



**On the Instructions of Hollins Strategic Land LLP**

**Land South of Holts Lane, Poulton le Fylde**

**Tender Document and Form of Tender**

**May 2017**

**Subject to Contract**

## Appendices

Appendix I	Site Plan
Appendix II	Land Registry extracts
Appendix III	Planning Decision Notice
Appendix IV	Section 106 Agreement
Annex	Information Pack

## 1. Introduction & Background

- 1.1 We are instructed by Hollins Strategic Land LLP as land promoters and the owners of the site to dispose of the freehold interest in land located in Poulton le Fylde, Lancashire.
- 1.2 Our clients are the freehold owners of a site totalling approximately 9.04 acres (3.66 hectares) located on south of Holts Lane in Poulton le Fylde, FY6 8HP which has recently obtained outline planning permission for up to 130 dwellings.
- 1.3 Offers are invited for the site primarily on an unconditional on planning basis.
- 1.4 This document outlines the detailed requirements for the tender which is to be returned by **Friday 16<sup>th</sup> June 2017**. It is requested that you confirm in writing by **Friday 19<sup>th</sup> May 2017** that you intend to submit a tender in line with these requirements.

### Background

- 1.5 The site comprises agricultural fields and former market garden which has remained unused for several years. The site contains a number of derelict former agricultural structures and also a static caravan which is currently occupied by one of the landowners.
- 1.6 The site provides access to 71a Holts Lane which is a single dwelling house situated along the southern boundary of the site and which is in the ownership of and occupied by one of the landowners. This property is outside the red line boundary of the planning permission.
- 1.7 A site plan is attached at Appendix I.
- 1.8 The site is in the freehold ownership of four individuals who are bound together by a Landowners' Agreement which contains obligations for the parties to act as one should an acceptable proposal for the purchase of the site be secured.
- 1.9 Extracts from the land register are attached at Appendix II and an ownership plan at Appendix I outlines the extent of the vendor's freehold interest that is offered for sale.

### Planning

- 1.10 The site was granted outline planning permission (Ref: 16/01043/OULMAJ) on 12<sup>th</sup> April 2017 for the following:

*'Outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ).'*
- 1.11 A copy of the decision notice is attached at Appendix III.
- 1.12 It is important to note the following in relation to this permission
  - It is a condition of the permission that an area of land along the eastern boundary of the site is reserved for the construction of a footbridge across the railway line (as indicated on the plan within the Section 106 agreement). Discussions are on-going with Network Rail and agreement for the sale of the land is imminent. It is currently anticipated that access to the site to build the bridge will be required from January 2018 for a 3 month period.

### **Section 106 Requirements**

1.13 A Section 106 Agreement has been signed by the parties and is attached at Appendix IV.

1.14 The principal requirements of this document are as follows:

- Travel Plan Contribution £5,000
- Traffic Management Scheme Contribution £50,000
- Primary Education Contribution (per space) £13,474.53
- Secondary Education Contribution (per space) £20,303.59

1.15 It should be noted that there is a requirement for 30% affordable housing which is dealt with by way of condition.

### **71a Holts Lane**

1.16 A single dwelling house in the ownership of one of landowners which is located along the southern boundary of the disposal site and which is accessed across it, is excluded from the disposal.

1.17 Any purchaser of the site will be required to make arrangements to ensure that access is provided as part of any scheme and also that services to the property are upgraded.

1.18 It is accepted that the construction process may require a temporary vacation of the property by the occupier and details in relation to the logistics should be made.

## 2. Tender Requirements

### Principal Basis

- 2.1 The vendor requires financial proposals for the purchase of their combined landholdings on an unconditional on planning basis.
- 2.2 Your proposals should contain the following information
- Your financial offer (in GBP)
  - Any conditions precedent associated with your offer
  - Proposed timescales to completion.
- 2.3 In addition to these basic details we require the following:
- Details of all abnormal development costs adopted in your financial model – including
    - a) confirmation of the assumptions made in respect of Section 106 costs and the impact of Affordable Housing
    - b) whether each cost item is either fixed, capped, or a provisional sum
    - c) a clear description of what is considered abnormal for each major cost item
  - Details of your approach in respect of 71a Holts Lane - either maintaining access to the property during the construction phase or arrangements for the temporary vacation of the property.
  - Confirmation of the assumptions made in respect of planning – this is best demonstrated through the provision of a layout and supporting description
  - Details of any deferment of the purchase price
  - Confirmation of your sources of funding for the acquisition
  - Details of existing internal approvals and if further internal or funding approvals are required information **in detail** on what is required and when it is anticipated to be obtained
  - Details of any partners in the acquisition and if none, confirmation that the completion of the acquisition is not subject to the decisions of any third party

### **Alternative Basis**

2.4 In addition to an unconditional on planning offer, you are invited to make an offer subject to a reserved matters application. In addition to the information requested above we require the following further information:

- Details in relation to your approach to obtaining the required reserved matters application
- Details of the reserved matters for which you will seek consent (supported by a layout plan)
- Anticipated timescales for the preparation of the application, obtaining detailed consent and finalising a purchase of the site.

### 3. Tender Deadline

- 3.1 The deadline for offers on the bases outlined is **12 noon on Friday 16<sup>th</sup> June 2017**. All bids should be set-out on the attached 'Form of Tender' and together with all supporting information be marked "**Poulton le Fylde Tender**" in the top left hand corner of an otherwise unmarked envelope addressed as follows:

**Tim Claxton Property Limited  
Whitecroft  
7 Brooklands Road  
Sale  
Cheshire  
M33 3QH**

- 3.2 Three hard copies of your proposals should be submitted plus a copy on CD/by email.

#### **Queries/Further Information**

- 3.3 Queries in respect of this tender process and any further information required can be obtained from the vendor's agent:

Tim Claxton  
Tim Claxton Property Limited  
  
Tel: 0161 905 2632  
Email: tim@timclaxtonproperty.co.uk

#### **Site Information**

- 3.4 Information relating to the site that can be used to assist in the formulation of your bids is supplied in the Appendices to this document and in the Annex which can be accessed via the following Dropbox link:

[https://www.dropbox.com/sh/mbe6p99busnp7c6/AAAH4ud\\_WCLn1DQXP71bCS-ka?dl=0](https://www.dropbox.com/sh/mbe6p99busnp7c6/AAAH4ud_WCLn1DQXP71bCS-ka?dl=0)

- 3.5 This information provided includes the following:

<b>Information</b>
Planning application form and planning statement
Illustrative masterplan
Topographical Survey

Geo-physics and Phase 1 geo-environmental report
Transport Assessment/Travel Plan/Highways plans/Related Correspondence
Air Quality/ Noise and Vibration Assessments
Flood Risk Assessment
Ecological Assessment
Utilities Statement and associated correspondence

***The bids made as part of this process are not binding and neither Hollins Strategic Land or the landowners are under any obligation to accept the highest or any of the bids made.***

## Form of Tender

I/We hereby make offers for the Land South of Holts Lane, Poulton le Fylde on the two bases outlined and based on the specified assumptions outlined in the supporting tender proposals document.

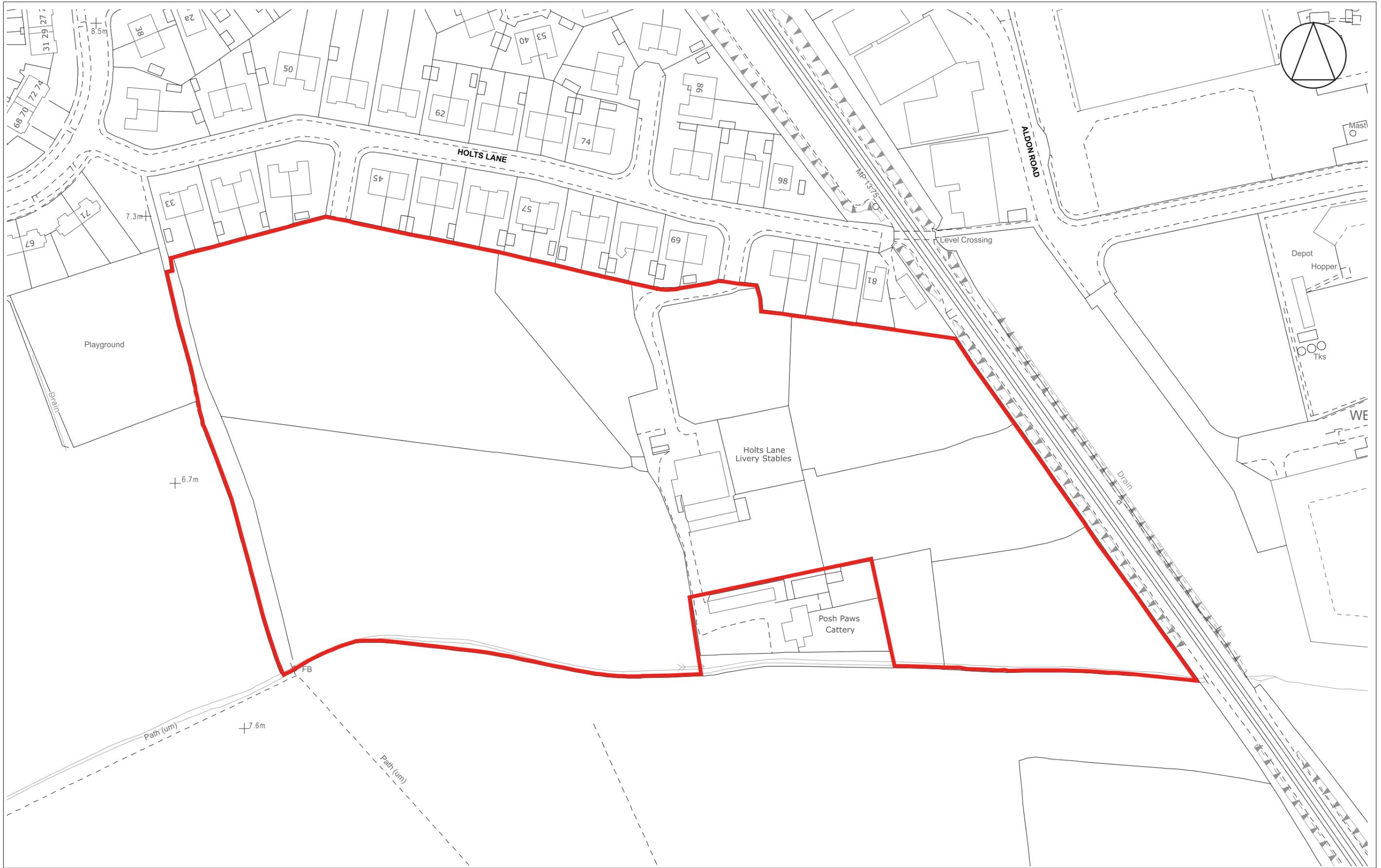
	Financial Offer (£)
<b>Principal Basis – Unconditional on Detailed Planning</b>	
<b>Alternative Basis – Subject to Reserved Matters Consent</b>	

**Signed:** .....

**On behalf of:** .....

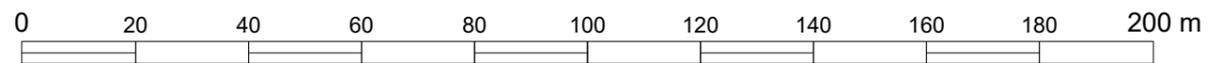
**Date:** .....

