



*Knowsley Council*

## **Knowsley Local Plan**

### **Supplementary Planning Documents Report of Consultation**

Householder Development SPD

Trees and Development SPD

Town Centre Uses SPD

Developer Contributions SPD

**June 2016**

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## 1. Introduction

1.1 This report summarises the outcomes of a statutory period of public participation on the draft Supplementary Planning Documents (SPDs) listed below; this includes the Council's response to all written comments received during that time and any resultant changes to the SPDs:

- Householder Development SPD
- Trees and Development SPD
- Town Centre Uses SPD
- Developer Contributions SPD

1.2 The draft SPDs listed above were subject to appropriate stakeholder engagement during their production and they were subsequently published for consultation for six weeks between 4 February and 17 March 2016. The consultation period was extended by one further week until 24 March, following requests from members of the public seeking further time to submit their comments. The consultation was advertised on the Council's website and in the local press. Statutory consultees and all of those previously involved in the preparation of the Knowsley Local Plan Core Strategy were notified in writing on commencement of the consultation period.

1.3 Each document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Planning and Compulsory Purchase Act 2004 (as amended) and national policy set within the National Planning Policy Framework (2012). Their purpose is to guide the interpretation and application of certain policies in the Statutory Development Plan for Knowsley.

1.4 The Statutory Development Plan currently comprises the following documents:

- Knowsley Local Plan: Core Strategy (2016);
- Merseyside and Halton Joint Waste Local Plan (2013); and
- Saved Policies of the Knowsley Replacement Unitary Development Plan (UDP) (2006)

## 2. Purpose of the SPDs

2.1

2.2 In January 2016, the Council adopted the Knowsley Local Plan Core Strategy and this Plan introduced a range of new policies to complement those existing within the adopted Joint Merseyside and Halton Waste Local Plan and saved policies in the UDP. As stated in para 1.3, the role of SPDs is to assist with the implementation of some of these policies.

2.3 The SPDs will therefore help deliver the key goals and outcomes which influence the achievement of the vision for Knowsley as "Borough of Choice" by 2023 including: safe attractive sustainable neighbourhoods; quality infrastructure and environment; ensuring safer and more cohesive communities, vibrant and welcoming

town centres and improving Knowsley the place. The specific purpose of each SPD once adopted is outlined in the following paragraphs.

2.4 The **Householder Development SPD** provides further detail on how policies within the Knowsley Local Plan will be interpreted and applied for householder development proposals. This document will replace the existing Householder Development SPD, adopted in 2007, and it seeks to ensure the 'highest standards' of urban design are promoted so that houses and their settings make a positive contribution to the local area.

2.5 The **Trees and Development SPD** provides detailed guidance to developers on specific design issues related to Trees and Development. This includes promoting best practice for proposals incorporating trees and landscaping within new developments; detailed advice in respect of managing development proposals affecting existing trees, woodlands and other vegetation; and the SPD will set out the requirements for surveys of existing trees and the provision of replacement trees.

2.6 The **Town Centre Uses SPD** provides additional guidance in respect of existing policies for retail centres within the Borough, in order to help address the growing concerns over the degree of clustering and proliferation of non-retail uses within town centres. The SPD explains the Council's policy approach to the development of hot food takeaways, betting offices, pay day loan shops and taxi booking offices. It offers business operators, local residents and planning decision makers greater clarity in terms of where premises will be considered appropriate for the uses mentioned above, and what measures are required to minimise any adverse impacts which may arise.

2.7 The **Developer Contributions SPD** provides detailed guidance on how developer contributions operate in Knowsley. The Document supplements Local Plan Core Strategy Policy CS27, which sets the principles of when and how developer contributions will be sought. The document covers guidance for contributions towards highways and transport, flood risk mitigation, green space provision, decentralised energy, education, health and leisure facilities, public realm and design, affordable housing, and other infrastructure. It therefore seeks to provide greater certainty at the earliest stages of the planning process, providing a transparent framework outlining the Council's expectations with respect to developer contributions and explaining how they can be met in practical terms. This is in order that the cost implications of developer contributions can be fully taken into account before a planning application is submitted. For developers, this will ensure that they can account for the cost of such contributions when determining economic viability of their proposed development.

2.8 Once adopted, the guidance set within these SPDs will be a material consideration in determining planning applications and they will apply where their content is relevant to the scale and type of new development proposed in the Borough.

### **3. Preparation and pre-consultation stages of the SPDs**

3.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the statutory requirements with respect to the preparation of SPDs. Further guidance is provided in a Statement of Community Involvement (SCI), which explains how the Council will involve residents and businesses in planning issues; Knowsley's SCI was adopted by the Council in May 2007.

3.2 The SCI explains the Council's preferred methods of consultation for Development Plan Documents (i.e. Local Plans), SPDs and planning applications. It also sets out who will be consulted and when.

3.3 The Council is responsible for ensuring that the procedures involved in producing any planning policy document are fully compliant with the relevant regulations, and measures set out in the SCI.

3.4 To ensure that the content of the draft SPDs were subject to appropriate stakeholder engagement in advance of the statutory period of public participation, the following Council service areas were briefed about the documents and were given the opportunity to provide input into the production of them:

- Arboriculture;
- Asset Management;
- Conservation;
- Climate Change and Sustainability;
- Development Management;
- Environmental Health;
- Environmental Services;
- Flood Risk;
- Highways;
- Public Health;
- Policy Impact and Intelligence;
- Strategic Investment;
- Town Centres Investment; and
- Waste and Facilities Management.

3.4 Informal engagement with these service areas took place via workshop meetings and there was a further e-mail consultation, undertaken in early 2016. Following this, the draft SPDs were finalised in readiness for formal public consultation in February 2016. This process is documented in the Pre Production Statement of Consultation which was published alongside the consultation version of the SPDs.

### **4. Habitats Regulation Assessment (HRA) and Strategic Environmental Assessment (SEA) consultations**

4.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 do not require a Sustainability Appraisal to be carried out on SPDs. However, under separate regulations the Council must formally consider (in a "screening document") whether each SPD requires a Habitat Regulation Assessment (HRA) and/or a

Strategic Environmental Assessment (SEA). Accordingly, formal screening documents have been prepared to accompany each of the draft SPDs and these reports conclude that none of the four proposed SPDs require a full HRA or SEA. The screening opinions were available on request during the public consultation period on the draft SPDs.

4.2 The following comments in respect of the screening documents were received during statutory consultation with the appropriate nature conservation bodies:

- Natural England - Agreed with the conclusions of the SEA and HRA Screening Reports that no further action is required.
- Natural Resources Wales (includes responsibilities of Countryside Commission Wales) – No responses received.

## 5. Process of formal consultation on the draft SPDs

5.1 The draft SPDs were subject to a 7 week period of consultation from **4 February 2016 until 24 March 2016**. This formal consultation was undertaken in accordance with the relevant requirements outlined in section 3 of this report. The 7 week consultation period exceed the minimum of 4 weeks required by the regulations.

5.2 The Council made available on its website and in publicly accessible deposit locations, including Council One Stop Shops and libraries, all consultation material (including reference copies of the draft SPDs, response forms and a Frequently Asked Questions document). The consultation was advertised on the Council's website and in the local press. Statutory consultees and all of those previously involved in the preparation of the Local Plan Core Strategy (including any parties submitting representations or signing petitions in relation to this process) were notified in writing on commencement of the consultation period.

5.3 Some of the consultation material was necessarily complex, although Council undertook steps to help members of the public and other stakeholders to engage with the consultation. Such measures included:

- The preparation of standard response forms and guidance notes for completing responses;
- An offer to provide large-print, Braille, audio and other language versions of materials where requested;
- The ability to contact Council officers by telephone, email, post or in person (during normal office hours at the Huyton Municipal Building) to discuss the consultation and any problems arising; and
- Preparation of Frequently Asked Questions, available online and in One Stop Shops and Libraries.

5.4 Relevant pages on the Council's website and the response forms made clear that representations on the draft SPDs must be returned to the Council in writing before the end of the consultation period (which was extended to 24 March 2016). The Council accepted responses submitted by email or post, or by the use of the standard response form.

5.5 The Council collated all representations that were received either electronically or in paper form. Whilst personal information provided as part of a representation cannot be treated as confidential, as the Council is required to make all representations available for public inspection at the adoption stage of the SPDs, personal information provided as part of representations, other than the names of individuals and organisations, will be protected through the redaction of personal data including postal addresses, telephone numbers, email addresses and signatures.

