarry site includes areas which have a historic record for both quarrying and landfill. The Parties agree that the details of investigation works will be required from the applicant to inform the submission of planning application(s) and that satisfactory mitigation measures are put in place to ensure the land is remediated appropriately. The Parties agree that the viability implications of such remediation will be shared in full with the Council to support future planning application(s) for the site.

INFRASTRUCTURE DELIVERY

27. LCC has prepared an Infrastructure Delivery Plan (IDP) for the allocation which set out the Council's expectations in terms of the infrastructure required, the importance of the infrastructure, the approximate costs, delivery partners and timescales for delivery. The Parties agree that LCC will continue to keep the IDP up-to-date to inform future planning applications made in relation to the allocated site.
28. As more detailed assessment and modelling takes place it is recognised by all parties that the requirements of the IDP and costs associated with this infrastructure may change. The Parties agree that any future changes to requirements and their costs should be sufficiently justified within the IDP and the effect of those changes on the viability of the proposed development will be taken into account accordingly.

APPLICATION TIMING AND PHASING

29. The Parties agree that the table provided below sets out an indicative timescale and the key milestones from this point forward through to the occupation of dwellings in the allocation. This is agreed to provide a reasonable assumption towards housing delivery. All anticipated timings are based on the Parties' understanding at this point in time and may be subject to change.

¹ Lancaster City Council – Tree Policy 2010 <https://www.lancaster.gov.uk/planning/trees/tree-policy>

April 2019	Examination in Public
April 2019	Outline planning application submitted by Homes England to Lancaster City Council for up to 250 dwellings
2019/20	Site disposed by Homes England and incoming developer obtains reserved matters approval
2020/21	Ground preparatory works and initial infrastructure phase
2021/22	Construction of housing gets underway
2022/23 – 2031/32	Anticipated build rate of 25 dwellings per annum throughout this period, up to a maximum of 250 dwellings

30. The Parties agree that the proposed development of this site can commence within the first five years of the Local Plan. Both Parties envisage that the Site, from 2022/23 onwards, can deliver circa 25 dwellings per annum until completion of the development. This trajectory has been agreed between all parties as a realistic timescale.
31. The Parties agree that the majority of the site is in the control of Homes England. The site is therefore available for development, subject to Homes England securing necessary internal approvals.

Signed:



Nicola Elsworth - Head of Public Sector Land, North West

Homes England

Date :

ON BEHALF OF LANCASTER CITY COUNCIL

Signed:



Maurice Brophy – Planning & Housing Policy Manager, Lancaster City Council

Date: 24th April 2019

Appendix 1 – Suggested changes to the wording of Policy SG11 in order to align with this Memorandum of Understanding

Policy SG11: Land at Lundsfield Quarry, South Carnforth

Brownfield land identified on the Local Plan Policies Map at Lundsfield Quarry, South Carnforth, has been allocated as a site for residential-led development. The Council expects that once fully developed that this brownfield site will accommodate approximately 2590 dwellings and a range of infrastructure that is necessary to facilitate these new homes.

The Council will prepare a Development Brief to set out in more detail how development of this strategic site should move forward, particularly in the context of the wider growth in the South Carnforth area and the inter-linkages between this site and the land South of Windermere Road, identified under Policy SG12 of this DPD. The recommendations of the Local Plan (Part One) Sustainability Appraisal should be taken into account when preparing this document.

The Council will expect that future proposals for the site should be prepared in the context of this Development Brief and the context of strategic growth in the South Carnforth area. Proposals should be brought forward through a comprehensive masterplan for the whole site that addresses the issues of phasing, delivering the necessary infrastructure and addressing all issues set out within the Brief.

A comprehensive masterplan for the whole site and a bespoke Design and Access Statement(s) will be required with future planning applications. The masterplan will address phasing and the delivery of infrastructure to make the development acceptable in planning terms. The details of any infrastructure requirements will be negotiated through the planning application process and any viability implications will be shared in full with the Council and taken into account as part of any future development proposals and associated Section 106 requirements.