**Appendix I**  
**Ownership/Site Plans**  
(For identification purposes only)



Location Plan  
 Drawing No.: A(001)

Scale 1:1250



**Appendix II**  
**Land Register Extracts**  
(supplied separately)

**Appendix III**  
**Planning Decision Notice**

**Correspondence Address:**

Hollins Strategic Land LLP & Tim Claxton Property Ltd  
C/o Matthew Symons  
Hollins Strategic Lane  
Suite 4, 1 King Street  
Manchester  
M2 6AW

**Applicant:**

Hollins Strategic Land LLP & Tim Claxton Property Ltd  
C/o Matthew Symons  
Hollins Strategic Lane  
Suite 4, 1 King Street  
Manchester  
M2 6AW

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## OUTLINE PLANNING PERMISSION

### Town and Country Planning Act 1990

**Application Number:** 16/01043/OULMAJ

**Proposal:** Outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ)

**Location:** Land Off Holts Lane Poulton-Le-Fylde Lancashire

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Wyre Borough Council (the Local Planning Authority) gives notice of its decision to **grant planning permission** for the above proposal, subject to conditions stated below:

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;
- (b) the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: - 1409/01B Proposed site access arrangements.
3. Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
  - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

- e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2016, Ref: HYD055\_HOLTS.LANE\_FRA&SDA by Betts Hydro Consulting Engineers and the following mitigation measures detailed within the FRA:
- 1. Limiting the surface water run-off generated by the development to greenfield runoff rate so that it will not increase the risk of flooding off-site.
  - 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  - 3. Finished floor levels are set no lower than 150mm following any re-grade above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

5. Prior to the commencement of any development, full details of a surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the drainage scheme shall include;
- a) information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
  - b) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of any existing culverts and headwalls or removal of unused culverts where relevant);
  - c) flood water exceedance routes, both on and off site;
  - d) a timetable for implementation, including phasing where applicable;
  - e) site investigation and test results to confirm infiltrations rates; f) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained in accordance with the approved details and the details to be agreed by condition 6 and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

6. (i) Prior to the commencement of development, a management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, this plan shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components and designed biodiversity features) and will include elements such as on-going inspections relating to performance and asset condition assessments, operation costs for regular maintenance, remedial works and

irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

- c) Means of access for maintenance and easements where applicable;
  - d) The maintenance and management of any designed biodiversity features.
- (ii) The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
7. No development hereby permitted shall be first occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan approved under condition 6.
8. Prior to the commencement of development a scheme for the disposal of foul waters within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
9. Vegetation shall only be removed / cleared outside of the optimum period for bird nesting (March to July inclusive) unless, before the removal / clearance commences, a report has been submitted to and approved in writing by the Local Planning Authority demonstrating that the nesting / breeding birds have been shown to be absent.
10. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, and notwithstanding any information submitted with the application, a Comprehensive Great Crested Newt Reasonable Avoidance Measures Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of how any possible harm to great crested newts is to be avoided during the course of the development. The development shall be carried out in accordance with the approved Method Statement.
11. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Barn Owl Mitigation Method Statement, in line with section 5.5 of the submitted Ecological Survey And Assessment reference (ERAP Ltd ref: 2015\_069 and amended April 2016) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of the type, location, management and maintenance of the barn owl tower. The development shall be carried out in accordance with the approved Method Statement.
12. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Landscape and Ecology Management Plan (LECoMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall identify the opportunities for biodiversity enhancement on site including (but not limited to):
- a) Species rich hedgerow planting
  - b) Bolstering of hedgerows
  - c) Creation of ponds
  - d) Bat bricks and/or tubes within the new development
  - e) Bat boxes
  - f) Bird boxes
  - g) Native tree and shrub planting

The approved scheme shall be implemented in accordance with the approved scheme details.

13. Prior to commencement of development hereby approved, a scheme which provides for the assessment, retention and protection of trees, shrubs and hedges within (or overhanging) the site, which may be affected by the construction process (apart from those whose removal is approved

through the reserved matters application(s)), shall be submitted to and approved in writing by the Local Planning Authority in the form of a Tree Protection Plan and Arboricultural Impact Assessment. The agreed tree protection measures shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

14. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The following matters shall be addressed:
- a) the times of construction activities on site
  - b) the parking of vehicles of site operatives and visitors
  - c) loading and unloading of plant and materials
  - d) storage of plant and materials used in constructing the development
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - f) wheel washing facilities
  - g) measures to control the emission of dust and dirt during construction
  - h) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - i) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
  - j) measures to prevent the pollution of watercourses
  - k) measures to avoid light pollution
  - l) routes to be used by vehicles carrying plant and materials to and from the site and measures to be taken to ensure that drivers use these routes as far as is practicable
  - m) management of silt and run-off during the build out of the development

The development hereby approved shall be carried out in accordance with the approved CEMP.

15. Prior to commencement of development hereby approved, a desk study shall be undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall be submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved in writing by the Local Planning Authority and the scheme implemented in accordance with the approved details prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.
16. (a) The residential development hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed: -
- 50dB LAeq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime
  - 35dB LAeq 16 hours (07.00 to 23.00) - indoors, daytime
  - 30dB LAeq 8 hours (23.00-07.00) - indoors, night-time
  - 45dB LAFmax (23.00-07.00) - indoors, night-time
  - 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time
  - 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time
- (b) Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

(c) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

17. Prior to the commencement of the development hereby approve, an assessment and a scheme for the mitigation of intrusive lighting effects from the railway shall be submitted to and approved in writing by the Local Planning Authority. The assessment and the mitigation measures shall demonstrate that the lighting will be in accordance with the institution of Lighting Professionals.' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" and shall be oriented and screened to mitigate light spillage from the railway onto the development.

The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The mitigation measures shall be installed prior to the first occupation of any of the dwellings or the completion of the development whichever is the earliest and shall be maintained thereafter.

18. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy H13 of the adopted Wyre Borough Local Plan (1999), or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, and such area or areas of open space shall be provided and made available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

19. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (which shall include the timetable for the investigation) which has been submitted by the applicant and approved in writing by the Local Planning Authority.

20. The land indicated on drawing SAF(001) submitted with the planning application shall be safeguarded for use in connection with the construction of a railway footbridge and ramped access required by Network Rail in connection with the electrification of the Blackpool-Preston-Manchester line, unless written confirmation is provided by Network Rail to the Local Planning Authority that this safeguarded land is no longer required for such purpose. Prior to construction work on the railway footbridge and ramped access, the land shall be used in connection with no other development hereby approved other than in accordance with landscaping details to be approved at the reserved matters stage.

21. No part of the development hereby approved shall commence until a timescale for the construction of the site accesses and the agreed scheme of off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The highway improvements shall thereafter be constructed in accordance with the agreed timescale. The agreed scheme of highway improvements/works are as shown on drawings 1409/01/ B, 1409/05/B, 1409/07, 1409/08/A and 1409/09/A and include:

Resurfacing of footway on both sides of Site Access 1 including dropped kerbs and tactile paving.

Resurfacing of footway on both sides of Site Access 2 including dropped kerbs and tactile paving.

Resurfacing of footway the south side of Holts Lane between Site Access 1 and Brockholes Crescent.

Repatch and repair existing footway on east side of Holts Lane between Brockholes Crescent and proposed pedestrian refuge on Garstang Road East.

Introduce tactile paving at the junction of Holts Lane with Brockholes Crescent.

Introduce tactile paving at the junction of Edenfield Avenue with Holts Lane.

Introduce dropped kerbs and tactile paving at the junction of Broadfield Avenue with Holts Lane.

Revise layout of Main Drive/Brockholes Crescent junction to reduce bell mouth and introduce dropped kerbs and tactile paving to provide a safer environment for pedestrians.

Introduce tactile paving and junction treatment at the junction of Holts Lane with Garstang Road East.

Introduce tactile paving and junction treatment at the junction of Argyle Road with Garstang Road East.

Introduce pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane. Pedestrian/cycle refuge to be sited on the desire line of residents of the proposed development undertaking trips to Tesco, Hodgson Academy and Poulton town centre.

Widen footway on the north side of Garstang Road East between Lower Green to a point beyond Argyle Road. With surface treatment at the Tesco access and egress.

Introduce tactile paving and junction treatment at the junction of Carr Head Lane with Garstang Road East.

Revise existing pelican crossing facilities at Garstang Road East/Lower Green junction to 'Toucan' type.

Revise existing pelican crossing facilities at Garstang Road East/Garstang Road West/Hardhorn Road junction to 'Puffin' type.

Introduce 3.0m wide shared footway/cycleway along the north side of Garstang Road East between Lower Green and Argyle Road (distance of circa 200m), with pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane.

Introduce 'Toucan' format crossing facilities at Lower Green/Garstang Road East junction.

Upgrade 2no bus stops (with shelters) on Garstang Road East. These are located at

(iii) Westbound services: 90m east of Holts Lane;

(iv) Eastbound services: 120m west of Holts Lane.

Introduce a new stop on Carr Head Lane. Details to be agreed. Garstang Road East / Holts Lane junction - introduce right turn lane waiting areas on Garstang Road East to cater for movements into Holts Lane and Argyle Road (Drg No 1409/09/A).

Garstang Road East / Carr Head Lane junction - increase width of right turn lane on Garstang Road East to assist right turn movements out of Carr Head Lane (Drg No 1409/07).

Hardhorn Road / Highcross Road / Beech Drive junction - introduce 'KEEP CLEAR' markings on Hardhorn Road at the Beech Drive and Highcross Road junctions with supporting surface treatment (Drg No 1409/08/A).

22. The approved Travel Plan (Ashley Helme, November 2016, Report Reference 1409/3/C) must be implemented in full in accordance with the timetable contained within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum period of at least 5 years.

23. As part of any reserved matters application where layout is applied for, a footpath link / links shall be provided on site between the application site and the land to the west. The approved footpath link(s) is only to be provided in the event that development on the land to the west is permitted. In which case, the footpath link shall be constructed in accordance with the approved details prior to development on land to the west being first occupied.
24. No dwellings shall be first occupied until the provision of electric vehicle charging points are provided for the dwelling to which they relate, and such provision shall be permanently retained for that purpose thereafter.

The reasons for the above conditions are:

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012)
4. In accordance with saved Local Plan policy EN13 and the National Planning Policy Framework (March 2012) and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants.
5. The condition is required to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users, and to ensure that water quality and bathing water quality is not detrimentally impacted by the development proposal. The information is required to be agreed and the approved system implemented prior to commencement to ensure that adequate drainage is in place throughout the lifetime of the development in order to minimise flood risk.
6. In order to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system. It is necessary for this information to be agreed prior to commencement so that the management plan for the drainage system is in place for the lifetime of the development and associated drainage scheme.
7. Reason: In order to ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
8. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding with saved Local Plan policy CIS7 and the National Planning Policy Framework (March 2012)
9. To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and the National Planning Policy Framework (March 2012).
10. In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended)

11. In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended)
12. To secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework (March 2012)
13. To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan policies ENV7 and SP14 and the Trees and Development Supplementary Planning Guidance (1998).
14. To safeguard the amenity of the area in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
15. The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with saved Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
16. Such details were not submitted with the application and will not be apparent until layout is being considered at Reserved Matters stage. They are necessary to minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of future occupiers of the proposed dwellings, in accordance with policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)
17. In order to protect the amenity of neighbouring residential properties in accordance with the provisions of saved policy SP14 of the Wyre Borough Local Plan
18. To ensure that public open space areas are adequately provided and effectively managed and maintained in accordance with the provisions of saved policy H13 of the Wyre Borough Local Plan (1999) and the NPPF.
19. To ensure that any archaeological remains at the site are recorded to ensure an understanding of the significance of the heritage asset before it is lost, in accordance with the National Planning Policy Framework.
20. In the interests of maintaining and improving accessibility to encourage travel by sustainable modes in accordance with the objectives of the NPPF and to safeguard the planned infrastructure improvements of the railway line in accordance with saved Policy TR6 of the Adopted Wyre Borough Local Plan (July 1999).
21. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
22. To ensure that the development provides sustainable transport options.
23. To ensure a proper planned approach is adhered to maximising site access/connectivity to the existing and future network to encourage travel by sustainable modes in accordance with the objectives of the NPPF and the provisions of Policy SP14 of the Wyre Borough Local Plan (1999).
24. To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Saved Policy SP14 of the Wyre Borough Local Plan and the NPPF.

Attention is drawn to the following notes:

1. LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY

Sustainable Drainage Systems: Flow Balancing

Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

Sustainable Drainage Systems: Advice & Further Information

Further information and advice on SuDS can be found in:

- CIRIA C687 - Planning for SuDS - Making it Happen
- CIRIA C753 - The SuDS manual
- CIRIA C635 - Designing for exceedance in urban drainage: good practice
- CIRIA C698 - Site handbook for the construction of SUDS
- HR Wallingford SR 666 - Use of SuDS in high density developments
- National Planning Policy Framework and Planning Practice Guidance
- Multi-Functional SuDS

The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their cost effectiveness, regardless of the size of development site. Early design consideration is advised to build SuDS into multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas.

Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional.

On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bio retention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bio retention tree pits.

Water Quality: Water Framework Directive

Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained. Current WFD ecological status of all assessed water bodies is available on the EA website.

Local government has a major role in delivering and achieving the objectives set out in the WFD and to help the natural and modified environment adapt to the impacts of climate change. One mechanism of doing so is through the planning and development process to ensure that new developments do not pose a threat to water quality. It is recommended that the developer has regard for the WFD in developing a detailed drainage strategy and that the local planning authority considers appropriate conditions to secure this, where applicable.

Presence/potential presence of protected species in a watercourse

The Lead Local Flood Authority recommends that where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) on the proposed development site, the applicant should undertake an appropriate ecological assessment by a competent ecologist prior to starting works on site.

It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected as development that encroaches on to it has a potentially severe impact on their ecological value. Retaining and enhancing coherent ecological networks adjacent to watercourses will help to ensure the biological

and chemical quality of watercourses is not reduced as a result of development, which is a requirement of the Water Framework Directive.

#### Permeable Paving Advice

##### a) Driveways

Any permeable paving used on driveways must not be included as part of the hydrological calculations. Occupants may change driveways to non-permeable materials in future which has the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system.