## 6. Overview of response to consultation on the draft SPDs

6.1 The Council received a total of 44 representations on the four draft SPDs during the period of consultation, with each respondent listed below (A-Z):

1. Barratt Homes;
2. Bellway Homes (Nathaniel Lichfield and Partners);
3. Cronton Parish Council;
4. P. Dagnall;
5. Orbit Developments - Emerson Group);
6. Historic England;
7. Homes and Communities Agency (HCA);
8. KMBC Conservation Officer;
9. Merseyside Environmental Advisory Service (MEAS);
10. C. Milne;
11. M. Mackarel;
12. Natural England;
13. J. Sills;
14. R. Smart;
15. Sport England;
16. St. Modwen (Nathaniel Lichfield and Partners – NLP) ;
17. United Utilities;
18. J. Webster;
19. Wildlife Trust.

6.2 The numerical breakdown of representations according to the respondents listed in para 6.1 above are as follows:

- Draft Householder Development SPD: 8 respondents made comments (3, 4, 6, 8, 9, 12, 17 and 19).
- Draft Trees and Development SPD: 11 respondents made comments (3, 4, 6, 9, 10, 11, 12, 14, 17 and 19).
- Draft Town Centre Uses SPD: 9 respondents made comments (3, 4, 6, 8, 10, 12, 16, 17, 18 and 19).
- Draft Developer Contributions SPD: 16 respondents made comments (1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 15, 16, 17, 18, and 19).

6.3 The breakdown of representations according to different categories of respondent is shown in **Table 1** below.

<b>Table 1: Submissions by type of respondent</b>	
<b>Respondent type</b>	<b>Number</b>
Member of the Public	6
Specific Consultation Body	5
Developer / landowner	4
Other Agency	4
<b>Total</b>	<b>19</b>

6.4 Appendices A - D summarise the issues that were raised by each respondent with respect to the draft SPDs, together with the Council’s response and any changes made to the SPDs, where applicable. These changes are reflected in the final adoption versions of the SPDs.

6.5 Any further changes made to the SPDs between the draft public consultation versions and the final adoption versions relate only to minor changes and corrections (for example in relation to grammatical corrections or to improve clarity of wording) or updates (to reflect the passage of time between the consultation versions and the adoption versions being finalised (for example the adoption of a new policy document by the Council).

**7. Next Steps**

7.1 The Council will adopt and publish the four SPDs as formal planning guidance, in order to explain and assist with the implementation of relevant policies in the Knowsley Local Plan. Two existing SPDs (Householder Development (2007) and Greenspace Standards and New Development (2007) will be replaced by the new SPDs, and are therefore revoked).



**APPENDIX A: HOUSEHOLDER DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

**Draft Householder Development SPD 2016: Responses to Consultation Draft**

**Date of Consultation: 04/02/16 – 24/03/16**

8 responses received from (A-Z):

- Cronton Parish Council (CPC)\*; P. Dagnall (PD); Historic England (HE)\*; KMBC Conservation Officer (DB); Merseyside Environmental Advisory Service (MEAS); Natural England (NE)\*; United Utilities (UU); Wildlife Trust (WT).

\*Statutory Consultee

No	Respondent	Comment	Council Response	Action
1-1	CPC	No substantive comments.	N/A	N/A
2-1	PD	Comment regarding the lack of participation from the residents and communities within Knowsley in the production of the SPD	The draft SPD was produced by officers within the Planning Service in consultation with the relevant technical officers from various Council departments. The public consultation period for the draft SPD gave residents, communities and other stakeholders the opportunity to comment on the draft SPD.	N/A
3-1	HE	No substantive comments.	N/A	N/A
4-1	DB	Chapter 3 – Suggested changes and clarifications on the works to Listed Buildings which require	Chapter 3 - Agree that the suggested changes would add clarification to the SPD and should	Chapter 3 – Suggested changes have been made to Para. 3.4 and 3.5.

**APPENDIX A: HOUSEHOLDER DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		Listed Building Consent, and clarification that a failure to obtain such consent is a criminal offence. Further clarification on the need for planning permission for demolition of buildings in a Conservation Area.	be incorporated.	
4-2	DB	Chapter 6 – Suggested clarification about the use of the term “original building” in Para. 6.4.	This meaning of this term is contained in the Glossary of Terms.	N/A
4-3	DB	Chapter 7 – Suggested changes to clarify the guidance on matching extension roof styles and pitches to existing buildings, and the circumstances where an unmatched roof might be acceptable.	Chapter 7 – Agree that the suggested changes provide useful additional detail for applicants, and should be incorporated in the SPD.	Chapter 7 – Suggested changes have been made to Para. 7.3 (bullet 2).
4-4	DB	Chapter 7 – Further clarification suggested to Para. 7.11.	Chapter 7 – Agree that the suggested changes provide useful additional detail for applicants, and should be incorporated in the SPD.	Chapter 7 – Suggested changes have been made to Para. 7.11.
4-5	DB	Chapter 8 – Changes throughout chapter to provide further clarification:	Chapter 8 – Agree that various clarifications within this chapter would be beneficial for	Chapter 8 – All paragraph clarifications have been amended within the SPD.

**APPENDIX A: HOUSEHOLDER DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		<ul style="list-style-type: none"> <li>• Changes to national policy references about protection of heritage assets and how they apply to householder developments(8.3-8.4)</li> <li>• Clarification about the role of non-designated heritage assets and the future role of the local list (8.5)</li> <li>• Clarification about the role of Heritage Statements (8.6)</li> <li>• More detailed guidance about the circumstances where Listed Building Consent will be required and what this means in practical terms for householders (8.7-8.12)</li> <li>• More detailed guidance on restrictions to householder development in Conservation areas, incorporating existing content on the specific considerations which will be taken into account in these circumstances (8.13-8.16).</li> <li>• More detailed guidance on the restrictions brought by Historic Parks and Gardens, and what this could mean for</li> </ul>	<p>householders for the importance of appropriately accounting for heritage assets and their different designations.</p>	

**APPENDIX A: HOUSEHOLDER DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		<p>householder developments within such parks (8.17-8.19)</p> <ul style="list-style-type: none"> <li>• More detailed guidance on how the heritage significance of non-designated assets should be taken into account by householders (8.20).</li> </ul>		
4-6	DB	Glossary – Changes throughout the glossary to update terms.	Glossary - Agree that the changes add further clarification and should be incorporated in the SPD.	Glossary – changes to the glossary include “Designated heritage asset”, “original building”, “Conservation area”, “Heritage asset”, “Listed building”, “massing” and “setting (of heritage assets)”, “Conservation area”, “Heritage asset”, “Listed building”, “massing” and “setting (of heritage assets)”, “Designated heritage asset” and “original building”.
5-1	MEAS	Para 2.14 – minor amendment to referencing for Waste Local Plan.	Para 2.14 – agree that minor amendment suggested would be useful.	Para 2.14 – suggested amendment actioned.
5-2	MEAS	Para 2.15 - Minor wording change to paragraph for clarification purposes.	Para 2.15 – agree with suggested change.	Para 2.15 – suggested change actioned.
5-3	MEAS	Para 6.14, 6.24, 6.25 & 6.26 are all supported by MEAS.	N/A	N/A
5-4	MEAS	Para 8 – reference to Historic Environment Record (HER) suggested as an addition.	Para 8 – agree that this reference would add value to the existing paragraph.	Para 8 – reference suggested has been actioned.

**APPENDIX A: HOUSEHOLDER DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
5-5	MEAS	Para 10 – reference to Trees and Development SPD recommended.	Para 10 – agree that reference suggested would be useful within this paragraph.	Para 10 – reference suggested has been actioned.
6-1	NE	No substantive comments.	N/A	N/A
7-1	UU	Additional wording to consider impact of tree planting on existing underground utilities infrastructure assets; their on-going protection; operation and future maintenance.	The consideration of impact on underground utilities is dealt with through consultation with the Council’s drainage officer on planning applications, it is also included as guidance within the Tree and Development SPD, therefore the current wording is sufficient for the purposes of the SPD.	N/A
8-1	WT	No substantive comments.	N/A	N/A

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

**Draft Trees and Development SPD 2016: Responses to Consultation Draft**

**Date of Consultation: 04/02/16 – 24/03/16**

11 responses received from (A-Z):

- Cronton Parish Council (CPC)\*; P. Dagnall (PD); Historic England (HE)\*; M. Mackarel (MM); Merseyside Environmental Advisory Service (MEAS); C. Milne (CM); Natural England (NE)\*; R. Smart (RS); United Utilities (UU); J. Webster (JW); Wildlife Trust (WT).

