



Infrastructure and Planning

September 2017

This paper describes how Lancashire County Council will engage with and inform the outcomes of the planning process, as an infrastructure provider potentially impacted on by proposed new developments.

Table of Contents:

1. Introduction	2
2. Types of Developer Contributions.....	3
Planning Obligations	3
Transport Agreements.....	4
Community Infrastructure Levy	5
3. Decision Making.....	6
4. Ways of Working	8
What we will do	8
What we would like the District Council to do.....	8
5. Infrastructure.....	10
I. Annex 1: Highways	
II. Annex 2: Education	
III. Annex 3: Drainage and Flood Risk Management	

1. Introduction

- 1.1 It is important that, as developments are brought forward, the developments are designed in such a way, and sufficient services and infrastructure are in place, to meet the demands they create. It is essential that the public and private sectors work together to achieve this.
- 1.2 The main purpose of the planning system is to promote sustainable development. Developer contributions are a way of helping to deliver sustainable development by facilitating the provision of infrastructure through agreements or payments to the infrastructure provider. To this end, Lancashire County Council will ask that developers contribute towards the cost of the additional infrastructure and services that their developments create a need for.
- 1.3 There are 12 District, Borough and City Councils (hereafter referred to as District Councils) in the administrative County of Lancashire; these determine the majority of planning applications and also decide what developer contributions may be required to mitigate the impacts of a development (the remainder are determined by Lancashire County Council, such as schools or quarries, though some will fall within the category of Nationally Significant Infrastructure projects and will be determined by the Secretary of State).
- 1.4 The main purpose of this document is to describe how Lancashire County Council, as a service and infrastructure provider to the residents and businesses of Lancashire, will engage with the planning process to ensure the impacts of proposed developments on the infrastructure and services that it provides are recognised, and where possible mitigated, through the District council's planning application decision making process; thus ensuring that any necessary infrastructure and services are in place at the right time to serve the development that requires them. This is a key part of the National Planning Policy Framework's (NPPF) aim of facilitating sustainable development in suitable locations.
- 1.5 It should be read by local authorities, developers, community groups and others involved in any development proposal which may result in impacts on Lancashire County Council's infrastructure or services. It should be read in conjunction with the Development Plan for the area, and the National Planning Policy Framework.

Requests for information should be directed to
planning.contributions@lancashire.gov.uk

2. Types of Developer Contributions

- 2.1 Developer contributions are sums of money (or land transfers, or commitments for in-kind provision) provided by a land owner for the provision of infrastructure or services. They are enforceable against the land owner. They can be facilitated through planning obligations, transport agreements or the community infrastructure levy.
- *On-site provision via planning obligations and conditions*
 - *Off-site provision via planning obligations/transport agreements*
 - *Community Infrastructure Levy (CIL) for named types of infrastructure or specific infrastructure projects*
- 2.2 Lancashire County Council will work with the District councils, the Lancashire Enterprise Partnership and other parties to facilitate quality sustainable development through other sources of funding to complement developer contributions; these could include other monies linked to the development such as New Homes Bonus and business rates retention, central government grants, or prudential borrowing.

Planning Obligations

- 2.3 Planning obligations are legal agreements entered into by any party with a legal interest in the development site. They contain contracts covering the things the land owner agrees to do, and not to do, and the circumstances and timescales within which these will occur. They are negotiated through Section 106 of the Town and Country Planning Act 1990.
- 2.4 They can be secured through either a Section 106 agreement made between parties or a unilateral undertaking.
- Section 106 agreements contain contracts from one or more parties to another party e.g. the developer to the County or District Council.
 - Unilateral undertakings are executed solely by the party or parties giving the contracts e.g. the developer.
- 2.5 If planning obligations are used to constitute a reason for granting planning permission they must accord with Regulation 122 of the Community Infrastructure Regulations 2010 which states that planning obligations should be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 2.6 Lancashire County Council will request the use of planning obligations where they are necessary to mitigate an impact associated with a proposed development. This may include the need for 'specific mitigation' – for example,

to provide extra services for the development such as new school facilities. They can also include a commitment to manage a site in a defined way.