##### b) Highway

It should be noted that permeable paving on the highway must be agreed with the Highway Authority (LCC Highways Developer Support Team) if the applicant intends to have the highway adopted following construction. Please contact the Highway Authority on: [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk)

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

This response does not grant the applicant permission to connect to the highway drainage network.

## 2. UNITED UTILITIES

### Water Comments

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

According to our records there are no formal easements that affect the proposed development.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

### General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

### Supporting information

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

### Site drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain, or another drainage system
4. to a combined sewer.

The comments made in this letter regarding site drainage reflect this approach.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change. Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

### 3. ENVIRONMENT AGENCY

Advice to applicant

The applicant should be aware that as of 6 April 2016 the Flood Defence Consent regime has moved into the Environmental Permitting Regulations.

Oldfield Carr Lane watercourse adjacent to the site is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact Flood Risk Officer, Pippa Hodgkins, on 020 302 51397 to discuss our requirements if a permit or advice is required.

In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.

The Environment Agency has a right of entry to Oldfield Carr Lane watercourse by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. It should be noted that the grant of planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

### Foul Drainage

The application forms states that the method of foul sewage disposal is "unknown". Our records indicate that there are public foul and combined sewers in the vicinity of the site to the north.

The development should comply with Paragraph 20 of the "Water supply, wastewater and water quality" category of the national Planning Practice Guidance (PPG) and the first presumption must always be to provide a system of foul drainage discharging into a public sewer. Should the applicant wish to install an alternative method of disposal they will have to demonstrate why it is not feasible to connect to the existing public sewer

### 4. NETWORK RAIL

Asset Protection Appendix

Network Rail has the following comments on asset protection issues as the proposal is adjacent to the operational railway line.

(1) The developer has stated in their documents that, "To the east, the application site is bound by a railway line, which is set on higher ground. The line carries passenger and freight trains but is not particularly busy." From 5.32am to 23.21 pm, for example, there are 36 trains on this line from Poulton-Le-Fylde Railway Station to Kirkham and Wesham Railway Station alone, which pass by the site and over the level crossing. Therefore, the railway line is a busy line. As pointed out above the traffic will increase on this line significantly following electrification.

(2) The developer is proposing a change of use of the land from agricultural/fields to residential with public open spaces proposed adjacent to the railway boundary. The developer will provide, at their own expense, a minimum 1.8m high trespass proof fence to prevent any unauthorized access to the existing operational railway, as a result of the change of use of the land, including increased numbers of people (and minors) utilizing the public open space. Any unauthorized access to the operational railway is a criminal offence. The trespass proof fence will need to be erected wholly within the applicant's land ownership footprint including any foundations.

Network Rail's existing boundary treatments must not be impacted, altered or removed by the proposed works on site.

(3) Given the site bounds an existing watercourse to the south, Network Rail would want all surface water to be directed either into this or to the United Utilities surface water sewer network. No drainage outfalls from this development are to be directed onto the railway.

(4) The development proposes an attenuation basin for sustainable surface water drainage (presupposing that one of the attenuation ponds is removed from the proposal to make way for the ramped bridge). The applicant will need to supply:

- Details of the amount of water contained in the pond
- Details of the construction methodology of the basin
- Details of who will maintain the pond and how maintenance will take place.
- Network Rail will require details of what mitigation measures are in place to ensure that surface water from the attenuation basin drains away for the railway. Network Rail will not accept liability for water from the proposal area draining towards the railway.
- Agreement from Network Rail to the works

(5) The planting of trees might have an effect on adhesion issues in the vicinity of the signalling system on the approach to Poulton - Le - Fylde Railway Station. Any trees to be planted on the open space near the railway boundary are to be of an evergreen variety. Any vegetation in close proximity to the railway boundary should be planted at a distance from the railway boundary that is equivalent to their expected height at maturity. Network Rail can provide a matrix of acceptable trees to the developer.

(6) Network Rail would require details of all excavation and earthworks within 10m of the railway boundary to ensure that our support zones are not impacted. Said works are to be agreed with Network Rail Asset Protection.

(7) Should the proposal go forward, then the developer would need to enter into a BAPA (Basic Asset Protection Agreement) with Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any site security, possession costs, asset protection costs, and site visits and any review and agreement of proposal documents.

(8) For works within 10m of the railway boundary the developer would need to submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway (including any demolition works, which should be undertaken by an approved contractor). We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail

land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

(9) All works on site would need to be undertaken wholly within the applicant's land ownership footprint without encroaching onto Network Rail's land or over-sailing our air-space.

#### 5. NATIONAL GRID

National Grid has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity, Peel Hill-Thornton. This was laid to the appropriate standards and in accordance with the relevant codes of practice. It is essential that access to the pipeline is not restricted, particularly in the event of an emergency.

Therefore, there must be no obstructions within the pipelines maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. The BPD (Building Proximity Distance) for the Peel Hill-Thornton Pipeline is 14.5 metres. The BPD is taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission. This is the standard adopted by National Grid and endorsed by the Health and Safety Executive (HSE).

There are other restraints imposed on high pressure gas pipelines, these are land use planning distances. These are distances defined by the HSE to allow them to advise on the acceptability of new developments next to the pipeline and are controlled through the HSE's Planning Advice for Developments near Hazardous Installations (PADHI) process. Further guidance on how these are applied can be found on the HSE's website <http://www.hse.gov.uk/landuseplanning/padhi.pdf>. Under Land Use Planning the HSE may wish to apply more stringent criteria for Building Proximity.

When working in the vicinity of ANY National Grid pipelines, the standards set out in the National Grid specification SSW22 must be strictly adhered to. PLEASE ENSURE THAT THIS IS HANDED TO THE RESPONSIBLE PERSON ON SITE, TOGETHER WITH COPIES OF THE PLANS (both documents and plans were included with National Grid's consultation response and are available to view / download from the electronic planning file on the Council's website). It is the responsibility of the applicant to contact National Grid prior to any works commencing on site. As you will appreciate we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact National Grid at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to: Plant Protection Team, 3rd Party Enquiries, National Grid Block 1 floor 2 Brick Kiln Street Hinckley, Leicestershire LE10 ONA and marked for the attention of The Plant Protection Team. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision. Please note that a minimum 7 days' notice, or shorter if agreed with National Grid, is required before any work may commence within the easement. Early Contact at the planning stage is very important to allow full discussion of proposals and to ensure the safety of plant and operators.

**This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.**

Signed:



**David Thow**  
**Head of Planning Services**

Date: 12 April 2017



**Appendix IV**  
**Section 106 Agreement**

**DATED**

*12<sup>th</sup> April 2017*

**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND  
COUNTRY PLANNING ACT 1990 RELATING TO LAND OFF HOLTS LANE,  
POULTON-LE-FYLDE, LANCASHIRE**

**between**

**WYRE BOROUGH COUNCIL**

**and**

**LANCASHIRE COUNTY COUNCIL**

**and**

**PAMELA EVA GARNER & BARBARA JOAN RICKARD & JULIE ANNETTE  
KERSHAW**

**and**

**JULIE ANNETTE KERSHAW & STEPHEN ANTHONY MALONE**

**and**

**JULIE ANNETTE KERSHAW**

**and**

**BARBARA JOAN RICKARD**

THIS DEED is dated *12<sup>th</sup> April 2017*

- (1) **WYRE BOROUGH COUNCIL** of Civic Centre, Breck Road, Poulton le Fylde, Lancashire, FY6 7PU (**Council**).
- (2) **LANCASHIRE COUNTY COUNCIL** of County Hall, Fishergate, Preston, PR1 8XJ (**County Council**)
- (3) **PAMELA EVA GARNER** of 2 Main Street, Bradmore, Nottingham, NG11 6PB and **BARBARA JOAN RICKARD** of 71a Holts Lane, Poulton-le-Fylde, FY6 8HP and **JULIE ANNETTE KERSHAW** of 23 Lockwood Avenue, Poulton-le-Fylde, FY6 7AB (**First Owner**)
- (4) **JULIE ANNETTE KERSHAW** of 23 Lockwood Avenue, Poulton-le-Fylde, FY6 7AB and **STEPHEN ANTHONY MALONE** of 71a Holts Lane, Poulton-le-Fylde, FY6 8HP (**Second Owner**)
- (5) **JULIE ANNETTE KERSHAW** of 23 Lockwood Avenue, Poulton-le-Fylde, FY6 7AB (**Third Owner**)
- (6) **BARBARA JOAN RICKARD** of 71a Holts Lane, Poulton-le-Fylde, FY6 8HP (**Fourth Owner**)

#### **BACKGROUND**

- (A) The Council and the County Council are the local planning authority for the purposes of the TCPA 1990 and the local highway and education authority respectively for the area in which the Property is situated.
- (B) The Owner is the freehold owner of the Property free from encumbrances.
- (C) Hollins Strategic Land LLP and Tim Claxton Property Limited have made the Planning Application.
- (D) The Council having regard to the provisions of the Local Plan and to all other material considerations resolved that Planning Permission should be granted for the Development subject to the prior completion of this Deed.

#### **AGREED TERMS**

##### **1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed:

##### **1.1 Definitions:**

**Base Rate:** the base rate from time to time of Barclays Bank plc.

**BCIS All-in Tender Price Index:** the BCIS All-in Tender Price Index published by the Royal Institution of Chartered Surveyors or any successor body (or such other index replacing the same) for the period in which the contribution (or any part of it) is paid.

**Commencement of Development:** the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; archaeological investigation; and erection of any fences and hoardings around the Property.

**Commence and Commences** shall be construed accordingly.

**Commencement Date:** the date on which the Development Commences.

**Default Interest Rate:** 4% per annum above the Base Rate.

**Development:** the development of the Property authorised by the Planning Permission.

**Dwelling:** any residential unit built on the Property as part of the Development and reference to **Dwellings** shall be construed accordingly.

**First Property:** that part of the Property being the whole of the freehold land registered at the Land Registry under title number LAN154057, the freehold owner of which is the First Owner.

**Fourth Property:** that part of the Property being the whole of the freehold land registered at the Land Registry under title number LAN172533, the freehold owner of which is the Fourth Owner.

**Index Linked:** increased in accordance with the following formula:

Amount payable = the payment specified in this deed x (A/B) where:

A= the figure for the BCIS All –in Tender Price Index) that applied immediately preceding the date the payment is due.

B= the figure for the BCIS All – in Tender Price Index that applied when the index was last published prior to the date of this deed.

**Local Plan:** Wyre Borough Local Plan adopted and operative in July 1999.

**Occupation:** occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction or fitting out or occupation for marketing or display or occupation in relation to security operations and **Occupy and Occupied** shall be construed accordingly.

**Owner:** the First Owner, the Second Owner, the Third Owner and the Fourth Owner .

**Plan:** the plan attached as Annex A.

**Planning Application:** an application for outline planning permission for the erection of up to 130 dwellings with means of access of Holts Lane (layout,

landscaping, scale and appearance reserved), following demolition of existing buildings (resubmission of 16/00233/OULMAJ) and registered with the Council under reference number 16/01043/OULMAJ .

**Planning Permission:** the planning permission to be granted by the Council in respect of the Planning Application substantially in the draft form attached to this Deed as Annex B.

**Primary Cost Per Place:**  $£12,257 \times 0.97 \times (272/240) = £13,474.53$ .

**Primary Education Contribution:** the sum equating to the number of primary Pupil Places Required multiplied by Primary Cost Per Place to be paid to the County Council in accordance with the terms of this Deed for the provision of additional primary school places at Carr Head Primary School.

**Property:** the land off Holts Lane, Poulton-le-Fylde as shown edged red on the Plan and comprising the First Property, the Second Property, the Third Property, the Fourth Property and the Fifth Property.

**Pupil Places Required:** the number of primary or secondary Pupils Expected to be Resident in the Development less any Spare Places expected to be able to cater for the Development.

**Pupils Expected to be Resident:** the sum of the number of Dwellings less Elderly Person Units with a given number of bedrooms multiplied by corresponding Pupil Yield Figure for primary education and secondary education (rounded to the nearest whole number).

**Pupil Yield Figure:**

	Total Number of Bedrooms in Dwelling – Pupil Yield per Dwelling				
	one	Two	Three	Four	five
<b>Primary</b>	<b>0.01</b>	<b>0.07</b>	<b>0.16</b>	<b>0.38</b>	<b>0.44</b>
<b>Secondary</b>	<b>0.00</b>	<b>0.03</b>	<b>0.09</b>	<b>0.15</b>	<b>0.23</b>

**Reserved Matters Consent:** any reserved matters approval granted pursuant to the Planning Permission and in relation to any part of the Property which permits residential development and specifies the number of Dwellings and number of bedrooms permitted on that part of the Property.