\*Statutory Consultee

No	Respondent	Comment	Council Response	Action
1-1	CPC	No substantive comments.	N/A	N/A
2-1	PD	Various comments regarding the lack of participation from the residents and communities within Knowsley in the production of the SPD.	The draft SPD was produced by officers within the Planning Service in consultation with the relevant technical officers from various Council departments. The public consultation period for the draft SPD gave residents, communities and other stakeholders the opportunity to comment on the draft SPD.	N/A
2-2	PD	How will the officers of Knowsley MBC monitor best practice with respect to trees and provide	Monitoring of best practice with regard to trees is done through monitoring tree related planning	N/A

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		information to public for inspection.	conditions and using enforcement powers if required. General public can access planning conditions related to planning applications via public access website.	
2-3	PD	Para 1.4 – comments relating to planning application and amendments to planning applications information should be made available and explained within the documents for public to view.	Para 1.4 – This point is not within the powers of the SPD to implement.	N/A
2-4	PD	Para 1.5-1.9 – Full detailed explanation about role of trees should be provided. How will KMBC officers assure that established trees, vegetation, woodlands and wildlife be protected from development and how is tree compensation sought?	Para 1.5-1.9 – The role of trees is explained within paragraphs 1.5-1.9, the Council will protect existing trees, vegetation, woodland and wildlife by using Local Plan Core Strategy policies and guidance within the SPD in determining planning applications which involve existing trees. The Council has a 2 for 1 tree replacement policy which will ensure trees that are lost are sufficiently replaced.	N/A
2-5	PD	Chapter 3 - How will KMBC officers ensure best practice is carried out in line with policy	The Council has an approved method statement which is monitored by the Arboriculture	N/A

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		framework set out in chapter 3.	team to ensure best practice is met by developers in accordance with Council policy.	
2-6	PD	Chapter 6 – What process is in place to ensure that specialist consultancy is sought and of good quality?	Chapter 6 – The recommended consultancies within Chapter 6 are supported by the Arboriculture Association and developers are free to use any of the consultancies on that list. The quality will be monitored at planning application stage and monitoring of conditions relating to trees or landscaping.	N/A
3-1	HE	No substantive comments.	N/A	N/A
4-1	MM	SEA should be applied to all developments over 1 hectare	The Council follows national guidance for SEA and also has the Merseyside Environmental Advisory Service as a statutory consultee to comment on these matters for each application.	No change required as the Council already follows the national guidance.
5-1	MEAS	Para. 2.7 – remove references to Waste Local Plan policies as they are not relevant.	Para. 2.7 – agree with suggested change.	Para. 2.7 – removal of references to policies actioned.
5-2	MEAS	Para. 2.11 – error with reference to policy which needs amending to reflect most up to date Core Strategy policy.	Para. 2.11 – agree with error in paragraph and update needed.	Para. 2.11 – policy reference updated to reflect Core Strategy policy.



**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
5-3	MEAS	Para. 3.6 – suggested wording to provide further clarification in relation to bat roost potential in line with Habitat Regulations 2010.	Para. 3.6 – agree with clarification of wording which will add weight to the SPD.	Para. 3.6 – suggested wording added to paragraph 3.6
5-4	MEAS	Para. 4.9 - Minor wording change to provide clarity regarding the statutory protection site workers must provide during construction phase.	Para. 4.9 – agree with wording change to provide clarity within the SPD.	Para. 4.9 – minor wording change actioned.
5-5	MEAS	Para 6.3 – suggested wording change regarding experience of consultants in relation to bat surveys.	Para. 6.3 – Current wording provides sufficient detail in relation to consultants and provides details in above paragraphs to how consultants can be identified.	Para. 6.3 – no change.
6-1	CM	SEA should be applied to all developments over 1 hectare.	The Council follows national guidance for SEA and also has the Merseyside Environmental Advisory Service as a statutory consultee to comment on these matters for each application.	No change required as the Council already follows the national guidance.
6-2	CM	Para 3.13 should be rewritten so that a tree constraint plan is always required for all sites containing or adjacent to protected	Para 3.13 - Each site is judged on its merits at planning application stage and the request for constraints plan is done on	Para 3.13 - No change required as guidance currently provides sufficient detail.

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		trees.	majority of schemes.	
6-3	CM	Para 3.25 – The costs of replacing trees should be specified each year in line with actual cost and not fixed within SPD as the current cost is grossly underestimated, on what basis have these costs been calculated?	Para 3.25 – Paragraph does state that the figures are subject to change and clarification should be sought from the Council regarding costs. The costs within the SPD are based on the Councils framework agreement with contractors based on a 12-14cm girth tree.	Para 3.25 - current wording provides flexibility for costs to change therefore no change required.
6-4	CM	Para 4.1 – add requirement that any trees damaged or destroyed during the construction process must be replaced by the developer at the original location by the same type of tree and funding provided by the developer to the council to maintain the tree until it reaches the age of the original tree.	Para 4.1 – Any damage will be assessed and enforced upon accordingly in line with the planning permission conditions, however the SPD does not have the power to create such a policy and can only provide guidance therefore planning conditions for construction management plan would be sufficient.	Para 4.1 – No Change

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
7-1	NE	Landscape Enhancement additional guidance – it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.	Each application needs to be assessed on its own merits and these proposals may not be possible or inkeeping with the development proposal. The SPD has sufficient guidance to enable appropriate tree planting on each application.	No change to guidance.
7-2	NE	Ancient woodland and veteran trees – add link to Natural England’s standing advice on ancient woodland and veteran trees for supporting guidance.	Agree that the link would add additional guidance to that already in the SPD and should be added.	Link added in Paragraph 1.8 to standing advice.
7-3	NE	Para. 3.6 – link to standing advice in this section to add further guidance.	Agree that the link would add additional guidance to that already in the SPD and is referenced within the paragraph.	Reference to standing advice and location of link earlier in the SPD.
7-4	NE	Para. 6.3 – Number for BCT is incorrect and needed to be changed.	Agree that correct number for BCT needs to replace existing out of date number.	Correct number for BCT now in Para. 6.3

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
8-1	RS	SEA should be applied to all developments over 1 hectare.	The Council follows the SEA regulations and also has the Merseyside Environmental Advisory Service as a statutory consultee to comment on these matters for each application.	No change required as the Council already follows the SEA regulations.
8-2	RS	Para 3.13 should be rewritten so that a tree constraint plan is always required for all sites containing or adjacent to protected trees.	Para 3.13 - Each site is judged on its merits at planning application stage and the request for constraints plan is done on majority of schemes.	Para 3.13 - No change required as guidance currently provides sufficient detail.
8-3	RS	Para 3.25 – The costs of replacing trees should be specified each year in line with actual cost and not fixed within SPD as the current cost is grossly underestimated, on what basis have these costs been calculated?	Para 3.25 – Paragraph does state that the figures are subject to change and clarification should be sought from the Council regarding costs. The costs within the SPD are based on the Councils framework agreement with contractors based on a 12-14cm girth tree.	Para 3.25 - current wording provides flexibility for costs to change therefore no change required.
8-4	RS	Para 4.1 – add requirement that any trees damaged or destroyed during the construction process must be replaced by the developer at the original location by the same type of tree and funding provided by the developer to the council to maintain the tree until it reaches the age of the original tree.	Para 4.1 – Any damage will be assessed and enforced upon accordingly in line with the planning permission conditions, however the SPD does not have the power to create such a policy and can only provide guidance therefore planning conditions for construction management plan would be sufficient.	Para 4.1 – No Change.

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
9-1	UU	Additional wording to consider impact of tree planting on existing underground utilities infrastructure assets; their on-going protection; operation and future maintenance.	The consideration of impact on underground utilities is dealt with through consultation with the Council's drainage officer on planning applications, however it is felt adding wording within Para 5.11 for developers to be aware of the consideration needed would be useful.	Wording added to Para 5.11
10-1	JW	Respect for the "natural landscape" and existing tree preservation order (TPO) in that no destruction of the landscape (?) takes place unnecessarily. Extend TPO.	The SPD is being produced to add further guidance to Local Plan policies in order to protect and enhance trees and landscape. It would not be appropriate for an SPD to propose extensions or new TPOs as there are separate tools available for this purpose.	N/A
10-2	JW	Respect for "wildlife" protect species (brown hare) and bird nesting.	The SPD is being produced to add further guidance to Local Plan policies in order to protect and enhance trees and landscape, which can provide habitats for protected species.	N/A
10-3	JW	Establishment of footpaths be achieved(?) with the removal of signage (private land keep off) installed by Council funding.	The SPD is unable to provide guidance on site specific locations and this type of development is required to be dealt with outside of the SPD process.	N/A

**APPENDIX B: TREES AND DEVELOPMENT SPD - SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
11-1	WT	No substantive comments.	N/A	N/A

**APPENDIX C: TOWN CENTRE USES SPD – SCHEDULE OF RESPONSES**

**Draft Town Centre Uses SPD 2016: Responses to Consultation Draft**

**Date of Consultation: 04/02/16 – 24/03/16**

9 responses received from (A-Z):

- Cronton Parish Council (CPC)\*; P. Dagnall (PD); Historic England (HE)\*; KMBC Conservation Officer (DB); C. Milne (CM); Natural England (NE)\*; St. Modwen (Nathaniel Lichfield & Partners - NLP) (SM); United Utilities (UU); Wildlife Trust (WT).