- 2.7 Developer contributions through planning obligations can involve the payment of a financial contribution to Lancashire County Council, for the provision of infrastructure or services, or, where appropriate, the provision of initial support (“pump priming”) of new facilities or services, reflecting the time lag between the provision of the new facility and its inclusion in public sector funding streams, or its ability to recover its own costs in the case of privately run bus services. Examples of such could include contributions for school extensions, new school buildings, sustainable travel initiatives, funding for bus route diversions or extensions. Alternatively, they can include ‘in-kind’ contributions, such as where a developer builds or provides a facility such as a school on behalf of the infrastructure provider (subject to Lancashire County Council's approval). They could also be used to bring forward the delivery of an already programmed and budgeted piece of infrastructure or a service in advance of its delivery schedule, should it be necessary to enable the proposed development.
- 2.8 Regulation 123 of the Community Infrastructure Regulations 2010 introduces a limit on the pooling of s106 contributions from different developments towards the delivery of a piece of infrastructure, after 6 April 2015 or after the adoption of a charging schedule, whichever is sooner, so that no more than five s106 agreements will be able to be pooled for the delivery of a specific service or piece of infrastructure. Where there are a number of developments within an area resulting in impacts that could be mitigated by - or where the development could be facilitated through - the provision of a piece of infrastructure or service, the scale of the impact will be a key determinant when considering which developments should or should not be included in any pooling arrangements.
- 2.9 Developer contributions can be phased for larger developments, and will be indexed, as appropriate, in any agreement, and the developer will be required to pay any legal costs Lancashire County Council incurs entering into the agreement.

Transport Agreements

- 2.10 Transport agreements are legal agreements between the developer and Lancashire County Council, under section 278 of the Highways Act 1980, they are entered into where a development requires works to be carried out on or to the highway. This agreement can be for Lancashire County Council to carry out the works at the developer's expense. This is so any unforeseen costs would be passed on to the developer rather than be borne by Lancashire County Council had the developer contribution been delivered through a planning obligation. Alternatively, it may allow the developer to provide the works directly, subject to an approval and inspection process by Lancashire County Council.
- 2.11 Works associated with any planning proposal are not permitted within the limits of the publicly maintained highway until the agreement is completed and the bond (if applicable) is secured.

2.12 Examples of such works could be: the construction of new access/junction, improvement of the highway/junctions, or safety related works such as traffic calming or improved facilities for pedestrians and cyclists.

Community Infrastructure Levy

2.13 The community infrastructure levy (CIL) is a charge, payable on the grant of planning permission, for the provision of infrastructure. It is produced and administered by the District council; Lancashire County Council is a statutory consultee to this process. The charge payable is set out in the charging schedule, and may vary by location and the proposed end land use. It is non-negotiable.

2.14 The infrastructure to be provided for by the levy is set out in the list of relevant infrastructure (regulation 123 list). Depending on how the list is drafted this could include infrastructure to be delivered by Lancashire County Council. The regulations require that a meaningful proportion of the charge will be made available to deliver infrastructure that meets the local community's needs. The developer can provide land to the value of the charge as payment in kind, if the District council agrees.

2.15 It is unlawful for a planning obligation to constitute a reason for granting planning permission if it provides for the funding or provision of infrastructure listed on the regulation 123 list.

2.16 Governance arrangements are essential to ensure that cross authority issues such as delivering the necessary infrastructure through CIL funds can be dealt with together. Procedures for delivering infrastructure through CIL monies will need to be established to ensure the appropriate infrastructure is delivered at the appropriate time.

2.17 Key to this will be liaison with relevant parish councils, and neighbourhood forums in areas with an adopted or emerging neighbourhood plan, to coordinate the delivery of CIL funded infrastructure where both Lancashire County Council and the parish council are potentially infrastructure providers¹.

¹ Under the CIL regulations parish and neighbourhood forums may be eligible to receive a meaningful proportion of CIL monies collected in their area.