**Secondary Cost Per Place:**  $£18,469 \times 0.97 \times (272 /240) = £20,303.59$ .

**Secondary Education Contribution:** the sum equating to the number of Secondary Pupil Places Required multiplied by Secondary Cost Per Place to be paid to the County Council in accordance with the terms of this Deed for the provision of additional secondary school places at Millfield Science and Performing Arts College.

**Second Property:** that part of the Property being the whole of the freehold land registered at the Land Registry under title number LAN947728, the freehold owner of which is the Second Owner.

**Spare Places:** the number of primary or secondary places expected to be available to meet the needs of the Development calculated in accordance with the principles set out in Schedule 1 of this Deed.

**Third Property:** that part of the Property being the whole of the freehold land registered at the Land Registry under title number LAN172481, the freehold owner of which is the Third Owner.

**TCPA 1990:** Town and Country Planning Act 1990.

**Traffic Management Scheme Contribution:** the sum of Fifty Thousand Pounds (£50,000.00) payable towards the Poulton-le-Fylde Mitigation Strategy in accordance with Schedule 1 of this Deed.

**Travel Plan Contribution:** the Six Thousand Pounds (£6,000.00) payable in accordance with Schedule 1 of this Deed for the County Council to provide support to the Owner to produce a travel plan for the Development, such support to be in the form of promotion, monitoring and evaluation.

**VAT:** value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

**Working Day:** any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council and the County Council the successors to their respective statutory functions.

- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **this deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.11 References to clauses and Schedules are to the clauses and Schedules of this deed.
- 1.12 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.13 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.14 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

## **3. CONDITIONALITY**

With the exception of clauses 2, 3, 4(b), 9, 10, 12, 15, 16, 18, 19, 20, 21 and 23 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission and Commencement of Development.

**4. COVENANTS TO THE COUNCIL AND THE COUNTY COUNCIL**

The Owner covenants with the Council and the County Council to:

- (a) observe and perform the covenants, restrictions and obligations contained in Schedule 1;
- (b) give at least 5 (five) Working Days written notice to the Council of the intended Commencement Date.

**5. COVENANTS BY THE COUNTY COUNCIL**

The County Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in Schedule 2.

**6. INDEXATION**

6.1 All financial contributions payable to the County Council shall be Index Linked.

6.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council or the County Council shall advise the Owner in writing.

**7. RELEASE**

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

**8. DETERMINATION OF DEED**

The obligations in this deed (with the exception of clause 10) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

**9. LOCAL LAND CHARGE**

This deed is a local land charge and shall be registered as such by the Council.

**10. COUNCIL'S AND COUNTY COUNCIL'S COSTS**

The Owner shall pay to the Council and the County Council respectively on or before the date of this deed:

- (a) the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed in the sum of £506.00 (five hundred and six pounds); and
- (b) the County Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed in the sum of £250.00 (two hundred and fifty pounds).

**11. INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council or County Council by the date it is due, the Owner shall pay the Council and/or the County Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

**12. OWNERSHIP**

12.1 The Owner warrants that no person other than the Owner has any legal or equitable interest in the Property.

12.2 Until the covenants, restrictions and obligations in Schedule 1 have been complied with, the Owner will give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

- (a) the name and address of the person to whom the disposition was made; and
- (b) the nature and extent of the interest disposed of.

**13. REASONABLENESS**

Any approval, consent, direction, authority, agreement or action to be given by the Council or the County Council under this deed shall not be unreasonably withheld or delayed.

**14. CANCELLATION OF ENTRIES**

14.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the

Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

- 14.2 Following the performance and full satisfaction of all the terms of this agreement or if this deed is determined pursuant to clause 8 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner cancel all entries made in the local land charges register in respect of this deed.

**15. DISPUTES**

Any dispute, controversy or claim arising out of or relating to this deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

- (a) the tribunal shall consist of one arbitrator appointed jointly by the parties;
- (b) in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;
- (c) the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and
- (d) the seat of the arbitration shall be Manchester.

**16. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's or the County Council's statutory rights, powers, discretions and responsibilities.

**17. WAIVER**

No failure or delay by the Council or the County Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**18. FUTURE PERMISSIONS**

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted (whether or not on appeal) after the date of the Planning Permission.

**19. AGREEMENTS AND DECLARATIONS**

The parties agree that:

- (a) nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and
- (b) nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

**20. NOTICES**

20.1 Any notice to be given under this deed must be in writing and must be:

- (a) delivered by hand; or
- (b) sent by pre-paid first class post or other next working day delivery service

20.2 Any notice to be given under this deed must be sent to the relevant party as follows:

- (a) to the Council at Wyre Borough Council, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU marked for the attention of Chief Executive;
- (b) to the County Council at Lancashire County Council, County Hall, Fishergate, Preston, PR1 8XJ marked for the attention of The Head of Legal Services;
- (c) to the Owners at the addresses listed at the beginning of this deed;

or as otherwise specified by the relevant party by notice in writing to each other party.

20.3 Any notice given in accordance with clause 20.1 and clause 20.2 will be deemed to have been received:

- (a) if delivered by hand, on signature of a delivery receipt provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
- (b) if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the second Working Day after posting.

20.4 A notice given under this deed shall not be validly given if sent by e-mail.

20.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

**21. THIRD PARTY RIGHTS**

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

**22. VALUE ADDED TAX**

22.1 Each amount stated to be payable by the Council, the County Council or the Owner to the others under or pursuant to this deed is exclusive of VAT (if any).

22.2 If any VAT is at any time chargeable on any supply made by the Council, the County Council or the Owner under or pursuant to this deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

**23. GOVERNING LAW**

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

The common seal of Wyre Borough Council  
was hereunto affixed in the presence of:



Authorised signatory



26096



The common seal of Lancashire County Council was affixed to this document in the presence of:

*[Handwritten Signature]*  
Authorised signatory

Signed as a Deed by  
**PAMELA EVA GARNER**

*Pamela E Garner*

in the presence of:

Witness Signature: *[Handwritten Signature]*  
Name: *Joshua Jack Ramsay*  
Address: *FLAT 39, 1 JERSEY ST  
MANCHESTER M4 6JA*

Signed as a Deed by  
**BARBARA JOAN RICKARD**

*Barbara J. Rickard*

in the presence of:

Witness Signature: *[Handwritten Signature]*  
Name: *Joshua Jack Ramsay*  
Address: *FLAT 39, 1 JERSEY ST  
MANCHESTER M4 6JA*

Signed as a Deed by  
**JULIE ANNETTE KERSHAW**

*Julie Kershaw*

in the presence of:

Witness Signature: *[Handwritten Signature]*  
Name: *Joshua Jack Ramsay*  
Address: *FLAT 39, 1 JERSEY ST  
MANCHESTER M4 6JA*

Signed as a Deed by

**STEPHEN ANTHONY MALONE**

S.A. Malone  
.....

in the presence of:

Witness Signature:  .....

Name: ..... JOSHUA JACK RAMOAY

Address: ..... FLAT 39, 1 JERSEY ST  
..... MANCHESTER M4 6SA

## **Schedule 1 Covenants to the County Council**

### **1. PRIMARY EDUCATION CONTRIBUTION**

- 1.1 Within 20 Working Days following the grant of a Reserved Matters Consent to notify the County Council that a Reserved Matters Consent has been granted and request that the County Council calculates the Primary Education Contribution relating to the Reserved Matters Consent in accordance with this Deed.
- 1.2 To notify the County Council on first Occupation of the 1<sup>st</sup>, 65<sup>th</sup> and 120<sup>th</sup> Dwelling.
- 1.3 Prior to first Occupation of the 65th Dwelling to pay to the County Council 50% of the Primary Education Contribution.
- 1.4 Prior to first Occupation of the 120<sup>th</sup> Dwelling to pay to the County Council the final 50% of the Primary Education Contribution.

### **2. SECONDARY EDUCATION CONTRIBUTION**

- 2.1 Within 20 Working Days following the grant of a Reserved Matters Consent to notify the County Council that a Reserved Matters Consent has been granted and request that the County Council calculates the Secondary Education Contribution relating to the Reserved Matters Consent in accordance with this Deed.
- 2.2 To notify the County Council on first Occupation of the 1<sup>st</sup>, 65<sup>th</sup> and 120<sup>th</sup> Dwelling.
- 2.3 Prior to first Occupation of the 65th Dwelling to pay to the County Council 50 % of the Secondary Education Contribution.
- 2.4 Prior to first Occupation of the 120<sup>th</sup> Dwelling to pay to the County Council the final 50% of the Secondary Education Contribution.

### **3. CALCULATION OF THE PRIMARY EDUCATION CONTRIBUTION AND THE SECONDARY EDUCATION CONTRIBUTION**

- 3.1 The calculation of the Primary Education Contribution and the Secondary Education Contribution generally and of the Spare Places shall be undertaken in the same manner as demonstrated in the County Council's Education Methodology – May 2016 (Annex C).

3.2 The County Council's pupil projections that are current at the time of the calculation shall be used.

3.3 For the avoidance of doubt, if the County Council's re-calculations show that the number of Spare Places in primary or secondary schools has increased then there may be a reduction in the payment due in accordance with the re-calculated shortfall. If, however the re-calculated number of Spare Places is expected to exceed the calculated pupil yield from this development as per this Schedule, then no Primary Education Contribution or Secondary Education Contribution (as the case may be) shall be payable.

**4. TRAFFIC MANAGEMENT SCHEME CONTRIBUTION**

To pay to the County Council the Traffic Management Scheme Contribution prior to first Occupation of the 50<sup>th</sup> Dwelling and not to permit Occupation of the 50<sup>th</sup> Dwelling until the Traffic Management Scheme Contribution has been paid to the County Council.

**5. TRAVEL PLAN CONTRIBUTION**

To pay to the County Council the Travel Plan Contribution prior to first Occupation of the Development and not to Occupy the Development until the Travel Plan Contribution has been paid to the County Council .

## **Schedule 2 Covenants by the County Council**

### **1. PRIMARY EDUCATION CONTRIBUTION**

- 1.1 To pay the Primary Education Contribution into a separately identified interest-bearing section of the County Council's combined accounts as soon as reasonably practicable.
- 1.2 Not to use any part of the Primary Education Contribution other than towards the cost of providing, expanding or improving educational facilities (which may include the purchase and improvement of land and buildings) at Carr Head Primary School.
- 1.3 Whilst the County Council has confirmed its intention to spend the Primary Education Contribution at Carr Head Primary School it should be noted that this would be subject to the following:
  - 1.3.1 willingness of school governing body to expand
  - 1.3.2 planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010
  - 1.3.3 consultation with local schools and the community
  - 1.3.4 parental preference at the time that the places are required
  - 1.3.5 school standards at the time that the places are required
  - 1.3.6 suitability of site
  - 1.3.7 availability of other funding streams
- 1.4 In the event that the Primary Education Contribution has not been spent or committed for expenditure by the County Council within 5 years following the date of receipt of the final payment of the Primary Education Contribution the County Council shall refund to the party who paid it any part of the Primary Education Contribution which has not been spent or committed for expenditure, together with any accrued interest at the Bank of England Base Lending Rate.

1.5 Should the Primary Education Contribution not be spent on the project named within this Deed, the County Council will return the entire sum to the party who paid any part of the Primary Education Contribution. Furthermore, the County Council will ensure that sufficient local primary school places are provided to address the impact of the development at no cost to the Owner.

## **2. SECONDARY EDUCATION CONTRIBUTION**

2.1 To pay the Secondary Education Contribution into a separately identified interest-bearing section of the County Council's combined accounts as soon as reasonably practicable.

2.2 Not to use any part of the Secondary Education Contribution other than towards the cost of providing, expanding or improving educational facilities (which may include the purchase of land and buildings) at Millfield Science and Performing Arts College.

2.3 Whilst the County Council has confirmed its intention to spend the Secondary Education Contribution at Millfield Science and Performing Arts College it should be noted that this would be subject to the following:

2.3.1 willingness of school governing body to expand

2.3.2 planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010

2.3.3 consultation with local schools and the community

2.3.4 parental preference at the time that the places are required

2.3.5 school standards at the time that the places are required

2.3.6 suitability of site

2.3.7 availability of other funding streams

2.4 In the event that the Secondary Education Contribution has not been spent or committed for expenditure by the County Council within 5 years following the date of receipt of the final payment of the Secondary Education Contribution the County Council shall refund to the party who paid it any part of the Secondary Education Contribution which has not been spent or committed for expenditure, together with any accrued interest at the Bank of England Base Lending Rate.

2.5 Should the Secondary Education Contribution not be spent on the project named within this Deed, the County Council will return the entire sum to the party who paid the Secondary Education Contribution. Furthermore, the County Council will ensure that sufficient local secondary school places are provided to address the impact of the development at no cost to the Owner.