\*Statutory Consultee

No	Respondent	Comment	Council Response	Action
1-1	CPC	No substantive comments.	N/A	N/A
2-1	PD	Comment regarding the lack of participation from the residents and communities within Knowsley in the production of the SPD.	The draft SPD was produced by officers within the Planning Service in consultation with the relevant technical officers from various Council departments. The public consultation period for the draft SPD gave residents, communities and other stakeholders the opportunity to comment on the draft SPD.	N/A
3-1	HE	No substantive comments.	N/A	N/A
4-1	DB	Para 5.23 – minor additional wording suggested.	Para 5.23 – agree with additional wording.	Para 5.23 – additional wording incorporated into document.

**APPENDIX C: TOWN CENTRE USES SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
4-2	DB	Policy A5 – minor additional wording and extra point suggested for bullet point 1.	Policy A5 – agree that extra point suggested would add weight to policy in protecting amenity of historic assets.	Policy A5 – minor wording and extra point suggested has been added to policy.
4-3	DB	Para 5.32 – a number of minor wording additions suggested.	Para 5.32 – agree with wording changes which strengthen the policy wording in relation to historic assets.	Para 5.32 – additional wording incorporated into document.
4-4	DB	Policy A6 – additional wording to point iii suggested.	Policy A6 – It is felt the current wording is sufficient to provide screening in order to protect residential amenity.	Policy A6 – no change.
4-5	DB	Para 5.34 – additional wording suggested to policy supporting text.	Para 5.34 – agree with additional wording as it adds further explanation on the requirements set out within Policy A6.	Para 5.34 – additional wording incorporated into document.
4-6	DB	Appendix 1 – minor clarifications made to wording.	Appendix 1 – agree with clarifications suggested.	Appendix 1 – suggested changes have been actioned.
5-1	CM	New suggested wording recommended for policy A6 “Litter collection by the owners of Hot Food Take Aways must be provided on a regular basis in the surrounding area”	The policy as it currently stands requires measures to be put in place such as location of bins for customer and commercial waste to reduce the amount of litter within the surrounding area as much as practically possible. Any policy requiring owners of hot food takeaways to collect litter within the surrounding area is not within the planning remit or enforceable.	Current wording to remain as it is and no further changes.



**APPENDIX C: TOWN CENTRE USES SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
6-1	NE	No substantive comments.	N/A	N/A
7-1	SM	General comment in relation to boxes included within the SPD could be interpreted as policies rather than further guidance.	Agree that the ‘title’ wording within the boxes could be misleading, therefore change is needed to be specific about guidance.	Change made to guidance boxes within the SPD.
7-2	SM	Para 2.2 – General support for approach taken to the SPD protecting vitality and viability of town centres.	N/A	N/A
7-3	SM	More flexibility should be incorporated into thresholds included within SPD to control proportion of A5 uses within centres as these uses can attract footfall to town centres.	The current thresholds have been devised using up to date data regarding current uses within all retail centres within the Borough and already incorporates flexibility for more A5 uses to come forward at an appropriate level.	No change as flexibility is already providing within the SPD.
8-1	UU	No substantive comments.	N/A	N/A
9-1	WT	No substantive comments.	N/A	N/A

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

**Knowsley Developer Contributions SPD 2016: Responses to Consultation Draft**

**Date of Consultation: 04/02/16 – 24/03/16**

16 responses received:

- Barratt Homes (BH); Bellway Homes (Nathaniel Lichfield & Partners - NLP); Cronton Parish Council (CPC)\*; P. Dagnall (PD); Orbit Developments - Emerson Group (EG); Historic England (HE)\*; Homes and Communities Agency (HCA)\*; Merseyside Environmental Advisory Service (MEAS); C. Milne (CM); Natural England (NE)\*; J. Sills (JS); Sport England (SE); St. Modwen (Nathaniel Lichfield & Partners - NLP) (SM); United Utilities (UU); J. Webster (JW); Wildlife Trust (WT).

\*Statutory Consultee

No	Respondent	Comment	Council Response	Action
1-1	BH	The LPA should apply industry-wide best practice for viability assessments.	The Council requires all submitted viability appraisals to adhere to best practice.	The text will be made clearer to reflect that viability appraisals should adhere to industry accepted standards for best practice.
1-2	BH	Pre-Application Engagement – Fig 3.2 lists priorities for developer contributions: we seek early clarification from LPAs on these in order to inform land offers etc. Education is typically a challenge, so early engagement with your colleagues in that Department is helpful.	The Council offers a chargeable pre-application advice service where developers can seek clarification on the likely developer contributions required. Developers are advised to consider utilising this service.	None required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
1-3	BH	Public Open Space (POS), on-site contribution (or off-site payment in lieu) should be informed by a robust assessment of local provision (surplus or deficit by POS category): where there is surplus, this must inform any requirement as part of a development.	The requirement for open space is derived from the amount of open space that should be delivered to make a development acceptable in planning terms, and this is set down in the SPD.	None required.
1-4	BH	<b>Health, leisure and community services</b> Refer to bold in your Section 3: these are vague terms to be assessed and greater clarity is required if such contributions are to be justified.	Comments are noted.	Guidance within this section has been amended to provide a more flexible approach, and to allow for services to be provided in co-located facilities, where appropriate.
1-5	BH	DC1 – the identification of ‘deficiencies’ is a technical process informed by the Transport Assessment or Statement.	Comments are noted.	This section has been amended to better reflect Core Strategy policy CS 7, and to present the guidance more clearly.
1-6	BH	DC2 – SUDS is to be considered but is not always possible or suitable so some flexibility is required here. Again, this is a technical exercise informed by the submitted Flood Risk Assessment and drainage strategy.	Comments are noted.	This section has been amended to better reflect Core Strategy policy CS 24, and to present the guidance more clearly.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
1-7	BH	DC3 – the wording is suitably flexible: see comments above regarding existing provision. We find a flexible approach is best, that also looks at quality issues, as opposed to a formula based on quantity only – most of our new homes will have private gardens. Informal POS should be counted as part of the on-site offer. Management of the POS is an important consideration – we tend to secure Management Company provisions within a S106 as many LPAs do not want POS transferred to them.	Comments noted regarding management companies.	None required.
1-8	BH	Off-site POS Provision – this can be our preferred option, especially where existing POS needs upgrading. As for the cost of providing this and maintaining it, we seek to work with an LPA to keep costs down and can secure quotes.	Comments are noted.	None required.
1-9	BH	DC4 – assume reference to Developers refers only to those 2 industrial sites referred to in this Policy.	The draft version of the SPD referred to the industrial sites, but this could have been presented more clearly.	Guidance within this section has been amended to better reflect Core Strategy policy CS 22.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
1-10	BH	DC5 We seek early steers on this and, typically, we will use consultants (such as EPDS) to review any request, as we have to justify any such costs with the landowner.	For schemes that may require education provision, applicants can use the council’s pre-application advice service to seek further advice on whether developer contributions may be required.	None required.
1-11	BH	DC6 – this refers to cumulative impact but there is no indication of how schemes impact upon health service provision and therefore how a contribution can be calculated. This needs robust clarification if it is to be in accordance with NPPF.	For developments that may require a developer contribution towards health provision, the council will liaise with partners to establish the likely level of contributions needed, and justification for this provision. Contributions will only be sought where they are compliant with the NPPF.	Guidance within this section has been amended to provide a more flexible approach, and to allow for services to be provided in co-located facilities, where appropriate.
1-12	BH	Para 4.52 – delete as too vague / no robust policy basis.	This text will remain in the SPD as it is not directly seeking contributions; rather it is there to allow for consideration of development that can provide a mix of different types of community facilities from the same location.	None required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
1-13	BH	<p><b>Public realm and design</b>                      Para 4.55 states this will ‘normally’ be covered by Condition and not S106 but as there is no detail provided, it must state that this will NOT be a S106 requirement. If it is, further robust details are needed to justify this approach.</p>	<p>There may be some limited instances, for example apartments or developments within or adjacent to town centre/core shopping areas where developers may be required to use materials that are compatible with existing/ proposed public realm improvements. An obligation may reasonably be used to secure these reasonable provisions to ensure a harmonious public realm.</p>	<p>This paragraph has been amended to place emphasis on the use of planning conditions to secure high quality design within developments, which could potentially include elements of public art embedded within the public realm of the scheme.</p>