3. Decision Making

- 3.1 Planning applications must be determined in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Policies of the development plan, and the National Planning Policy Framework, describe a desire to secure certain things as part of sustainable development, including the desire to ensure that impacts are mitigated. Developer contributions are one means of achieving this.
- 3.2 As a general principle, the District council will expect each development proposal to consider all of the negative impacts it may have on the local area and the environment and ensure that these are mitigated.
- 3.3 Lancashire County Council will provide a reasoned and consistent response to the District Councils based on the impacts of the development proposal on the infrastructure and services it provides. Lancashire County Council responses will consider the significance of the impact and the value associated with any infrastructure proposed when commenting on planning applications; it is likely they will include:
- Highway safety
 - Flood prevention and water management
 - Access to education
 - Capacity management and the smooth flow of traffic
 - Access to sustainable forms of transport
- 3.4 The National Planning Policy Framework requires that planning authorities pay "careful attention to viability", and in some circumstances developer contributions could be considered to pose a threat to the viability of a development. Lancashire County Council is unable to insist upon, or enforce requests for developer contributions to its services other than where it is the determining authority.
- 3.5 It is likely that the District council will, when considering the overall level of contribution necessary, take into account the effect of the total developer contribution liability incurred by the proposed development arising from all policy requirements on the proposed development's viability. In parts of Lancashire the property market is weak and highly sensitive to land costs. This can undermine attempts to regenerate the area and to attract specific types of development.
- 3.6 Lancashire County Council will provide the District Council with a full response relating to the impact of the development and with any consequential requirement for developer contributions, and it will be for the District Council to consider the site viability and the overall benefits brought by the proposed development.
- 3.7 In these cases the District Council may choose to allow the development despite the impact on infrastructure or services identified, or it may reduce the

scope and amount of developer contributions. This is likely to be the case where a development proposal would stimulate regeneration but is financially marginal, or where a scheme is fundamental to the District Council's overall development strategy.

3.8 However, Lancashire County Council would maintain that, subject to the specific circumstances of the development, where development is allowed to go forward without provision being made for the necessary infrastructure through developer contributions, the development would not constitute sustainable development and the planning application should be refused. As such Lancashire County Council would object to proposed developments which did not adequately mitigate these impacts.

3.9 This is a key part of the National Planning Policy Framework aim of facilitating sustainable development in suitable locations. Moreover, if unsustainable development is allowed to take place, Lancashire County Council will not be in a position in the future to mitigate these impacts.

3.10 There may be scope for "special cases" but these must be individually justified as they are likely to represent, at some level, a policy deviation and are likely to impact on the residents of the district, whether it is through a shortage of school places, added congestion, flooding or issues of highway safety.

3.11 Further details on identified areas of service pressure, and future spending priorities, can be found in the following documents:

- Local Transport Plan Strategy 2011-2012, Implementation Plan, and the Highways and Transport Master Plans
- Strategy for the Provision of School Places and School's Capital Investment²
- Lancashire and Blackpool Local Flood Risk Management Strategy
- The relevant District Councils Local Plan Infrastructure Delivery Schedule

3.12 These documents indicate to developers those areas where further development may give rise to particular infrastructure problems. They should be used to provide an indication of the areas in which the proposed development could create or aggravate a local stress.

² This does not relate to the planning of special needs school provision, nor independent school provision.

4. Ways of Working

What we will do:

- Respond to planning applications and local plan consultations promptly and provide evidence clearly identifying the impacts associated with a proposed development and any mitigation necessary through developer contributions, and clearly identify triggers for the necessary mitigation.
- Be available for negotiation if required by the District Council.
- Promptly process the signing of s106 and s278 agreements to avoid unnecessary delays to the delivery of developments.
- Ensure that s106 and s278 agreements are drafted with regards to the timing of payments so as to ensure that the necessary infrastructure can be delivered in a timely way relative to the impacts that they seek to mitigate.
- Ensure that any contribution relating to education infrastructure includes appropriate indexation and reference to where the infrastructure will be provided, in line with the education methodology.
- If a proposed development is refused as a result of an infrastructure requirement made by Lancashire County Council, support the District Council with any appeal hearing.
- Engage constructively with District Councils on Local Plan and CIL consultations.
- Engage constructively with parish councils and neighbourhood forums on CIL funded projects in their local area.
- Maintain an ongoing relationship with District Councils for evidence preparation and sharing to ensure Local Plans are based on up to date information and reflect Lancashire County Council's infrastructure and services.
- Report the receipt of developer contributions and the delivery of related infrastructure and services to the District Council.
- Work with the District Councils and Lancashire Enterprise Partnership to access other sources of funding to complement developer contributions.
- Promptly return any developer contribution should the anticipated requirement for infrastructure not come forwards.

What we would like the District Council to do:

- Provide adequate notice of consultations or requests for evidence, and provide adequate time for the preparation of consultation responses.
- Report consultation responses and any proposed developer contributions to decision makers, and justify any prioritisation, or renegotiation that has taken place on viability and environmental/social grounds.
- Produce a robust and deliverable Infrastructure Delivery Schedule in support of the Local Plan, with infrastructure included only if it will demonstrably assist in the delivery of growth and the Local Plan's objectives.
- Consult Lancashire County Council on the production of, and any revisions to, the list of relevant infrastructure (Regulation 123 list).