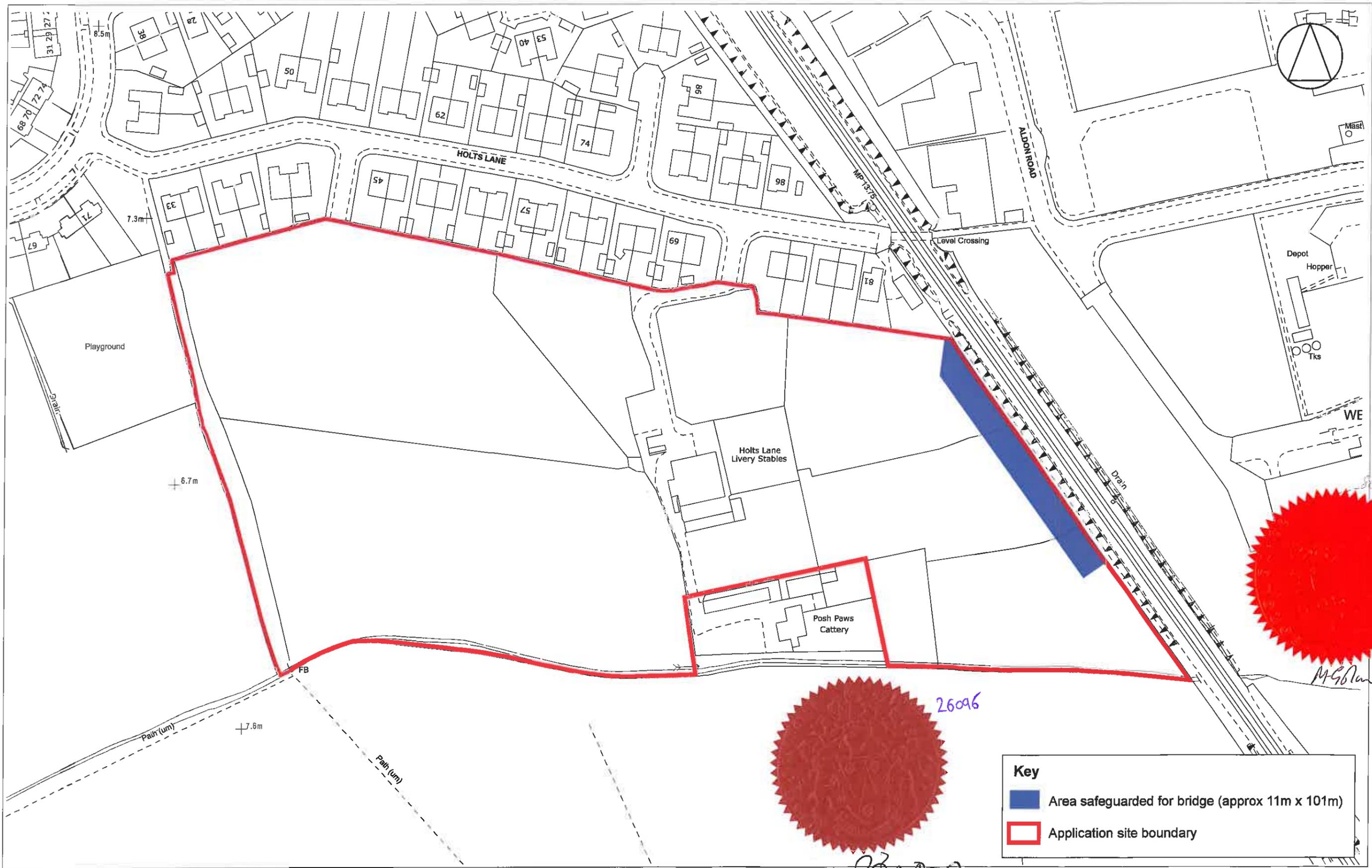
**3. TRAFFIC MANAGEMENT SCHEME CONTRIBUTION AND TRAVEL PLAN CONTRIBUTION**

3.1 To pay the Traffic Management Scheme Contribution and the Travel Plan Contribution into a separately identified interest-bearing section of the County Council's combined accounts as soon as reasonably practicable.

3.2 Not to use any part of the Traffic Management Scheme Contribution other than for the Poulton-le-Fylde Mitigation Strategy.

3.3 In the event that the Traffic Management Scheme Contribution has not been spent or committed for expenditure by the County Council within 5 years following the date of receipt of the final payment of the Traffic Management Scheme Contribution the County Council shall refund to the party who paid it any part of the Traffic Management Scheme Contribution which has not been spent or committed for expenditure, together with any accrued interest at the Bank of England base lending rate.

**Annex A. Plan**

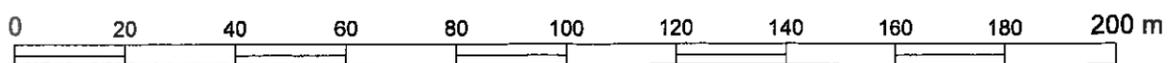


Key	
	Area safeguarded for bridge (approx 11m x 101m)
	Application site boundary

Holts Lane - Area Safeguarded for Bridge  
 Drawing No.: SAF(001)

Scale 1:1250

Authorized Signatory



*Parola & Garios*

*Justin Kerstan*

*Barbara J. Rickard*

*S. A. Mann*

*Robins*

*M. G. Blaw*

**Annex B: Draft Planning Permission**

# DRAFT DECISION

**Correspondence Address:**

Hollins Strategic Land LLP & Tim Claxton Property Ltd  
C/o Matthew Symons  
Hollins Strategic Lane  
Suite 4, 1 King Street  
Manchester  
M2 6AW

**Applicant:**

Hollins Strategic Land LLP & Tim Claxton Property Ltd  
C/o Matthew Symons  
Hollins Strategic Lane  
Suite 4, 1 King Street  
Manchester  
M2 6AW

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## OUTLINE PLANNING PERMISSION

### Town and Country Planning Act 1990

**Application Number:** 16/01043/OULMAJ

**Proposal:** Outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ)

**Location:** Land Off Holts Lane Poulton-Le-Fylde Lancashire

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Wyre Borough Council (the Local Planning Authority) gives notice of its decision to **grant planning permission** for the above proposal, subject to conditions stated below:

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission;
- (b) the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: - 1409/01B Proposed site access arrangements.
3. Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
  - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

- e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2016, Ref: HYD055\_HOLTS.LANE\_FRA&SDA by Betts Hydro Consulting Engineers and the following mitigation measures detailed within the FRA:
- 1. Limiting the surface water run-off generated by the development to greenfield runoff rate so that it will not increase the risk of flooding off-site.
  - 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  - 3. Finished floor levels are set no lower than 150mm following any re-grade above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

5. Prior to the commencement of any development, full details of a surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, the drainage scheme shall include;
- a) information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of any existing culverts and headwalls or removal of unused culverts where relevant);
- c) flood water exceedance routes, both on and off site;
- d) a timetable for implementation, including phasing where applicable;
- e) site investigation and test results to confirm infiltrations rates; f) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained in accordance with the approved details and the details to be agreed by condition 6 and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

6. (i) Prior to the commencement of development, a management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning Authority. For the purpose of this condition, this plan shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components and designed biodiversity features) and will include elements such as on-going inspections relating to performance and asset condition assessments, operation costs for regular maintenance, remedial works and

- irregular maintenance caused by **less** sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable;
  - d) The maintenance and management of any designed biodiversity features.
- (ii) The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
7. No development hereby permitted shall be first occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan approved under condition 6.
8. Prior to the commencement of development a scheme for the disposal of foul waters within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
9. Vegetation shall only be removed / cleared outside of the optimum period for bird nesting (March to July inclusive) unless, before the removal / clearance commences, a report has been submitted to and approved in writing by the Local Planning Authority demonstrating that the nesting / breeding birds have been shown to be absent.
10. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, and notwithstanding any information submitted with the application, a Comprehensive Great Crested Newt Reasonable Avoidance Measures Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of how any possible harm to great crested newts is to be avoided during the course of the development. The development shall be carried out in accordance with the approved Method Statement.
11. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Barn Owl Mitigation Method Statement, in line with section 5.5 of the submitted Ecological Survey And Assessment reference (ERAP Ltd ref: 2015\_069 and amended April 2016) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of the type, location, management and maintenance of the barn owl tower. The development shall be carried out in accordance with the approved Method Statement.
12. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Landscape and Ecology Management Plan (LECoMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall identify the opportunities for biodiversity enhancement on site including (but not limited to):
- a) Species rich hedgerow planting
  - b) Bolstering of hedgerows
  - c) Creation of ponds
  - d) Bat bricks and/or tubes within the new development
  - e) Bat boxes
  - f) Bird boxes
  - g) Native tree and shrub planting

The approved scheme shall be implemented in accordance with the approved scheme details.

13. Prior to commencement of development hereby approved, a scheme which provides for the assessment, retention and protection of trees, shrubs and hedges within (or overhanging) the site, which may be affected by the construction process (apart from those whose removal is approved

through the reserved matters application(s)), shall be submitted to and approved in writing by the Local Planning Authority in the form of a Tree Protection Plan and Arboricultural Impact Assessment. The agreed tree protection measures shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

14. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The following matters shall be addressed:

- a) the times of construction activities on site
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
- j) measures to prevent the pollution of watercourses
- k) measures to avoid light pollution
- l) routes to be used by vehicles carrying plant and materials to and from the site and measures to be taken to ensure that drivers use these routes as far as is practicable
- m) management of silt and run-off during the build out of the development

The development hereby approved shall be carried out in accordance with the approved CEMP.

15. Prior to commencement of development hereby approved, a desk study shall be undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall be submitted to and agreed in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved in writing by the Local Planning Authority and the scheme implemented in accordance with the approved details prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

16. (a) The residential development hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed: -

- 50dB LAeq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime
- 35dB LAeq 16 hours (07.00 to 23.00) - indoors, daytime
- 30dB LAeq 8 hours (23.00-07.00) - indoors, night-time
- 45dB LAFmax (23.00-07.00) - indoors, night-time
- 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time
- 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time

(b) Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

(c) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

17. Prior to the commencement of the development hereby approve, an assessment and a scheme for the mitigation of intrusive lighting effects from the railway shall be submitted to and approved in writing by the Local Planning Authority. The assessment and the mitigation measures shall demonstrate that the lighting will be in accordance with the institution of Lighting Professionals.' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" and shall be oriented and screened to mitigate light spillage from the railway onto the development.

The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The mitigation measures shall be installed prior to the first occupation of any of the dwellings or the completion of the development whichever is the earliest and shall be maintained thereafter.

18. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy H13 of the adopted Wyre Borough Local Plan (1999), or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, and such area or areas of open space shall be provided and made available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

19. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (which shall include the timetable for the investigation) which has been submitted by the applicant and approved in writing by the Local Planning Authority.

20. The land indicated on drawing SAF(001) submitted with the planning application shall be safeguarded for use in connection with the construction of a railway footbridge and ramped access required by Network Rail in connection with the electrification of the Blackpool-Preston-Manchester line, unless written confirmation is provided by Network Rail to the Local Planning Authority that this safeguarded land is no longer required for such purpose. Prior to construction work on the railway footbridge and ramped access, the land shall be used in connection with no other development hereby approved other than in accordance with landscaping details to be approved at the reserved matters stage.

21. No part of the development hereby approved shall commence until a timescale for the construction of the site accesses and the agreed scheme of off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The highway improvements shall thereafter be constructed in accordance with the agreed timescale. The agreed scheme of highway improvements/works are as shown on drawings 1409/01/ B, 1409/05/B, 1409/07, 1409/08/A and 1409/09/A and include:

Resurfacing of footway on both sides of Site Access 1 including dropped kerbs and tactile paving.

Resurfacing of footway on both sides of Site Access 2 including dropped kerbs and tactile paving.

Resurfacing of footway the south side of Holts Lane between Site Access 1 and Brockholes Crescent.

Repatch and repair existing footway on east side of Holts Lane between Brockholes Crescent and proposed pedestrian refuge on Garstang Road East.

Introduce tactile paving at the junction of Holts Lane with Brockholes Crescent.

Introduce tactile paving at the junction of Edenfield Avenue with Holts Lane.

Introduce dropped kerbs and tactile paving at the junction of Broadfield Avenue with Holts Lane.

Revise layout of Main Drive/Brockholes Crescent junction to reduce bell mouth and introduce dropped kerbs and tactile paving to provide a safer environment for pedestrians.

Introduce tactile paving and junction treatment at the junction of Holts Lane with Garstang Road East.

Introduce tactile paving and junction treatment at the junction of Argyle Road with Garstang Road East.

Introduce pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane. Pedestrian/cycle refuge to be sited on the desire line of residents of the proposed development undertaking trips to Tesco, Hodgson Academy and Poulton town centre.