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
1-14	BH	<p>DC7 Viability needs referencing here but not only in terms of the tenure mix. Clustering of a number of units is preferred from a management perspective. The level, split and discount off OMV should all be informed by market interest from Registered Providers (RP) and viability considerations.</p> <p>The Government’s Starter Homes Initiative should also form part of the Council’s affordable housing solution. The wording of S106 Agreements must not be inflexible but should reflect the social housing environment at that time. S106 should be flexible, in case take-up of that offer cannot be secured, and should allow for ‘stair-casing out’. We ask that you regularly liaise with local RPs to understand their financial position, ability to deliver and preferred product. We seek to avoid S106 which constrain our ability to build out much needed new homes.</p>	<p>Securing the provision of affordable homes will vary on a case by case basis, and this will be reflected in the wording of the S106 legal agreement.</p>	<p>None required.</p>

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
1-15	BH	Section 5 – see comments re: BCIS etc. We seek to minimise or avoid Overage provisions or, where required, share risk equally. Any re-valuation exercise to use BCIS costs, not actual build costs which are commercial in confidence.	The Council requires all submitted viability appraisals to adhere to best practice.	None required.
2-1	NLP	It is unclear what the DC* boxes are in the document and the degree to which they are suggested to be “policies” rather than guidance. Some of these go beyond what might be described as guidance and seek to prescribe a policy approach. Such policies should not be part of an SPD but should be prepared as part of the Development Plan.	SPDs should build upon and provide more detailed advice or guidance on the policies in the Local Plan, they do not provide policies in their right.  The boxes are used to highlight areas of text that provide guidance, but are not policies.	The format of the SPD has been altered to clarify the nature of the content.
2-2	NLP	It is unclear what paragraph 2.9 is referring to when it indicates there is a “hierarchy of policy asks within Policy CS 27”.	See the Local Plan/Core Strategy for more information on Policy CS 27.	None required.
2-3	NLP	The IDP is out of date and should not be relied upon as a basis for seeking developer contributions.	It is the recently adopted Local Plan Core Strategy that is up to date and being used as the basis for seeking developer contributions.	None required.



**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-4	NLP	At 2.23 it makes reference to the need for specific infrastructure on SUE’s “...due to their status as former Green Belt sites...”. However the previous designation of the sites as Green Belt has no bearing on site specific infrastructure requirements. The infrastructure that is required by the SUE’s to ensure that the sites are deliverable relates to the size and scale of these sites.	The intention of this paragraph was to detail that the sites that are not subject to detailed master planning will still require infrastructure to ensure their sustainable delivery.	This paragraph will be re-worded to remove inadvertent emphasis on certain words.
2-5	NLP	It is unclear from where the definition of project has been derived.	<p>The term ‘project’ is a commonly used word and non-technical in nature, which does not necessitate it being defined.</p> <p>It would be overly prescriptive to define what a project can and cannot be in terms of making a development acceptable in planning terms, this should be defined in an individual legal agreement linked to that planning permission.</p>	None required.
2-6	NLP	The Greenspace Asset Management Plan is referenced in the IDP but does not appear to be a public document.	The Greenspace Asset Management Plan (AMP) is a live document that is constantly updated; excerpts of the AMP for particular areas are available for review upon request.	The SPD has been updated to reflect the fact that excerpts from the AMP are available upon request.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-7	NLP	The documents referred to in the SPD for open space and greenspaces are out of date and do not accord with current best practice in terms of approach.	The documents referred to have been used to provide the evidence for the recently adopted Core Strategy, and therefore the Local Plan is not out of date. Specific studies will updated in line with the continuous monitoring and review of all evidence supporting the Local Plan.	None required.
2-8	NLP	There is a danger that there will be project creation in response to specific development schemes.	Where specific development schemes are not providing open space of sufficient quantity or quality within the redline of the development site, then works will be required to help ensure that the additional burden of growth placed on existing facilities is mitigated. This may reasonably mean that projects need to be identified.	None required.
2-9	NLP	Paragraph 3.8 should be couched in the context and language of the tests in the Framework and (e.g. paragraphs 173 and 204).	<p>The purpose of this paragraph is to explain the steps in the S106 and planning process for those who may be unfamiliar with it.</p> <p>The Council will only ask for planning obligations where they meet the tests of the Framework, and this has been detailed in earlier parts of the SPD.</p>	This paragraph has been reworded to improve clarity of meaning.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-10	NLP	Paragraphs 3.12 and 3.13 of the SPD are generally supported including the recognition of viability issues and the need for flexibility. This is considered fundamental to the success of the SPD.	Support is noted.	None required.
2-11	NLP	It would be useful if Figure 2 used the same nomenclature as the policy, i.e. A to D rather than 1 to 4.	There is no figure 2 in the draft SPD, so it is not clear which part of the document this comment relates to.	None required.
2-12	NLP	<b>When Contributions are Required</b> The wording in paragraphs 3.16, 3.17 and 3.18 should be clarified, and figure 3.3 should be updated.	It is very difficult to cover all development scenarios where a planning obligation may be required. Table 3.3 is meant as a starting point to provide guidance, rather than being prescriptive.	Figure 3.3 has been updated to aid clarity and understanding.
2-13	NLP	<b>Highways and Transport Provision</b> The section on highways and transport provision should address the difference between windfall and allocated sites when issues such as accessibility have already been considered as part of the allocations process.	Knowsley does not have an adopted Site Allocations DPD at this point in time. It is not appropriate to differentiate between the types of sites, as accessibility issues will have to be mitigated on a case by case basis, rather than assuming that accessibility issues have already been resolved.	None required.
2-14	NLP	The last sentence of paragraph 4.5 should be reconsidered.	Where deficiencies are created or exacerbated by new development, contributions will be sought in line with the prescriptions of the NPPF.	None required – this paragraph is summarising the content of a separate SPD which may be updated in due course.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-15	NLP	There is an expectation that if the IDP identifies specific investment required because of a particular development (for example SUE's) that this is a policy requirement of the Local Plan and should not be applied through an SPD, Masterplan, the consideration of a planning application, or other process. In this context the sustainability and accessibility of SUE's has been considered through the allocation process and they are intrinsically located in suitable areas.	SUEs have been identified to deliver housing targets as set down in the Local Plan Core Strategy, this does not mean that all accessibility issues have been resolved, which will need to be dealt with through the consideration of individual planning applications in those locations. This may necessitate the use of a planning obligation to ensure development at the SUEs comes forwards in a sustainable manner.	None required.
2-16	NLP	DC1 needs to be amended only to require schemes to be designed to prioritise accessibility by alternative and sustainable modes.	Comments are noted.	The guidance in this section has been re-worded to aid clarity and better reflect the requirements of the NPPF.
2-17	NLP	<b>Flood Risk Mitigation</b> The text should be amended to relate specifically to those instances where developers may be required to enter into a planning obligation.	Comments are noted.	This section has been amended to better reflect Core Strategy policy CS 24 ('Managing Flood Risk'), and to present the guidance more clearly.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-18	NLP	The SPD requires that all sites are mitigated to greenfield run off rates even if the site is brownfield, this is not reasonable and may not be technically possible.	Comments are noted.	This section has been amended to better reflect Core Strategy policy CS 24 ('Managing Flood Risk'), and to present the guidance more clearly.
2-19	NLP	It is unclear when and why it may be necessary for developer contributions to be sought for flood risk. There seems to be no basis for this assertion and no indication as to the reason for and purpose of financial contributions.	The requirements reflect those in Core Strategy Policy CS 24, which covers the topic of managing flood risk.	This section has been amended to better reflect Core Strategy policy CS 24 ('Managing Flood Risk'), and to present the guidance more clearly.
2-20	NLP	At paragraph 4.14 there should be no unnecessary burden placed upon the developer of any one site that may fetter their ability to deliver their site whilst off site works are undertaken by a third party.	Comments are noted.	This section has been amended to better reflect Core Strategy policy CS 24 ('Managing Flood Risk'), and to present the guidance more clearly.
2-21	NLP	<b>Greenspace provision</b> In circumstances where there is an adequate supply of existing open space of sufficient quality to meet the needs arising from the development there is no justification for a contribution.	For developments that are not providing on site open space, but where there is nearby accessible open space of sufficient quantity and quality to serve the needs of the new development, in line with NPPF it would not be reasonable to seek a developer contribution.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-22	NLP	Standards for provision of greenspace are out of date, the Council should have an annual assessment of quality and quantity to ensure that contributions are fair, reasonable and justified.	Assessment of need will be done on a case by case basis. The SPD sets down how much open space provision should be provided within developments. Where this cannot be accommodated on site, guidance is provided to estimate an off-site cost of providing this elsewhere, taking into account local circumstances. Where there is sufficient provision of a suitable standard to support growth in that location, it will not be appropriate to seek the full contribution.	No changes required.
2-23	NLP	Substantial Residential Areas (SRAs) are an illogical and irrational subdivision of the Borough. The accessibility standard set out in the Core Strategy has no regard to the SRA, and it is considered that accessibility is a more robust approach compared to the SRA.	The SPD is based on the content of the recently adopted Core Strategy, which is the up to date plan for the local area, and based on appropriate evidence.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-24	NLP	The correct calculation of estimated population across an average site is 0.86 times the number of bedrooms. This evidence is in the public domain and was presented by the Council to the Examination in Public to the Core Strategy. The table at Appendix 1 of the document should be amended accordingly as there is no basis for the approach that has been put forward.	The residential capacity rates are derived from standards set down in a document published by CLG, available <a href="#">here</a> .	The source of the residential capacity rates has been clarified in the SPD.
2-25	NLP	Paragraph 4.29 makes reference to local standards and “the most recent qualitative standards” but provides no indication for what these are.	The qualitative assessment of the local area will change over time due to new projects that are delivered that improve standards of provision in the local area. This information is contained within the annex which can be updated on a regular basis.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-26	NLP	<p><b>Decentralised Energy</b>                      The Treasury’s Productivity Plan published on 10 July 2015 confirmed that: “The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards.” Any reference to allowable solutions should be omitted and likewise no contributions should be sought to meet zero carbon targets.</p>	<p>In relation to decentralised energy, the draft version of the SPD referred to the industrial sites, but this could have been presented more clearly.</p>	<p>Guidance within this section has been amended to better reflect Core Strategy policy CS 22.</p>
2-27	NLP	<p><b>Education Provision</b>                      The “Education Capacity – Technical Note” (AD61) should be appended to the SPD and continually updated to ensure a clear methodology is provided.</p>	<p>The Technical Note will remain as a free-standing document in its own right and will be updated on a frequent basis, to respond to changing circumstances.</p>	<p>The SPD has been updated to reflect the status of the technical note on educational capacity.</p>