In preparing the masterplan and future planning application, the Council will require the following matters to be fully considered addressed:

General Requirements

- I. The delivery of infrastructure to make the development acceptable in planning terms, including addressing the requirements of Policy SG13 of this DPD in relation to wider strategic infrastructure needs in the South Carnforth area;
- II. The provision of sufficient levels of open space in accordance with the most up-to-date evidence in relation to the quantitative and qualitative needs for the locality to supplement the strategic improvements identified in Policy SG13 of this DPD. Requirements will also be expected to take account of accessibility issues and should be delivered in accordance with the requirements set out in Policy DM27 of the Development Management DPD;
- III. Building an appropriate mix of housing types and sizes to meet evidenced local housing needs within the Council's most up-to-date Strategic Housing Market Assessment;
- IV. *Affordable housing requirements will be determined in accordance with Policy DM3 (The Delivery of Affordable Housing) of the Development Management DPD. Where there are demonstrable constraints on viability which prejudice the delivery of development proposals this will need to be discussed at the earliest possible opportunity with the Council, indeed preferably prior to submission of any relevant planning application. Viability matters will be determined with Policy DM3 where relevant, and other local or national planning policy or*

~~*guidance deemed consequential. Approximately 40% of the residential units will be defined as 'affordable' which include the delivery of a full range of affordable products through dialogue with the Local Planning Authority;*~~

Design Considerations

- V. The submission of a detailed design statement, recognising the sites prominent location in the centre of Carnforth and its relationship to the adjoining Lancaster Canal. The design, layout and materials used should be sympathetic to the locality to create a strong sense of place, providing a well-designed and high-quality environment for its residents;
- VI. Support will be given to development which seeks to adopt sustainable construction and design aimed at minimising energy use, reducing emissions and maximising energy efficiency. This should include investigating opportunities to deliver district heating systems, the appropriate provision of electric charging points and other associated infrastructure for electric vehicles;
- VII. Proposals should seek to provide a positive inter-relationship with the adjacent Lancaster Canal in accordance with Policy T3 of this DPD providing a sufficient buffer between new development and the Canal, which is designated as a Biological Heritage Site (BHS);
- VIII. Proposals should seek to maximise the waterside setting of this location and the opportunities this provides in terms of providing an attractive waterside frontage. Proposals should also seek to delivery infrastructure improvements relating to Canal Infrastructure, particularly in relation to the Canal Towpath and also investigating opportunities for the re-opening of the Marina.

Environmental Considerations

- IX. The submission of a suitable and appropriate landscaping plan that seeks to retain existing natural features, including the retention of trees and hedgerows, and makes the best use of the topography of the site. Landscaping should seek to enhance the sites position along the Lancaster Canal;
- X. To provide new home owners with 'Home Owner Packs'. This will include details of the sensitivities of the land adjacent to the development (and the wider Morecambe Bay coastline) to recreational pressure, and promote the use of alternative areas for recreation, such as public open space within the development;
- XI. Proposals should contribute to the delivery of a green corridor and ecological network within South Carnforth with opportunities for enhancing biodiversity, recreation and leisure uses to be investigated via any application;
- XII. Proposals will be expected to address the issues surrounding Lundsfield Quarry North and Lancaster Canal Biological Heritage Sites (BHS) with evidence of how the BHS will be protected and enhanced and how any residual impacts can be off-set via new planting and habitat creation. The Council will also expect development proposals to deliver positive benefits to biodiversity through the restoration, enhancement and creation of appropriate semi-natural habitats within and through the site to maintain, restore and create functional ecological networks;
- XIII. Proposals should seek to investigate and address any potential amenity impacts arising from previous land-uses on the site;
- XIV. The submission preparation of a Flood Risk Assessment that details how, through the design, construction and occupation phases of development, the matters of flood risk will be dealt with. This should, where necessary include suitable and appropriate mitigation measures

which are delivered to the satisfaction of both the Environment Agency and Lead Local Flood Authority;

- XV. The submission of a comprehensive drainage plan that sets out how surface water will be managed on the site. Proposals should have regard to the Surface Water Drainage Hierarchy as set out in Policy DM34 of the Development Management DPD;
- XVI. Proposals will need to take account of the recommendations for mitigating harm and / or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site;

Transport Considerations

- XVII. The delivery of a highways scheme which provides safe, suitable and appropriate access onto both Kellet Road to the north and connections to new development on land south of Windermere Road, as identified under Policy SG12 of this DPD. Further access points should be investigated into the Highfield Estate for cycling, walking, public transport and emergency vehicles only; and
- XVIII. The incorporation of cycle and pedestrian access with strong and positive linkages to the existing network including improvements to cycling and pedestrian links from the site into Carnforth Town Centre. This could include the creation of a new pedestrian / cycle bridge across Lancaster Canal. Positive cycling and walking links should also be delivered into the development proposals to the South identified under Policy SG12 of this DPD. Development proposals will be expected to take fully into account ~~the content of the Development Brief and all other~~ relevant policies within the Local Plan