Widen footway on the north side of Garstang Road East between Lower Green to a point beyond Argyle Road. With surface treatment at the Tesco access and egress.

Introduce tactile paving and junction treatment at the junction of Carr Head Lane with Garstang Road East.

Revise existing pelican crossing facilities at Garstang Road East/Lower Green junction to 'Toucan' type.

Revise existing pelican crossing facilities at Garstang Road East/Garstang Road West/Hardhorn Road junction to 'Puffin' type.

Introduce 3.0m wide shared footway/cycleway along the north side of Garstang Road East between Lower Green and Argyle Road (distance of circa 200m), with pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane.

Introduce 'Toucan' format crossing facilities at Lower Green/Garstang Road East junction.

Upgrade 2no bus stops (with shelters) on Garstang Road East. These are located at

(iii) Westbound services: 90m east of Holts Lane;

(iv) Eastbound services: 120m west of Holts Lane.

Introduce a new stop on Carr Head Lane. Details to be agreed. Garstang Road East / Holts Lane junction - introduce right turn lane waiting areas on Garstang Road East to cater for movements into Holts Lane and Argyle Road (Drg No 1409/09/A).

Garstang Road East / Carr Head Lane junction - increase width of right turn lane on Garstang Road East to assist right turn movements out of Carr Head Lane (Drg No 1409/07).

Hardhorn Road / Highcross Road / Beech Drive junction - introduce 'KEEP CLEAR' markings on Hardhorn Road at the Beech Drive and Highcross Road junctions with supporting surface treatment (Drg No 1409/08/A).

22. The approved Travel Plan (Ashley Helme, November 2016, Report Reference 1409/3/C) must be implemented in full in accordance with the timetable contained within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum period of at least 5 years.

23. As part of any reserved matters application where layout is applied for, a footpath link / links shall be provided on site between the application site and the land to the west. The approved footpath link(s) is only to be provided in the event that development on the land to the west is permitted. In which case, the footpath link shall be constructed in accordance with the approved details prior to development on land to the west being first occupied.
24. No dwellings shall be first occupied until the provision of electric vehicle charging points are provided for the dwelling to which they relate, and such provision shall be permanently retained for that purpose thereafter.

The reasons for the above conditions are:

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012)
4. In accordance with saved Local Plan policy EN13 and the National Planning Policy Framework (March 2012) and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants.
5. The condition is required to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users, and to ensure that water quality and bathing water quality is not detrimentally impacted by the development proposal. The information is required to be agreed and the approved system implemented prior to commencement to ensure that adequate drainage is in place throughout the lifetime of the development in order to minimise flood risk.
6. In order to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system. It is necessary for this information to be agreed prior to commencement so that the management plan for the drainage system is in place for the lifetime of the development and associated drainage scheme.
7. Reason: In order to ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
8. To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding with saved Local Plan policy CIS7 and the National Planning Policy Framework (March 2012)
9. To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and the National Planning Policy Framework (March 2012).
10. In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended)

11. In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended)
12. To secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework (March 2012)
13. To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan policies ENV7 and SP14 and the Trees and Development Supplementary Planning Guidance (1998).
14. To safeguard the amenity of the area in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
15. The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with saved Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
16. Such details were not submitted with the application and will not be apparent until layout is being considered at Reserved Matters stage. They are necessary to minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of future occupiers of the proposed dwellings, in accordance with policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)
17. In order to protect the amenity of neighbouring residential properties in accordance with the provisions of saved policy SP14 of the Wyre Borough Local Plan
18. To ensure that public open space areas are adequately provided and effectively managed and maintained in accordance with the provisions of saved policy H13 of the Wyre Borough Local Plan (1999) and the NPPF.
19. To ensure that any archaeological remains at the site are recorded to ensure an understanding of the significance of the heritage asset before it is lost, in accordance with the National Planning Policy Framework.
20. In the interests of maintaining and improving accessibility to encourage travel by sustainable modes in accordance with the objectives of the NPPF and to safeguard the planned infrastructure improvements of the railway line in accordance with saved Policy TR6 of the Adopted Wyre Borough Local Plan (July 1999).
21. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.
22. To ensure that the development provides sustainable transport options.
23. To ensure a proper planned approach is adhered to maximising site access/connectivity to the existing and future network to encourage travel by sustainable modes in accordance with the objectives of the NPPF and the provisions of Policy SP14 of the Wyre Borough Local Plan (1999).
24. To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Saved Policy SP14 of the Wyre Borough Local Plan and the NPPF.

Attention is drawn to the following notes:

1. LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY

Sustainable Drainage Systems: Flow Balancing

Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

Sustainable Drainage Systems: Advice & Further Information

Further information and advice on SuDS can be found in:

- CIRIA C687 - Planning for SuDS - Making it Happen
- CIRIA C753 - The SuDS manual
- CIRIA C635 - Designing for exceedance in urban drainage: good practice
- CIRIA C698 - Site handbook for the construction of SUDS
- HR Wallingford SR 666 - Use of SuDS in high density developments
- National Planning Policy Framework and Planning Practice Guidance
- Multi-Functional SuDS

The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their cost effectiveness, regardless of the size of development site. Early design consideration is advised to build SuDS into multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas.

Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional.

On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bio retention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bio retention tree pits.

Water Quality: Water Framework Directive

Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained.

Current WFD ecological status of all assessed water bodies is available on the EA website.

Local government has a major role in delivering and achieving the objectives set out in the WFD and to help the natural and modified environment adapt to the impacts of climate change. One mechanism of doing so is through the planning and development process to ensure that new developments do not pose a threat to water quality. It is recommended that the developer has regard for the WFD in developing a detailed drainage strategy and that the local planning authority considers appropriate conditions to secure this, where applicable.

Presence/potential presence of protected species in a watercourse

The Lead Local Flood Authority recommends that where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) on the proposed development site, the applicant should undertake an appropriate ecological assessment by a competent ecologist prior to starting works on site.

It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected as development that encroaches on to it has a potentially severe impact on their ecological value. Retaining and enhancing coherent ecological networks adjacent to watercourses will help to ensure the biological

and chemical quality of watercourses is not reduced as a result of development, which is a requirement of the Water Framework Directive.

#### Permeable Paving Advice

##### a) Driveways

Any permeable paving used on driveways must not be included as part of the hydrological calculations. Occupants may change driveways to non-permeable materials in future which has the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system.

##### b) Highway

It should be noted that permeable paving on the highway must be agreed with the Highway Authority (LCC Highways Developer Support Team) if the applicant intends to have the highway adopted following construction. Please contact the Highway Authority on: [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk)  
For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

This response does not grant the applicant permission to connect to the highway drainage network.

## 2. UNITED UTILITIES

### Water Comments

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

According to our records there are no formal easements that affect the proposed development.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

### General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

### Supporting information

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

### Site drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain, or another drainage system
4. to a combined sewer.

The comments made in this letter regarding site drainage reflect this approach.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change. Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

### 3. ENVIRONMENT AGENCY

Advice to applicant

The applicant should be aware that as of 6 April 2016 the Flood Defence Consent regime has moved into the Environmental Permitting Regulations.

Oldfield Carr Lane watercourse adjacent to the site is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact Flood Risk Officer, Pippa Hodgkins, on 020 302 51397 to discuss our requirements if a permit or advice is required.

In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.

The Environment Agency has a right of entry to Oldfield Carr Lane watercourse by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. It should be noted that the grant of planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming.

Foul Drainage

The application forms states that the method of foul sewage disposal is "unknown". Our records indicate that there are public foul and combined sewers in the vicinity of the site to the north.

The development should comply with Paragraph 20 of the "Water supply, wastewater and water quality" category of the national Planning Practice Guidance (PPG) and the first presumption must always be to provide a system of foul drainage discharging into a public sewer. Should the applicant wish to install an alternative method of disposal they will have to demonstrate why it is not feasible to connect to the existing public sewer

### 4. NETWORK RAIL

Asset Protection Appendix

Network Rail has the following comments on asset protection issues as the proposal is adjacent to the operational railway line.

(1) The developer has stated in their documents that, "To the east, the application site is bound by a railway line, which is set on higher ground. The line carries passenger and freight trains but is not particularly busy." From 5.32am to 23.21 pm, for example, there are 36 trains on this line from Poulton-Le-Fylde Railway Station to Kirkham and Wesham Railway Station alone, which pass by the site and over the level crossing. Therefore, the railway line is a busy line. As pointed out above the traffic will increase on this line significantly following electrification.

(2) The developer is proposing a change of use of the land from agricultural/fields to residential with public open spaces proposed adjacent to the railway boundary. The developer will provide, at their own expense, a minimum 1.8m high trespass proof fence to prevent any unauthorized access to the existing operational railway, as a result of the change of use of the land, including increased numbers of people (and minors) utilizing the public open space. Any unauthorized access to the operational railway is a criminal offence. The trespass proof fence will need to be erected wholly within the applicant's land ownership footprint including any foundations. Network Rail's existing boundary treatments must not be impacted, altered or removed by the proposed works on site.

(3) Given the site bounds an existing watercourse to the south, Network Rail would want all surface water to be directed either into this or to the United Utilities surface water sewer network. No drainage outfalls from this development are to be directed onto the railway.

(4) The development proposes an attenuation basin for sustainable surface water drainage (presupposing that one of the attenuation ponds is removed from the proposal to make way for the ramped bridge). The applicant will need to supply:

- Details of the amount of water contained in the pond
- Details of the construction methodology of the basin
- Details of who will maintain the pond and how maintenance will take place.
- Network Rail will require details of what mitigation measures are in place to ensure that surface water from the attenuation basin drains away for the railway. Network Rail will not accept liability for water from the proposal area draining towards the railway.
- Agreement from Network Rail to the works

(5) The planting of trees might have an effect on adhesion issues in the vicinity of the signalling system on the approach to Poulton - Le - Fylde Railway Station. Any trees to be planted on the open space near the railway boundary are to be of an evergreen variety. Any vegetation in close proximity to the railway boundary should be planted at a distance from the railway boundary that is equivalent to their expected height at maturity. Network Rail can provide a matrix of acceptable trees to the developer.

(6) Network Rail would require details of all excavation and earthworks within 10m of the railway boundary to ensure that our support zones are not impacted. Said works are to be agreed with Network Rail Asset Protection.

(7) Should the proposal go forward, then the developer would need to enter into a BAPA (Basic Asset Protection Agreement) with Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any site security, possession costs, asset protection costs, and site visits and any review and agreement of proposal documents.

(8) For works within 10m of the railway boundary the developer would need to submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway (including any demolition works, which should be undertaken by an approved contractor). We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail

land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

(9) All works on site would need to be undertaken wholly within the applicant's land ownership footprint without encroaching onto Network Rail's land or over-sailing our air-space.

#### 5. NATIONAL GRID

National Grid has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity, Peel Hill-Thornton. This was laid to the appropriate standards and in accordance with the relevant codes of practice. It is essential that access to the pipeline is not restricted, particularly in the event of an emergency.

Therefore, there must be no obstructions within the pipelines maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. The BPD (Building Proximity Distance) for the Peel Hill-Thornton Pipeline is 14.5 metres. The BPD is taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission. This is the standard adopted by National Grid and endorsed by the Health and Safety Executive (HSE).

There are other restraints imposed on high pressure gas pipelines, these are land use planning distances. These are distances defined by the HSE to allow them to advise on the acceptability of new developments next to the pipeline and are controlled through the HSE's Planning Advice for Developments near Hazardous Installations (PADHI) process. Further guidance on how these are applied can be found on the HSE's website <http://www.hse.gov.uk/landuseplanning/padhi.pdf>. Under Land Use Planning the HSE may wish to apply more stringent criteria for Building Proximity. When working in the vicinity of ANY National Grid pipelines, the standards set out in the National Grid specification SSW22 must be strictly adhered to. PLEASE ENSURE THAT THIS IS HANDED TO THE RESPONSIBLE PERSON ON SITE, TOGETHER WITH COPIES OF THE PLANS (both documents and plans were included with National Grid's consultation response and are available to view / download from the electronic planning file on the Council's website). It is the responsibility of the applicant to contact National Grid prior to any works commencing on site. As you will appreciate we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact National Grid at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to: Plant Protection Team, 3rd Party Enquiries, National Grid Block 1 floor 2 Brick Kiln Street Hinckley, Leicestershire LE10 0NA and marked for the attention of The Plant Protection Team. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision. Please note that a minimum 7 days' notice, or shorter if agreed with National Grid, is required before any work may commence within the easement. Early Contact at the planning stage is very important to allow full discussion of proposals and to ensure the safety of plant and operators.