**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-28	NLP	DC5 indicates that large phased developments will have clauses inserted in a S106 agreement that allows for subsequent reviews of education capacity. However, this is unreasonable as it is possible that other developments are granted elsewhere which absorb the capacity and that they make no contribution even though there is a theoretical long terms shortfall. Judgements should be made at the time of the determination of the application based upon current projections and they should not be revisited subsequently.	It is not unreasonable to insert clauses into S106 agreements to allow for reviews of infrastructure needs for developments that are phased for delivery over a lengthy period of time. This will allow for the achievement of sustainable development, the underlying principle of the NPPF.	None required.
2-29	NLP	Paragraph 4.48 states that detailed projections are difficult, however it is known that this authority has undertaken analysis of this point and are able to make reasonable judgements now about likely future need over the next 10 to 15 years.	Projections for educational capacity needs are based on live birth rate data and the composition of households in the area, therefore capacity projections can only be made for 4-5 years in advance (the time between a child being born and entering school).	The SPD has been updated to reflect the status of the technical note on educational capacity.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-30	NLP	<b>Health, Community and Leisure Facilities</b> Bellway Homes Ltd strongly objects to a requirement for healthcare contributions. Likewise, we can see no justification for contributions towards community facilities, tourism or the arts.	Comments are noted.	Guidance within this section has been amended to provide a more flexible approach, and to allow for services to be provided in co-located facilities, where appropriate.
2-31	NLP	<b>Public Realm and Design</b> Reference to public art should be removed from the SPD as it is not considered that its inclusion will mitigate any detriment caused by development.	Comments are noted.	This section has been amended to place emphasis on the use of planning conditions to secure high quality design within developments, which could potentially include elements of public art embedded within the public realm of the scheme.
2-32	NLP	<b>Affordable Housing</b> Bellway Homes Ltd recommends that comment in this section is provided which adds that <i>'developer contributions will not normally be sought from affordable housing schemes'</i> .	All schemes will be required to provide suitable mitigation and infrastructure provision to make them acceptable in planning terms.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-33	NLP	Bellway Homes Ltd objects to the text included in DC7 and suggest it includes reference to how viability considerations may affect the total provision of on-site affordable housing provision, not just a different tenure mix. It is also recommended that other tenure models be considered acceptable and that flexibility is built in to the document to ensure provision of as much affordable housing as possible.	The SPD provides guidance on the mix of tenure as a starting point for ensuring the delivery of affordable housing. Where there are concerns over viability, a flexible approach will be adopted to ensure a suitable outcome is achieved for the provision of affordable housing.	No changes required.
2-34	NLP	It is not necessary for the text of DC7 to refer to the percentage discount of OMV as this is a matter between any Registered Provider (RP) and the developer.	A discount is needed to provide guidance for those situations where affordable houses cannot be provided on site and a commuted sum is paid for off-site provision. This aids clarity in preparing estimates for contributions that may be needed in advance of developers submitting a planning application.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-35	NLP	<p><b>Other Infrastructure</b>                      The provision of services and wider utility infrastructure is a matter for the suppliers / providers of those services and is not something for which contributions should be sought. If there is a specific requirement on a site it is normal to expect those matters to be resolved outwith the planning system. This section (paragraph 4.68) should therefore be deleted. Likewise the references to utilities in paragraph 4.70 should also be deleted.</p>	Comments are noted.	This section has been amended to show that these will be delivered by the appropriate statutory suppliers.
2-36	NLP	<p><b>Implementation and monitoring</b>                      Paragraph 5.2 should be amended to reflect the fact that in certain instances viability evidence may not be available until during the application process.</p>	The Council accepts that this may happen in some cases, however the Council maintains that viability issues should be addressed as early as possible during the planning process.	No changes required.
2-37	NLP	We welcome inclusion at paragraph 5.17 that the inclusion of phased payments of developer contributions may be considered acceptable.	Noted.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
2-38	NLP	We object to the comments made in paragraph 5.20 relating to payment of monies overdue by more than 21 days.	It is not unreasonable to indicate within an SPD that late payment of monies may incur interest, in line with the provisions of the legal agreement that was signed by all parties.	The SPD has been amended to indicate that late payment may be applied at the Bank of England Base rate plus 2.5%, in line with those applied within CIL legislation. (This is a reduction from 3%).
2-39	NLP	The SPD should provide more detail on how the unspent funds will be returned to the developer, and with what interest added.	The details will be discussed on a case by case basis and provisions should be included within the provisions of the S106 legal agreement.	No changes required.
3-1	CPC	No substantive comments.	N/A	N/A
4-1	PD	Circular 05/2005 sets out the Government's current guidance on the concept of planning obligations.	Circular 05/2005 is no longer in force and has been superseded by the National Planning Practice Guidance (PPG).	No changes required.
4-2	PD	The Government recently consulted on the introduction of a Planning-gain Supplement (PGS) as recommended in the Barker Review of Housing Supply to extract some of the windfall gain that accrues to landowners from the sale of their land for residential development.	In 2008 the government introduced the Community Infrastructure Levy (CIL), which was enacted by secondary legislation in 2010. Since then, a large number of local planning authorities have adopted local CILs to extract some of the gain from planning to provide infrastructure for local communities.	No changes required.