- Include Lancashire County Council in any negotiations with developers concerning planning obligations relating to Lancashire County Council's infrastructure or services, and ensure Lancashire County Council are a signatory to relevant planning obligations.
- Include policies in the Local Plan recognising the impacts development can have on service provision (including those listed in this document), and recognising that these impacts could be mitigated through developer contributions.
- Send Lancashire County Council any s106 agreements that the District Council has signed where Lancashire County Council will be delivering the infrastructure or services agreed.
- Assist Lancashire County Council in monitoring the implementation of planning permissions where s106 agreements specify the payment of developer contributions and the delivery of infrastructure or services at particular 'trigger points' in the development's delivery.

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5. Infrastructure

- 5.1 The issues relevant to a proposed development will be dictated by local and national planning policies, and local circumstances. These issues, and the proposed mitigation measures, will likely be apparent to the applicant from the outset. However, pre-application discussion with Lancashire County Council service providers are encouraged as early as possible to ensure that impacts are clear and it is possible to find cost effective ways of mitigating them.
- 5.2 Separate annexes have been prepared to provide some information on these.
- 5.3 Where possible the cost of impact mitigation, which forms the basis for negotiating the developer contribution, is described. This will provide several benefits:
- The Section 106 process can be both quick and consistent;
 - Developers can be informed at an early stage what their contribution is likely to be; and
 - The costs of development can be established accurately in advance, which will influence the market price of land.
- 5.4 However, all development proposals will need to be assessed against the policies in the development plan on a case-by-case basis, in order to identify impacts on local infrastructure and services and explore any necessary mitigation through, amongst other means, developer contributions. The type and scale of developer contribution will be directly related to the level of impact on the provision of the relevant service or infrastructure.
- 5.5 Lancashire County Council provides significant levels of service and infrastructure that are not described below, such as libraries, children's' centres, community services for young people, adult care, health etc. It is unlikely that most developments will impact significantly on these services, but in the event that it does, or that the development proposal offers the opportunity to enhance an existing piece of infrastructure, for example through the relocation of a library to facilitate the development of a wider site, Lancashire County Council will engage with the developer and District Council to ensure any impacts are recognised and where necessary mitigated, and that the benefits of any relocation or enhanced service that are offered can be realised.



Infrastructure and Planning

Annex 1 Highways

September 2017

This document sets out Lancashire County Council's approach to considering the potential impact of proposed developments upon the highways infrastructure within the local area of the development.

- 1.1 Management of the transport network including bus provision is a function of Lancashire County Council in its role as Highway Authority. It is responsible for all adopted roads in Lancashire other than trunk roads (which are the responsibility of Highways England); it is responsible for the safety, maintenance, management and development of the highway network, and determines whether to adopt a road (take responsibility for its ongoing maintenance).
- 1.2 The transport system in many parts of Lancashire is under pressure. This is the result of an intense level of development, limited capacity for all modes of transport, and general traffic growth. Further development could make these problems worse if measures are not taken to make better use of the existing network, introduce extra capacity, and provide additional services.
- 1.3 Local transport funding from central government could address the resulting funding gap. Government funding comes from various sources (in addition to conventional Local Transport Plan capital settlements and the Local Growth Fund). Typically however, none of these address the specific impacts of new development, except perhaps in the small number of designated growth areas. Instead, funds are directed at inherited transport problems resulting from economic progress and previous development activity, or at large scale projects designed to deliver growth.
- 1.4 When consulted on planning applications, or Local Plans¹, Lancashire County Council will provide an assessment of the proposed developments² potential impacts on the highway network, with regards to highway capacity, design standards and the continued safe operation of the highway. Conditions or developer contributions may be agreed to offset any unacceptable impacts identified through the assessment process.
- 1.5 Responses will be informed by the Local Transport Plan 2011-2021 and the areas Highways' and Transport Masterplan.
- 1.6 Lancashire County Council will work with the District council, through the plan making and planning application process, to ensure proposed developments are located sustainably in areas that minimise the need to travel and maximise the opportunity to use sustainable modes of transport, in line with the National Planning Policy Framework. Lancashire County Council will comment on the accessibility and design of proposed developments with a view to making a potentially unsustainable development sustainable.