**This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.**

Signed:



**David Thow**  
**Head of Planning Services**

Date:

## **Annex C: County Council's Education Methodology**



# Methodology for Education Contributions in Lancashire

May 2016 Update

[www.lancashire.gov.uk](http://www.lancashire.gov.uk)

## **Asset Management - School Planning Team**

**May 2016**

The information contained in this report is owned by Lancashire County Council

For further information on the work of the Asset Management School Planning Team, please contact us at:

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## Introduction

New housing developments place additional pressure on a wide range of infrastructure in an area including roads, health, social services, leisure, recreation and education.

This document sets out the Lancashire County Council methodology used for claiming education contributions against housing developments which are expected to create a shortfall of primary and secondary school places.

Education services are managed through Lancashire County Council and the two unitary authorities of Blackpool and Blackburn with Darwen. For the purposes of this policy paper, the education services referred to are those covered by Lancashire County Council only.

As stipulated in [Section 14 of the Education Act 1996](#), Lancashire County Council has a statutory obligation to ensure that every child living in Lancashire is able to access a mainstream school place in Lancashire if they want one.

Planning applications are submitted to each of the 12 district councils across Lancashire which act as the local planning authority. If you have any queries regarding contributions for school places, in the first instance you should contact the relevant local planning authority (the district council). We will work with them to provide further clarity on any education queries.

Pressure for additional school places can be created by an increase in the birth rate, new housing developments, greater inward migration and parental choice of one school over another. If local schools are unable to meet the additional demand, a new development can have a significant impact on the infrastructure of its local community and this impact must be mitigated against. In terms of housing development this mitigation would be in the form of the provision of additional school places, facilitated through an education contributions, via either the Community Infrastructure Levy (CIL) Regulations 2010 or Section 106 of the Town and Country Planning Act 1990, in order that additional places can be made available. An education contribution could include a school site.

Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 imposes a limitation on the use of planning obligations and provides that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development

In addition, Regulation 123 (3) of the CIL Regulations 2010 scales back the way planning obligations operate. Limitations are also placed on the use of planning obligations in the following respects:

- Ensuring the local use of the levy and planning obligations does not overlap

- Limiting pooled contributions from planning obligations towards infrastructure projects which may be funded by the levy

Quality education provision is at the heart of sustainable communities and, therefore, should be a fundamental consideration of all new housing developments. Where new housing development creates a demand for school places in excess of those available, the local authority will expect the local planning authorities to work with Lancashire County Council in seeking an education contribution from developers that is proportionate to the impact in order to mitigate against the effect of any new development on local infrastructure. It is critical that developers make a contribution towards school places as, without one, the local authority will be unable to ensure school places are accessible, and this is likely to impact on the children and families who come to settle in new developments. This would, therefore, raise concerns about the viability and sustainability of a new development.

An education contribution will only be sought where there is a projected shortfall of primary and secondary places at schools within the local area of a development.

Contextual information regarding Lancashire schools and the policy for expanding schools can be found within the current ['Strategy for the Provision of School Places and Schools' Capital Investment'](#).

## How to Request an Assessment

In most circumstances the local planning authority will request an assessment on behalf of a developer. All requests should be emailed to Planning and Environment at Lancashire County Council via [Planning.Contributions@lancashire.gov.uk](mailto:Planning.Contributions@lancashire.gov.uk)

## Planning developments and the introduction of CIL

The 12 local planning authorities are currently at different stages in the adoption of the Community Infrastructure Levy (CIL). Please contact the local planning authority for further information.

Regardless of whether a local planning authority has adopted CIL, the initial assessment Lancashire County Council undertakes to determine whether an education contribution is required is identical.

## Methodology for Assessing Contributions

All residential developments which result in a net increase of 10 dwellings or more will be assessed to determine whether the developments are expected to result in a shortfall of school places. The assessment will measure the projected impact of the development on surrounding primary and secondary schools within:

- 2 mile radius of the development for primary aged school pupils
- 3 mile radius of the development for secondary aged school pupils

These distances are based on [DfE Guidance on home to school travel and transport – July 2014](#), and are considered reasonable walking distances for pupils.

Academy and Free Schools are included in assessments in the same way as any other maintained or aided school.

The assessment is based on the grid reference used for the planning application, provided by the local planning authority.

Where there are no schools within the 2 or 3 mile radius of the development, Lancashire County Council will assess on the nearest school.

If the places provided to address the impact of the development are beyond 2 or 3 miles for primary or secondary provision (respectively) Lancashire County Council acknowledge that it may be necessary to provide transport assistance in line with the Home to School Transport Policy.

### Exemptions

Contributions are not sought in respect of:

- Sheltered accommodation
- Student accommodation

Contributions are also not sought in respect of:

- Nursery places
- Sixth form places
- Further education places
- Special education needs and disability places
- Independent school places

Contributions are sought in respect of:

- Affordable housing
- 1 Bedroom accommodation

## Pupil Projections

Lancashire County Council's Asset Management School Planning Team uses 5 year pupil projections incorporating:

- Current and previous years' school census information containing numbers on roll
- Inward and outward migration of pupils
- School net capacity assessments
- Schools cumulative admission numbers
- NHS and ONS birth data
- Approved Planning Application Housing data obtained from the local planning authority's Housing Land Supply (HLS), Annual Monitoring Report (AMR), Strategic Housing Land Availability Assessment (SHLAA) or equivalent. (We consult with each local planning authority to obtain the appropriate housing information for their area).

Further information can be found in the [Pupil Projection Methodology](#).

Please note that we don't provide:

- school by school, year by year projections as this could compromise parental preference and conflicts with public interest
- information relating to the home address of children
- mapping information
- net capacity forms as they are not in the public domain

The 5 year projection figures are used to assess the capacity and expected demand within the local schools. 5 years is the period used in each of the local planning authorities' HLS (or equivalent) documents.

## Assessments

The contribution sought from developers will be used to mitigate the direct impact of the development and **not to address any existing shortfall**.

Using the 5 year pupil projections an assessment will be undertaken to ascertain whether Lancashire primary schools within 2 miles and/or Lancashire secondary schools within 3 miles of the development are:

- Already over-subscribed, or
- Projected to become over-subscribed within 5 years

If a shortfall is identified at this point, the contribution sought would be for the full potential pupil yield of the development.

Should there be sufficient places at this stage or only a partial shortfall of places identified, Lancashire County Council will need to consider the impact from approved housing developments not yet included in the 5 year Housing Land Supply, which will impact upon one or more of the schools in the catchment of the assessed development before reaching a conclusion on the expected number of surplus places. This will take into account the impact of any developments receiving planning permission subsequent to the latest update of the Housing Land Supply and pupil projections.

Should there be sufficient places, or only a partial shortfall of places is identified, Lancashire County Council will need to identify the impact from pending applications impacting on one or more schools in the catchment of the assessed development. This will provide an understanding of the impact of any developments receiving planning permission ahead of the development being assessed. The education contribution sought will be calculated taking into account approved applications only, therefore a reassessment will need to be undertaken prior to the development being considered for decision.

Once a shortfall has been identified, a contribution will be calculated in accordance with the methodology below:

Where a development is expected to result in local schools becoming oversubscribed, Lancashire County Council will seek contributions from the developer to pay a contribution towards the associated capital costs of an identified infrastructure project. The infrastructure project and details of the number of pooled contributions will be identified prior to a decision on the planning application.

Whilst Lancashire County Council seeks to provide additional places in existing schools wherever possible (to maintain stability in the existing school system; to provide places in a timely fashion and to achieve best value for money), it may not always be feasible to expand one or more existing schools. In such circumstances, a new school may be required to address the shortfall of places. For this reason, depending on the scale of the development, a school site may also be required.

Lancashire County Council's assessment will work on the assumption that all of the development will be delivered within 5 years. The reason for this is that the data that

Lancashire County Council **uses** in its pupil projections provides far more accurate information up to a 5 year period. In order to safeguard the interests of the county council and the developer, the methodology allows for planning applications to be reassessed at the point of Reserved Matters. For this reason, we will normally ask that the relevant planning authority seeks a reassessment at that time.

## Pupil Yield

In 2012 Lancashire County Council undertook an analysis to determine the number of pupils who attend mainstream schools who live in recently built houses.

The analysis on which this yield is based includes a cross section of Lancashire conurbations taking into account a mix of rural, urban and city locations. The sample used takes into account a range from large developments to individual dwellings.

Because of this analysis, Lancashire County Council uses a method of assessing the impact of a development based on the mix of the size of the development, based on the number of bedrooms in each property to be built.

The pupil yield for each size of house can be seen in the table below.

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

When assessing a development, the number of pupils calculated to arise from the development will be subject to rounding, either up or down, to the nearest whole figure.

In order to enable an appropriate assessment, an accurate bedroom mix should be provided, where available, at the time of the assessment. If the bedroom information is not available at the time of assessment, an assumption will be made that all dwellings will be eligible 4 bedroom housing and the development will be assessed on this basis. The application will then be reassessed once accurate bedroom information becomes available- this could be at the Reserved Matters stage of the application. It is the responsibility of the local planning authority to notify Lancashire County Council once additional information becomes available so a reassessment can be undertaken.

An example calculation can be found in Appendix 2 of this document.

## Developments Remote from a Lancashire School

Where a planned development is located more than 2 miles from any existing primary school and /or over 3 miles from the nearest secondary school, Lancashire County Council would look at the nearest Lancashire school and, if there are no places at that school, a contribution for additional places would be sought. Any contribution sought would be used to provide places at the nearest Lancashire school

where an infrastructure project can be delivered. In such cases Lancashire County Council will incur transport costs to ensure the school places are accessible.

If the places provided to address the impact of the development are beyond 2 or 3 miles for primary or secondary provision (respectively) Lancashire County Council acknowledge that it may be necessary to provide transport assistance in line with the Home to School Transport Policy.

## Calculation

After assessing the impact of the development and a shortfall is apparent, a contribution will be sought based on either:

- The full yield of the development (where a shortfall already exists) or
- The projected shortfall of places resulting from the development

The calculation is:

DfE Cost Multiplier (for primary and/or secondary places)	x	DfE Location Factor	x	BCIS All-in Tender Price Index	x	Number of Places
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The indexation used to calculate is based on BCIS All-in Tender Price for the [DfE Cost Multipliers](#) provided in Quarter 4 2008.

The DfE Location Factor was last identified as using the BCIS Location Factor, identified in the Education Funding Agency document [Sixth form college building condition improvement fund 2014 to 2015](#).

The figures will be updated annually, on 1<sup>st</sup> April each year, within this methodology to reflect the latest position.

The calculation for 2016 (Q1-2016/Q4-2008):

### Primary

£12,257	x	0.97	x	272 / 240	x	Number of Places
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### Secondary

£18,469	x	0.97	x	272 / 240	x	Number of Places
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To simplify:

Primary cost per place = £13,474.53

Secondary cost per place = £20,303.59

Lancashire County Council reserves the right to reassess the school place position in respect of a development in accordance with this methodology paper, to take into account changing circumstances up to the point where a planning application is approved.

An example calculation can be found in Appendix 2 of this document.

### Reassessments

Where a development does not have bedroom information at the time of the assessment, an assessment will assume the development consists of all 4 bedroom houses. Should the bedroom information be provided at a later date, for example at reserved matters stage, then a reassessment will be undertaken to provide an up to date assessment of the impact of the development.

A claim with a range assessment will be dependent on the other pending housing applications submitted to the relevant districts. Should these planning applications be approved ahead of the assessed development, then the claim with a range figures will change. A reassessment may be required at the reserved matters stage of the planning process.

### Indexation

Indexation will be applied to Section 106 agreements using the formula below.

Education Contribution	x	BCIS All in Tender Price Index for the period immediately prior to the date of payment under the S106 agreement	÷	BCIS All in Tender Price Index for the period last published before the date of agreement
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Where trigger targets are included in the S106, indexation will apply at each trigger point.

### School Site

If a large new housing development (over 150 houses) is proposed, it may not be feasible to expand one or more existing schools. In such cases, Lancashire County Council will need to investigate whether a site may be required, taking into account the existing provision in the area. The size of this site would be determined in accordance with DfE guidance.

Where a number of small developments are expected to come forward in an area with an aggregated requirement for a new school, Lancashire County Council would expect the local planning authority to assist in the negotiations to secure a school site. The strategic planning of each district is the responsibility of the local planning authority as well as Lancashire County Council. Both parties will need to ensure education solutions are identified.

In the case of the provision of a school site Lancashire County Council would expect to be consulted as early as possible on the proposed location of the school site to ensure its suitability.

### **Declining to Contribute to Education Infrastructure**

In identifying a shortfall in local provision and asking for a developer contribution, Lancashire County Council is, in effect, objecting to the application. A developer contribution will, in most cases, overcome the objection.

If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable.

If the development is still approved without an education contribution or a reduced contribution, Lancashire County Council would be seeking clarification from the local planning authority on how the shortfall of education places will be addressed.