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
5-1	EG	<p>Regulation 123 of the Community infrastructure levy (CIL) Regulations 2010 (as amended) prevents Councils from pooling five or more planning obligations for a specific infrastructure project or type of infrastructure after 6<sup>th</sup> April 2015, this restriction applies retrospectively back to 2010 where there is no adopted CIL.</p> <p>Orbit request that evidence is provided to demonstrate that the restriction has not been exceeded and that each type of obligation set out by this SPD can continue to be sought by the Council. This information should be made publicly available and updated on a regular basis.</p>	<p>This restriction applies to planning applications where a determination is made on or after 6th April 2015, where a planning obligation constitutes a reason for granting planning permission to the extent that it funds or provides an infrastructure project or type of infrastructure.</p> <p>This means that only those new planning obligations that result in planning permission issued after 06-04-2015 are subject to the pooling limitations against historic agreements, and a list of these new obligations can be provided upon request.</p>	<p>No changes to the SPD required.</p>
6-1	HE	<p>No substantive comments</p>	<p>N/A</p>	<p>N/A</p>
7-1	HCA	<p>Further consideration may wish to be given to recent government announcements and emerging legislation and policy which will have implications for the delivery of affordable housing in Knowsley, including:</p>	<p>At the point of drafting this SPD, there have still not been any revisions to the NPPF.</p>	<p>A phrase has been inserted into the SPD to flexibly take into account any new definitions for affordable housing, where they are defined nationally.</p>

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
		<ul style="list-style-type: none"> <li>• The Housing and Planning Bill; and</li> <li>• DCLG Consultation on proposed changes to national planning policy.</li> </ul> <p>The Government’s ambition to increase levels of home ownership, including through the delivery of Starter Homes, and proposed changes to the definition of affordable housing may have particular relevance to Policy DC7 – Affordable Housing Provision.</p> <p>It should also be noted that bidding for funding under the Affordable Homes Programme 2015 to 2018 has now closed. When published, the prospectus for the 2016 to 2021 Affordable Homes Programme will set out details of a new funding programme to support the delivery of affordable housing and the Government’s ambitions.</p>		

**APPENDIX D: DEVELOPER CONTRIBUTIONS SPD – SCHEDULE OF RESPONSES**

No	Respondent	Comment	Council Response	Action
8-1	MEAS	2.18 Reference is made to policies WM9 and WM12 of the Joint Waste Local Plan. This should read WM8 and WM9 of the Waste Local Plan. Policy WM12 is relevant to waste facilities only.	Comments noted.	The policy references have been checked and amended accordingly.
8-2	MEAS	2.16 This paragraph is repeating what has already been stated in paragraph 1.7	Those paragraphs in the Draft SPD cover different matters and are not repetitive.	No changes required.
8-3	MEAS	Figure 3.2 In the first column, the final row refers to 'encouraged design standards' this is not clear. Should it just read 'design standards'?	The wording is based on the requirements of the Core Strategy.	No changes required.
8-4	MEAS	<b>Policy DC2 Flood Risk Mitigation</b> We are pleased to note the inclusion of the following statement within the policy bullet point a.  a) Be designed to contribute to the biodiversity of the Borough unless demonstrated not technically feasible.	Comments noted.	No changes required.
8-5	MEAS	<b>Policy DC3 Greenspace and Tree Provision</b> Despite the title of the policy there is no reference to trees within the policy.	Comments noted.	The SPD has been updated for the purposes of clarity and removed reference to trees.



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No	Respondent	Comment	Council Response	Action
8-6	MEAS	4.38 to 4.42 We are pleased to note reference to tree provision here, and acknowledge there is a separate SPD for trees; however, there should be a relevant link in policy DC3.	The SPD for trees is sufficiently referred to within the SPD.	No changes required.
8-7	MEAS	<b>Policy DC4 Decentralised Energy</b> Whilst we do not have any specific comments to make, we are pleased to note that a specific policy on decentralised energy being incorporated in the SPD. This will assist the implementation of the Liverpool City Region Sustainable Energy Action Plan.	Comments are noted.	No changes required
9-1	CM	Where the council is satisfied that viability evidence demonstrates that a developer is unable to fully fund all of the developers contributions sought, the council should not grant planning permission.	All applications will be assessed on a case by case basis, and will be required to provide adequate mitigation to make them acceptable in planning terms.	No changes required.
9-2	CM	<b>DC2 Flood Risk.</b> Details of flood risk measures should be included in all planning applications. It will be impossible to calculate the funding required by the developer to maintain long term up keep of any mitigation.	Where there is a risk of flooding for a proposed development the NPPF sets down the information that should be submitted to ensure that issues are adequately addressed as part of the consideration and determination of the planning application.	No changes required.

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No	Respondent	Comment	Council Response	Action
9-3	CM	<p><b>DC6 Health.</b>                      Developers should be making contributions depending on the needs of the residents not on a fixed figure of increased population. The borough historically includes a high proportion of older residents and individuals with complex health needs, using nationally fixed 'best practise' estimations does not reflect Knowsley residents needs accurately. Developers should be making a contribution to both primary and secondary health care provision, successful diagnosis of a condition by a 'new' GP will be of little comfort to residents if an overwhelmed secondary care cannot provide prompt treatment.</p>	<p>Primary and secondary health care provision is managed and provided by Clinical Commissioning Groups, rather than the Council, based on the needs of the population.</p> <p>Where there is a growth in population due to new development, developers may need to provide contributions to help provide new health care and community facilities within the area to service the needs of the new population growth.</p>	No changes required.
10-1	NE	No substantive comments.	N/A	N/A

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No	Respondent	Comment	Council Response	Action
11-1	JS	Developer contributions to infrastructure seem quite minimal, e.g. if there are 400 houses there could be 2000 people in these and over 400 children, enough for a primary school, and there would be the need to accommodate at least one extra GP.	<p>The approach within the SPD reflects that set down with the National Planning Policy Framework (NPPF), which states that:</p> <p><i>“Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.”</i></p> <p>To this end, any contributions that are requested from developers should be fairly and reasonably related in scale and kind to the development, which is what the SPD provides guidance on.</p>	No changes required.
11-2	JS	The community should get contributions to compensate for the loss of Green Belt space. In this context, will the borough insist on SRA standards for green space e.g. fig 4.2, 4.3 and 4.15?	Development will be required to be made acceptable in planning terms, where this involves the loss of green space, suitable mitigation will be sought.	No changes required.

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No	Respondent	Comment	Council Response	Action
11-3	JS	Will the Borough pay attention to potential flood risks in details as this could affect the ability of householders to secure adequate insurance for their property and contents if properties were built on recognised flood plain.	<p>The ability for householders to secure adequate insurance is a private matter rather than a planning matter.</p> <p>Notwithstanding that, the local planning authority will only consider development appropriate in areas at risk of flooding where development is appropriately flood resilient and resistant, as evidenced by sequential tests and flood risk assessments.</p>	No changes required.
11-4	JS	Regarding transport, will the borough facilitate the provision of walking and cycle paths as well as links with public transport in any developments?	Transport and accessibility needs will be assessed and determined on a case by case basis for all development proposals.	No changes required.

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No	Respondent	Comment	Council Response	Action
12-1	SE	<p>Knowsley Playing Pitch Strategy (PPS) is listed as an evidence base document. However, the baseline data has not been updated for more than 4 years and the PPS is no longer considered to be up to date and robust as required by paragraph 73 of NPPF. The 2012 PPS was also prepared using an out of date methodology. Sport England strongly advise the Council update the PPS using the latest PPS Guidance which is linked from the Planning Practice Guidance in the Open, Space Sport and Recreation section and can be found the Sport England website, available <a href="#">here</a>.</p>	<p>Documents referred in the SPD have been used to provide the evidence for the recently adopted Core Strategy which is up to date and being used as the basis for seeking developer contributions.</p> <p>Specific studies will updated in line with the continuous monitoring and review of all evidence supporting the Local Plan.</p>	None required.
12-2	SE	<p>Sport England understands the Council will not be adopting CIL in the immediate future but will review. In the event CIL is adopted, if housing is proposed on playing field the mitigation for that loss under NPPF Para 74 should be dealt with OUTSIDE of CIL.</p>	Comments are noted.	No changes required.

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No	Respondent	Comment	Council Response	Action
12-3	SE	CIL 123 lists should only include defined projects and not use generic statements such as 'Indoor Sports Provision' and 'Outdoor Sports Provision', and in terms of Indoor and Outdoor Sports Provision, should include only specific projects that can reasonably be funded through CIL, and should exclude smaller projects/improvement schemes that are simpler/quicker/more enforceable for developers/LAs to deliver on or off site via S106 agreements where delivery can become a planning requirement.	Comments are noted.	No changes required.
13-1	SM	The Draft Developer Contributions SPD is welcomed by St. Modwen as it is an opportunity to provide greater certainty and clarity over the likely scope and nature of contributions that will feature as part of discussions between the Council and an applicant as development proposals are taken through the planning system and proposals such as the regeneration of Kirkby town centre are brought forward.	Comments are noted.	No changes required.