¹ Local Plans offer the opportunity to identify and support a pattern of development that minimises trip generation at source and encourages the use of sustainable modes of transport, reducing the impact on the highway network and the need for remedial works.

² Where house styles are not yet determined, we will use the default position of all houses being 3-bedroomed houses for the purposes of trip generation. Sensitivity tests may be required to establish the robustness of this approach, subject to local travel conditions.

1.7 In seeking to make an unacceptable development acceptable, conditions or developer contributions will be used, where appropriate, to deliver the following types of investment, including but not limited to:

- promoting the use of sustainable transport modes to retain or free up capacity within the highway network, for example through the preparation and implementation of a Travel Plan³ or by providing for the establishment of a new bus service where there currently is not one;
- ensuring safe access and egress;
- minimising development-related impacts such as traffic congestion;
- providing or contributing towards capacity enhancement measures;
- providing for connections or works to Council owned SuDS infrastructure as part of the drainage scheme for the proposed development;
- providing and/or enhancing links for cyclists and pedestrians to access local services, education and employment locations⁴; and
- providing and/or enhancing street lighting, traffic systems
- providing and/or enhancing public rights of way connecting new developments to existing service centres or public transport infrastructure.

1.8 It is likely that s106⁵ or s278's will be used to facilitate the measures described above⁶, though CIL, where collected, will be expected to be the primary source of developer contributions towards capacity enhancement measures.

³ Travel plans may be required through policy in the development plan, and planning permission granted on the condition that one is prepared and implemented. Lancashire County Council can provide assistance with respect to Travel Plan support, promotion, monitoring and evaluation. This can include advice and guidance on travel plan development, assistance with survey design, access to the Lancashire County Council car sharing website, journey planning service, assistance with promoting events, accessibility planning services, provision of leaflets and maps, monitoring and surveys. Funding for this assistance can be delivered through a developer contribution, or through a normal service commissioning process.

⁴ This will provide both a public health benefit and a congestion reduction effect.

⁵ It may also be appropriate to require time limited developer contributions towards the maintenance of a road, to offset impacts of the development, where the access road will be used predominantly by the proposed development (particularly if the development is heavily served by HGVs). Developers should expect to find commuted sums applied for future maintenance of special features including but not limited to bridges, drainage features and decorative materials.

⁶ For clarity, we intend to apply S278 agreements to all identifiable works in the highway, and S106 agreements to any contributions to projects and to Travel Plan contributions.



Infrastructure and Planning

Annex 2 Education

September 2017

This document sets out Lancashire County Council's methodology for assessing the potential impact of proposed housing developments on education provision within the local area of the development.

Contents

Introduction	4
How to Request an Assessment.....	6
Planning developments and the introduction of CIL.....	6
Methodology for Assessing Contributions	6
Exemptions	6
Pupil Projections	7
Assessments	7
Pupil Yield	9
Developments Remote from a Lancashire School.....	9
Calculation	10
<i>Primary</i>	10
<i>Secondary</i>	10
Reassessments.....	11
Indexation.....	11
School Site	11
Declining to Contribute to Education Infrastructure	12
Approved Subject to Section 106	12
Identifying S106 Infrastructure Projects.....	13
Examples of Projects	13
How Lancashire County Council chooses which school to expand	13
Limitations of Naming Projects.....	14
Splitting contributions across projects	14
Communication with Schools	14
Specific Content Required in a S106 Agreement.....	15
Reassurance that Contributions will be Spent Locally.....	15
Lancashire Local Planning Authorities – CIL Adoption.....	17
Local Planning Authorities Which Have Yet to Adopt CIL	17
<i>Pooling Contributions</i>	17
Local Planning Authorities who have adopted CIL.....	17
Windfall Sites for Authorities who have adopted CIL	17
Other Matters	18
Pre-Applications	18
Responding to Information Requests	18
Contact Information.....	19
Appendix 1: National Policy and Guidance.....	20

Education Act 1996	20
Education and Inspections Act 2006	20
Expansion of an Existing School	20
The Academy/Free School Presumption	20
Statutory Walking Distances	20
Town and Country Planning Act 1990	21
Community Infrastructure Levy	21
Section 77.....	21
National Planning Policy Framework & Guidance	21
Appendix 2: Example Calculation	22
Appendix 3: Education Planning Assessment Process	25

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

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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

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 2008/09.

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 1st April each year, within this methodology to reflect the latest position.

