

LAND SOUTH OF WINDERMERE ROAD
ALLOCATION SG12 OF THE STRATEGIC POLICIES & LAND ALLOCATIONS DPD
MEMORANDUM OF UNDERSTANDING BETWEEN LANCASTER CITY COUNCIL
AND H2O URBAN LLP

- 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 site promoters, H2O Urban LLP (H2O). The two parties are hereafter referred to as 'the Parties'. The MoU relates to the promotion of land for Green Belt release and the allocation for a residential-led development on Land South of Windermere Road, Carnforth (Policy SG12).
- ii. This MoU reflect those matters which have been agreed between the Parties, notwithstanding any future agreement which may be reached between the Parties and respective land owners. This MoU does not preclude any additional representations by H2O 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.

PRINCIPLE OF DEVELOPMENT

- The site currently lies within the North Lancashire Green Belt. The Parties agree that the site is to be released from the Green Belt for residential-led development in the Strategic Policies & Land Allocations DPD.

HOUSING MATTERS

- The Parties agree that based on the current understanding that the site can deliver in the region of 500 residential units as part of the proposed allocation.
- 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.
- 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 30% affordable housing on greenfield sites in Carnforth).
- 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

- 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.
- The Parties agree that site specific flood risk assessments will be prepared as part of future planning applications for the site.
- 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.
- 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.
- 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

- 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 Back Lane. The Parties agree that the full scope and timing for access and junction improvements onto Back Lane, as required by the Local Plan DPDs, will be submitted as part of the future planning applications for the site.
- The Parties agree that there is sufficient evidence to demonstrate that the delivery of the site for housing development will not unduly impact the safe operation of the highway and will not adversely impact the operations of quarrying works elsewhere in the District.
- 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.
- 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

- 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

- 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.
- 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.
- 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.
- 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

- 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.
- The Parties agree that the planning applications for the site will consider the amenity impacts of both the M6 Motorway and neighbouring quarry operations. H2O agree with the proposed main modification put forward by LCC and Lancashire County Council (as Minerals and Waste Authority) as part of their joint SoCG in relation to mitigation matters, namely, that Policy SG12 of the Local Plan should ensure proposals should satisfactorily address amenity issues, including noise and air quality issues which arise from the proximity of the M6 and quarry operations in the vicinity of the site.

DESIGN

- 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.
- 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.
- 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 on the southern edge of Carnforth 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

- 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

- The Parties that the site is relatively free of trees with the exception of site and field boundaries. 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

- A geotechnical assessment has been prepared for the site by JBA in 2018 which considers ground conditions and ground contamination. It concludes there is very limited potential for ground contamination considered to pose a significant risk to the site. The Parties agree that the study concludes that ground contamination does not represent a constraint to the principle of development being achieved, however further more detailed assessment work will be necessary at the planning application stage in line with LCC’s Validation Guide.

INFRASTRUCTURE DELIVERY

- 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.
- 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

- 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.

April 2019	Examination in Public
By end of 2019	Adoption of Local Plan
Summer 2020	Submission of Hybrid Planning Application at SG12
End of 2020	Approval of Hybrid Application

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

Mid 2021

Start Development on Site – First Completion / occupation by end of 2021

- 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 onwards, can deliver circa 50 dwellings per annum until completion of the development. This trajectory has been agreed between all parties as a realistic timescale.
- The Parties agree that the majority of the site is in the control of H2O who have the necessary option agreements with the landowners. The site is therefore available for development.

Signed:

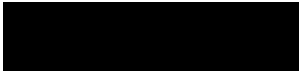


Ian Gilbert

Barton Wilmore on behalf of H2O Urban LLP

Date : 24th April 2019

Signed:



Maurice Brophy, Planning and Housing Policy Manager

Lancaster City Council

Date: 24th April 2019