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No	Respondent	Comment	Council Response	Action
13-2	SM	The SPD documents include boxed, highlighted text. Whilst it is not entirely clear what the boxed text in the documents represents, there is a strong indication that these are being advanced as policies rather than guidance. Some of the entries within the boxed text go beyond what might be described as guidance and seek to prescribe a policy approach. Such policy formulation should not be part of an SPD and rather should be advanced as part of future Development Plan policy review.	<p>SPDs should build upon and provide more detailed advice or guidance on the policies in the Local Plan; they do not introduce new policy or form policies in their own right.</p> <p>The boxes are used to highlight areas of text that provide guidance, but are not policies.</p>	The format of the SPD has been altered to clarify the nature of the content.
13-3	SM	St. Modwen welcomes the guidance and concept that obligations and policy burdens should not be at the expense of development coming forward as a result of development viably being threatened (Paragraph 2.8).	Comments are noted.	No changes required.

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No	Respondent	Comment	Council Response	Action
13-4	SM	<p>The guidance also refers to the fact that this evidence must clearly account for site-specific circumstances and costs and must be undertaken objectively and transparently, in order that it can be scrutinised by the Council. St. Modwen agrees generally with the thrust of this approach, but considers that the requirement for viability evidence must be proportionate to the development proposed.</p> <p>St. Modwen considers that it is also important for the SPD to acknowledge that development-specific economic viability evidence will on some sites reasonably provide the justification for a reduced or nil contribution.</p>	<p>Comments are noted.</p> <p>The SPD sufficiently acknowledges a flexible approach to considering viability information.</p>	<p>No changes required.</p>



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No	Respondent	Comment	Council Response	Action
13-5	SM	The last sentence of Paragraph 4.5 refers to the Council seeking contributions to secure sustainable cycling, walking and public transport. However, St. Modwen considers that this sentence should be removed in light of issues around pooling of contributions and the tests set out in the NPPF and CIL Regulations. St. Modwen considers that it is not for individual developments to contribute towards wider investment programmes or the Local Transport Plan.	Where deficiencies are created or exacerbated by new development, reasonable contributions will be sought in line with the NPPF.	None required – this paragraph is summarising the content of a separate SPD which may be updated in due course.
13-6	SM	Draft revisions to the NPPF include provision for Starter Homes being formally recognised as Affordable Housing. St. Modwen considers that this demands flexibility from the SPD in the way in which it deals with Affordable Housing provision (including the inclusion within this reference to the provision of Starter Homes).	As the point of drafting the SPD, there has still not be any revisions to the NPPF.	A phrase has been inserted into the SPD to flexibly take into account any new definitions for affordable housing, where they are defined nationally.

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No	Respondent	Comment	Council Response	Action
13-7	SM	<p>Paragraph 4.16 refers to there being a requirement for residential schemes to make open space provision. St. Modwen advocates it being clear in the SPD that any assessment of the need for open space must be based upon:</p> <ul style="list-style-type: none"> <li>• The increased demands that are likely to be brought about by any uplift in resident population within an area as a result of that development; and</li> <li>• The context with existing provision locally.</li> </ul> <p>The SPD needs to additionally recognise that in circumstances where existing open space is in close proximity to a development and is sufficient to meet the additional demands brought about by that development, then there will not be a specific requirement for a contribution towards additional provision.</p>	<p>Assessment of need will be done on a case by case basis.</p> <p>The SPD sets down how much open space provision should be provided within developments. Where this cannot be accommodated on site, guidance is provided to estimate an off-site cost of providing this elsewhere, taking into account local circumstances. Where there is sufficient provision of a suitable standard to support growth in that location, it will not be appropriate to seek the full contribution.</p>	No changes required.

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No	Respondent	Comment	Council Response	Action
13-8	SM	A true reflection of existing open space provision relative to resident population can only be provided by comprehensive and up-to-date surveys. The guidance provided by the SPD should make explicit reference to the base information and how this will inform any calculation of a contribution towards demonstrably necessary additional open space provision (i.e. where otherwise there would be a resultant under-provision).	Assessment of need will be done on a case by case basis. The SPD sets down how much open space provision should be provided within developments. Where this cannot be accommodated on site, guidance is provided to estimate an off-site cost of providing this elsewhere, taking into account local circumstances. Where there is sufficient provision of a suitable standard to support growth in that location, it will not be appropriate to seek the full contribution.	No changes required.
13-9	SM	The SPD must ensure that all references to the potential requirement of contributions towards education, health, community and/or leisure facilities are set in the context of according with the tests of being necessary, fair and reasonable.	Where contributions are sought, they will be in compliance with the NPPF.	Amendments have been made throughout the SPD to ensure clarity on the appropriateness of seeking contributions.

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No	Respondent	Comment	Council Response	Action
13-10	SM	<p>The Treasury’s Productivity Plan was published on 10 July 2015. Within this plan, it was confirmed that ‘...<i>the government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards.</i>’ Accordingly, St. Modwen considers it appropriate that any reference to ‘Allowable Solutions’ be removed as well as any reference to contributions to meet zero carbon targets.</p>	<p>In relation to decentralised energy, the draft version of the SPD referred to the industrial sites, but this could have been presented more clearly.</p>	<p>Guidance within this section has been amended to better reflect Core Strategy policy CS 22.</p>
13-11	SM	<p>St. Modwen considers that Paragraph 4.68 should be deleted as this relates to contributions to utilities. It is considered by St. Modwen that the provision of services and infrastructure such as water supply, waste water, gas, electricity and communications is a matter for the suppliers/providers of these services and should not be sought as a contribution.</p>	<p>Comments are noted.</p>	<p>This section has been amended to show that these will be delivered by the appropriate statutory suppliers.</p>

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No	Respondent	Comment	Council Response	Action
13-12	SM	It will not always be necessary to provide an economic viability assessment at pre-application stage and, in circumstances where it is considered necessary, it might not be feasible to provide an economic viability statement at such an early stage in the process; this paragraph (5.2) should be amended accordingly.	Where formal pre-application advice is sought, and there are known concerns regarding viability, information should be submitted at the earliest possible opportunity, to allow for early consideration of any issues and to enable a timely determination of the planning application.	No changes required.
13-13	SM	St. Modwen advocates that the Council sets out flexible payment deadlines to allow contributions to be paid in a series of agreed instalments from the commencement date of development.	Comments are noted.	No changes required.
14-1	UU	<b>Flood Risk Mitigation (4.13)</b> Whom and how will the future maintenance of the off site flood risk assets be funded when the agreed maintenance period has expired?	The requirements reflect those in Core Strategy Policy CS 24, which covers the topic of managing flood risk. Where appropriate, an adoption agreement may be used to ensure the management of these assets in perpetuity.	This section has been amended to better reflect Core Strategy policy CS 24, and to present the guidance more clearly.

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No	Respondent	Comment	Council Response	Action
14-2	UU	<p><b>Other infrastructure (4.68)</b>                      Section 142-146(2) of the Water Industry Act 1991 (as amended) and our Instrument of Appointment, permits United Utilities Water Limited to charge for its services when premises become connected for the first time to a water supply and sewerage system for domestic purposes; this process includes an infrastructure charge.</p> <p>The principle of infrastructure charges recognises that every new connection imposes an additional demand on the overall capacity of the water supply and sewerage systems, and eventually those systems will need to be enlarged. Infrastructure charges are used to cover the extra demand on our existing network.</p>	Comments noted.	No changes required.

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No	Respondent	Comment	Council Response	Action
15-1	JW	<p>Developer Contributions in respect of Edenhurst Avenue Sports Ground site.</p> <p>Food risk mitigation and respect for existing flooding problems win the Bowring Park Estate.</p> <p>Need consideration and addressing before any “new” development is considered.</p> <p>Drainage is a current problem on the lower estate next to the site on the low lying estate on BPA (Bowring Park Avenue) and Gladstone Ave, Glynne Grove, Edenhurst Ave, Sheppard Ave. Flood Risk Assessment needs to be reviewed in this respect.</p> <p>Impact on existing Bowring Estate is of great concern. Consequences of any development must be questioned.</p>	<p>Concerns are noted.</p> <p>Flood risk and other known or potential constraints on the delivery of sites in close proximity to the Bowring Park Estate will be addressed as a matter of routine if and when planning applications are submitted. However, it is important to note that the capacity of the site has been reduced by half, in order to ensure that no housing development occurs in flood zones 2 and 3. All other impacts of future housing development at Edenhurst Avenue were considered, at some length, during the Examination in Public into the Knowsley Local Plan Core Strategy and, in his report, the Independent Inspector concluded that the allocation of the site would be both necessary and appropriate.</p>	No changes required.
16-1	WT	No substantive comments	N/A	N/A

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