### **Approved Subject to Section 106**

Where a development has gained planning approval subject to the sealing of a Section 106 agreement, Lancashire County Council will treat the development as approved when assessing future applications.

## Identifying S106 Infrastructure Projects

From April 2015, Regulation 123 of the Community Infrastructure Levy (CIL) Regulations restrict the use of pooled Section 106 contributions towards items that are capable of being funded through CIL. At that point, no more contributions may be sought in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that infrastructure project have already been entered into since 6 April 2010 or the date of adoption of CIL by the planning authority, and it is a type of infrastructure that is capable of being funded by the levy.

Lancashire County Council will identify an infrastructure project, either within a Regulation 123 list or in the cases where a Section 106 agreement is to be used, prior to a decision being taken on the planning application.

The infrastructure project will be identified when the application is being considered for decision.

### Examples of Projects

- Provision of additional school places to address the impact of the development.
- Acquisition of additional land
- Project to increase the capacity of a school by a number of places towards providing a half form of entry.
- The provision or extension of a classroom
- The expansion of a hall required to provide more capacity
- Internal remodelling to provide additional capacity

### How Lancashire County Council chooses which school to expand

The process Lancashire County Council uses when choosing which school to expand is outlined in the latest [Strategy for School Places](#). When determining which schools are suitable for expansion, Lancashire County Council will consider the following criteria, in no particular order:

- Pupil attainment levels
- Levels of parental first preference
- Current size of the school
- Location of the school relative to population
- Practicalities of expansion on the existing or nearby site

- Costs of expansion and potential joint investment benefits

### **Limitations of Naming Projects**

By naming the projects Lancashire County Council cannot guarantee the named infrastructure project will go ahead. The following list are some of the risks we have to a project not proceeding. For example, a project may be subject to:

- The willingness of the school governing body to expand
- Suitability of the site
- Gaining Planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 of the Academies Act 2010
- Consultation with local schools and the community
- Parental preference at the time that the places are required
- School standards and popularity at the time that the places are required
- Availability of other funding streams
- Changes in the overall capacity within the local schools
- Project cost being prohibitive
- Demand not materialising as projected
- Agreement timescale condition expires before demand materialises
- Being unable to find an academy sponsor

### **Splitting contributions across projects**

A contribution may be split across two or more projects to provide the number of places required, subject to pooling restrictions.

Should one project fail to progress resulting in the education contribution being returned, only the contribution allocated to the non-progressing project will be returned.

### **Communication with Schools**

When an infrastructure project is included in a S106 the school(s) will be informed by Lancashire County Council, including details of the development that is providing the education contribution. Any communication with schools about potential projects should be conducted via the Asset Management School Planning Team at Lancashire County Council.

## Specific Content Required in a S106 Agreement

We would request to include the following in any planning obligation agreement (also known as S106 agreement):

- A formula that allows for the calculation of the education contribution at reserved matters stage of the application process. This would be required for any application that is at outline application stage and has not ascertained the bedroom mix of the development.
- The education contribution would be adjusted by BCIS Indexation from the date of the planning obligation agreement to the date of payment of the education contribution. The BCIS Indexation used will match the indexation used during the initial assessment.
- A payback clause that provides for:
  - the amount secured to be repaid to the developer if not spent within an agreed timescale, and
  - any land secured to be returned to the developer if not used within an agreed timescale.
- A clause that states that Lancashire County Council will endeavour to spend any contributions secured on an infrastructure project at a specific school, detailed within the agreement. If the contribution is not spent on the identified infrastructure project the contribution will be returned and the County Council will be responsible for delivering school places at no cost to the housing developer.
  - Where the pooling of S106 contributions affects one or more school(s) within the catchment of the development; provision is made within the S106 to discount those schools that are affected from the S106 agreement.

Where we are not party to an agreement between a developer and district council, the county council would ask that the wording of the agreement is discussed with us.

## Reassurance that Contributions will be Spent Locally

Where the county council is proposing to significantly enlarge a school or establish a new school, there are strict guidelines and regulations which we must follow. Whilst the new School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013 which came into force on 28 January 2014 streamline some of the processes for school expansion, the process still involves consultation with interested parties before a decision can be taken.

Therefore, at the stage where we respond to a planning application, we are unable to predetermine where capital funds will be spent or to pre-empt the outcome of any consultation. However, there is an obligation to meet the tests of Community Infrastructure Levy (CIL) and to demonstrate expenditure is used to mitigate the

impact of the development and this means that we will aim to spend the money on the capital cost of providing the places within a three mile radius of the development wherever possible.

The planning obligation agreement established with the developer will provide assurances about this. For more information read the section on specific content required in a planning obligation agreement.

## Lancashire Local Planning Authorities – CIL Adoption

All local planning authorities, whether they have adopted the Community Infrastructure Levy (CIL), or not, will still require an education contribution assessment to determine the impact of the development on surrounding schools.

To identify whether your local planning authority has adopted CIL and how they will deal with your planning application, please contact them directly.

### Local Planning Authorities Which Have Yet to Adopt CIL

The local planning authorities which are still to move to the Community Infrastructure Levy will continue to require assessments and enter into agreements using Section 106s to secure contributions towards education infrastructure.

#### *Pooling Contributions*

Where there are a number of developments within an area each yielding an education contribution, as advised by the Planning Advisory Service, Lancashire County Council may decide to pool contributions to provide the infrastructure project, where this accords with Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010.

A maximum of five contributions can be secured against each infrastructure project.

### Local Planning Authorities who have adopted CIL

With the adoption of CIL, local planning authorities will agree a Regulation 123 List outlining infrastructure projects which CIL funds can be allocated towards.

To discover how your development will contribute to the education infrastructure in the area, please contact the relevant local planning authority.

If an education contribution is secured using CIL, the same development will not be required to pay a contribution via S106.

### Windfall Sites for Authorities who have adopted CIL

Windfall sites for developments within local planning authorities area who have adopted CIL may be dealt with in one of two ways:

- Using Section 106 agreements
- An amendment of the Regulation 123 List

Clarification should be sought via the local planning authority.

## Other Matters

### Pre-Applications

Due to the significant number of planning applications received we are currently unable to treat pre-applications as a priority and assessments for pre-applications may not be possible.

### Responding to Information Requests

Requests for information must be provided in writing to:

[schools.planning@lancashire.gov.uk](mailto:schools.planning@lancashire.gov.uk)

Lancashire County Council will endeavour to respond to enquiries within 10 working days.

## Contact Information

Please do not hesitate to contact us should you have any questions or would like to discuss any element of the methodology.

Name: School Planning Team

Address: PO Box 78  
County Hall  
Fishergate  
Preston  
PR1 8XJ

Tel: 01772 536289

Email: [schools.planning@lancashire.gov.uk](mailto:schools.planning@lancashire.gov.uk)

Where your enquiry refers to a planning application, where available please provide:

- The name of the local planning authority
- The name of the development
- The planning reference number(s)
- The name of the local planning authority case officer

## Appendix 1: National Policy and Guidance

The following policy underpins the methodology for seeking education contributions in Lancashire.

### Education Act 1996

[Section 14 of the Education Act 1996](#) stipulates that local authorities must secure sufficient appropriate school places to serve their area. The policy refers to the provision of mainstream school places only. It does not relate to the planning of nursery, further education, special education need and disability, nor independent school provision.

### Education and Inspections Act 2006

[Part 1 of the Education and Inspections Act 2006](#) outlines the education functions of Local Authorities. It places Lancashire County Council as the appropriate authority to secure diversity in the provision of schools and increase parental choice opportunities.

### Expansion of an Existing School

Where an expansion of an existing school is considered to be significant, where more than 30 places are to be provided and will expand the school by more than 25% of the existing school capacity or 200 pupils, a statutory significant enlargement process will need to be followed. As the significant enlargement of an existing school or the establishment of a new school both require the authority to consult interested parties before making any decision, under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) and [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#).

### The Academy/Free School Presumption

In accordance with strategy, Lancashire County Council prefers to expand existing schools to accommodate additional pupils in an area, in some circumstances it may not be feasible to expand any schools in an area. The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the academy/free school presumption) to the Education and Inspections Act 2006. Where a LA identifies a need for a new school in its area it must seek proposals to establish an academy/free school.

### Statutory Walking Distances

The Department for Education specifies that "statutory walking distance is two miles for children aged under eight, and three miles for children aged eight and over" ([DfE Guidance on home to school travel and transport – July 2014](#)). This is reflected in Lancashire County Council's [Home to School Transport Policy](#). For this reason Lancashire County Council assesses primary schools within two miles and secondary schools within 3 miles of the development. For the purpose of planning

developments, this is determined by applying a radius from the grid reference used for the planning application and not using travel distances to each individual school.

## Town and Country Planning Act 1990

[Section 106 of the Town and Country Planning Act 1990](#) introduced the ability to seek a contribution from developers by Local Authorities towards mitigating the impact of pupils living in the new development on local school capacity.

## Community Infrastructure Levy

The [Community Infrastructure Levy Regulations 2010](#)

### Section 77

[Section 77 of the School Standards and Framework Act 1998](#) as amended by the [Education Act, 2011](#) refers to the disposal or change of use of playing field and school land. Any changes to the use of school land requires consent of the Secretary of State.

## National Planning Policy Framework & Guidance

The [National Planning Policy Framework](#) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 72 specifically refers to the provision of school places:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.*

*They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.*

## Appendix 2: Example Calculation

If a housing development was to come forward with 100 houses, with the bedroom information broken down as:

Number of Bedrooms	Number of Houses with that Number of Bedrooms
1	10
2	20
3	40
4	25
5+	5

Calculate the number of children expected from the development

No of Bedrooms	Yield per development - Primary	Yield per development - Secondary	Primary Pupils Expected	Secondary Pupils Expected
1	0.01	0.00	$10 \times 0.01 = 0.1$	$10 \times 0.00 = 0.0$
2	0.07	0.03	$20 \times 0.07 = 1.4$	$20 \times 0.03 = 0.6$
3	0.16	0.09	$40 \times 0.16 = 6.4$	$40 \times 0.09 = 3.6$
4	0.38	0.15	$25 \times 0.38 = 9.5$	$25 \times 0.15 = 3.75$
5+	0.44	0.23	$5 \times 0.44 = 2.2$	$5 \times 0.23 = 1.15$
<b>Total</b>			<b>19.6 (20 Pupils)</b>	<b>9.05 (9 Pupils)</b>

### Primary

Next schools within 2 miles for primary and 3 miles for secondary of the development are identified and an assessment on the schools 5 year future capacity and 5 year future number of pupils expected in the school is completed.

	<b>Future Net Capacity of School</b>	<b>Projected Number of Pupils on Roll</b>
Primary School A	210	215
Primary School B	315	310
Primary School C	198	200
Primary School D	210	210
<b>Total</b>	<b>933</b>	<b>935</b>

For Primary Schools in the area, we are expecting a shortfall of 2 places ( $933 - 935 = -2$ ) before the impact of this development, the pupils expected from this development will make the situation worse. So for this development we would be seeking a contribution for all the primary aged pupils ie 20 pupils.

### Secondary

	<b>Future Net Capacity of School</b>	<b>Projected Number of Pupils on Roll</b>
Secondary School A	800	798
Secondary School B	650	627
Secondary School C	1,050	1,033
<b>Total</b>	<b>2,500</b>	<b>2,458</b>

For Secondary Schools in the area, we are expecting to have 42 spare spaces.

However, there are 4 additional applications which have obtained planning permission prior to this assessment. Collectively these applications are planning to yield 44 children. These developments will use the 42 spare places leaving a shortfall of 2 places so an education contribution will be sought for this development for 2 pupils.

In addition to the additional applications, there are also 2 pending applications, collectively contributing a further 5 pupils. Should these applications come forwards ahead of this application the shortfall from this development would increase, so an education contribution would be sought between 2 and 7 pupils.

A reassessment should be undertaken at the point of decision to identify those developments which have gained planning permission prior to this application.

### Calculation

Using the formula

DfE Cost Multiplier (for primary and/or secondary places)	x	DfE Location Factor	x	BCIS All-in Tender Price Index	x	Number of Places
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#### Primary

£12,257	X	0.97	x	272/ 240	x	20	=	£269,490.60
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#### Secondary

£18,469	x	0.97	x	272/ 240	x	2	=	£40,607.18
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#### Secondary up to

£18,469	x	0.97	x	272 / 240	x	7	=	£142,125.13
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### In Summary

Lancashire County Council would be seeking a contribution for 20 primary school places and 2 secondary school places.

$$£269,490.60 + £40,607.18 = £310,097.78$$

However, as there are a number of applications that are pending a decision that could impact on this development should they be approved prior to a decision being made on this development the claim for secondary school provision could increase up to a maximum of 7 places.

$$£269,490.60 + £142,125.13 = £389,657.55$$

## Appendix 3: Education Planning Assessment Process