The calculation for 2017:

Primary

£12,257	x	0.97	x	287 / 240	x	Number of Places
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Secondary

£18,469	x	0.97	x	287 / 240	x	Number of Places
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To simplify:

Primary cost per place = £14,217.31

Secondary cost per place = £21,423.27

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
------------------------	---	---	---	---

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.

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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.

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

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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

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	$5 \times 0.44 = 2.2$	$5 \times 0.23 = 1.15$
Total			19.6 (20 Pupils)	9.05 (9 Pupils)

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.

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

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

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

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	287/240	x	20	=	£284,352.19
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Secondary

£18,469	x	0.97	x	287/240	x	2	=	£42,846.54
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Secondary up to

£18,469	x	0.97	x	287/240	x	7	=	£149,962.89
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In Summary

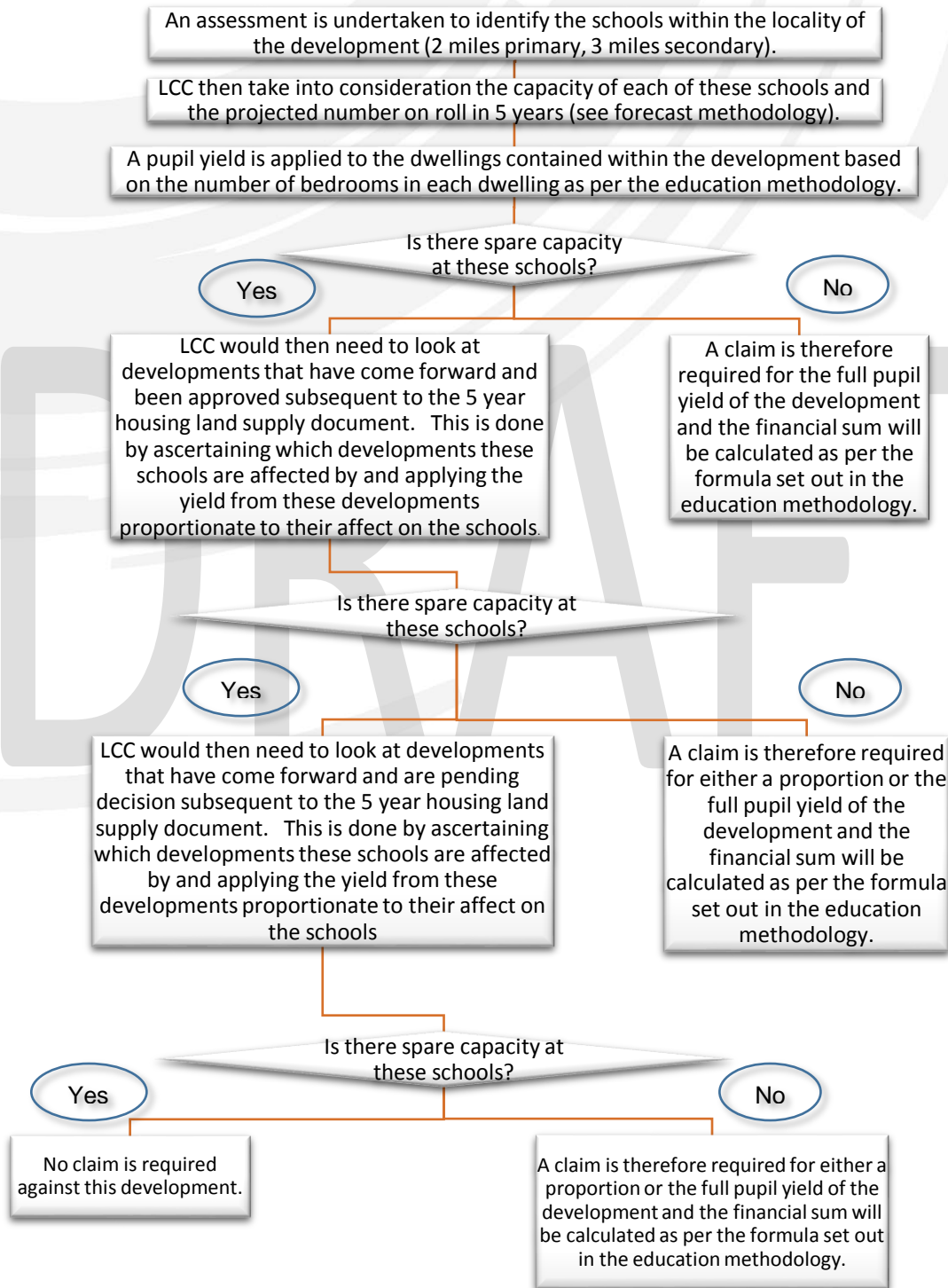
Lancashire County Council would be seeking a contribution for 20 primary school places and 2 secondary school places.

$$£284,352.19 + £42,846.54 = £327,198.73$$

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.

$$£284,352.19 + £149,962.89 = £434,315.08$$

Appendix 3: Education Planning Assessment Process





Infrastructure and Planning

Annex 3 Drainage and Flood Risk Management

September 2017

This document sets out Lancashire County Council's approach to considering the potential impact of proposed developments upon the drainage infrastructure within the local area of the development.

- 1.1 Management of 'local' flood risk¹ and land drainage is a function of Lancashire County Council in its role as Lead Local Flood Authority (LLFA) and the Lancashire and Blackpool Local Flood Risk Management Strategy 2014-2017 sets out the overarching strategic approach to the management of local flood risk during this period. The Lead Local Flood Authority investigates and publishes the results of incidents of significant flooding; it designates assets which have a significant effect on flood risk; it maintains a register of flood risk assets; it provides consent for works on ordinary watercourses, and is a statutory consultee in the planning application process.
- 1.2 Drainage systems in many parts of Lancashire are under pressure. This is the result of an intense level of development, limited capacity within existing aging systems, and changes to our climate resulting in runoff reaching drainage systems quicker. Further development could make these problems worse if measures are not taken to alleviate pressure on the existing network and introduce extra capacity, and ensure new drainage is sustainable.
- 1.3 Central government funding comes from various sources, including Defra Support Grant, FCRM GiA MTP and Local Levy, in addition to conventional capital settlements and the emerging Local Growth Fund. These funding streams could address the resulting funding gap. Typically however, none of these address the specific impacts of new development, except perhaps in the small number of designated growth areas. Instead, funds are directed at inherited drainage problems resulting from economic progress and previous development activity, or at large scale projects designed to deliver growth.
- 1.4 When consulted on planning applications, or Local Plans, Lancashire County Council will provide an assessment of the proposed developments potential impacts on the drainage network, with regards to surface water discharge rates and volume, design standards and the continued safe operation and maintenance of the surface water drainage network to ensure that the flood risk is appropriately managed. Conditions or developer contributions may be agreed to offset any unacceptable flood risks or impacts identified through the assessment process.
- 1.5 Responses will be informed by the Lancashire and Blackpool Local Flood Risk Management Strategy 2014-2017, Surface Water Management Plans, District Local Plans, the Local Transport Plan 2011-2021 and the areas Highways' and Transport Masterplan, where available.
- 1.6 Lancashire County Council will work with the District council, through the plan making and planning application process, to ensure proposed developments are designed sustainably to minimise the impact of new development on existing drainage systems and maximise the opportunity to use multi-functional sustainable drainage components, wherever possible, to deliver multiple benefits, in line with the National Planning Policy Framework. Lancashire County

¹ Local flood risk refers to the risk of flooding from surface water, groundwater and flooding from ordinary watercourses

Council will comment on the design of proposed developments with a view to making a potentially unsustainable development sustainable and making a potential flood risk manageable.

1.7 In seeking to make an unacceptable development acceptable conditions or developer contributions will be used, where appropriate, to deliver the following types of drainage investment, including but not limited to:

- promoting the use of sustainable drainage systems to retain or free up capacity within the drainage network, for example through the preparation and implementation of a drainage masterplan;
- ensuring safe access and sustainable maintenance arrangements are facilitated;
- minimising development-related impacts such as overloading existing highway drainage systems;
- providing or contributing towards capacity enhancement measures;
- providing for connections or works to Council owned sustainable drainage infrastructure as part of the drainage scheme for the proposed development; and
- providing and/or enhancing ecology, biodiversity and water quality.

1.8 It is likely that s106² or s278³ will be used to facilitate site-specific remedies through the measures described above⁴. CIL⁵, where collected, will be expected to be the primary source of developer contributions towards area-wide capacity enhancement measures.

² Section 106 of the Town and Country Planning Act 1990

³ Section 278 of the Highways Act 1980

⁴ For clarity, we intend to apply S278 agreements to all identifiable works to the highway drainage network, and S106 agreements to any contributions to projects.

⁵ Community Infrastructure Levy