

## KNOWSLEY LOCAL PLAN: CORE STRATEGY

### KNOWSLEY METROPOLITAN BOROUGH COUNCIL

#### HEARING STATEMENT 8

#### Matter 8 ENVIRONMENTAL PROTECTION AND ENHANCEMENT

*Issue: Whether the approach to protecting and enhancing the natural and built environment is justified and consistent with national policy.*

#### Questions

##### Green Infrastructure (CS 8 and CS 21)

#### **8.1 Is the requirement to protect, maintain and enhance biodiversity in and around new development (clause 6c of policy CS 8) realistic, achievable and in accordance with national policy?**

8.1.1 The intention of policy CS8, clause 6c, is to ensure consistency with the NPPF (paragraph 109, bullet 3, pages 25-26 and paragraph 118, bullet 4, page 28 (PG01)). The approach would therefore assist in minimising impacts on biodiversity and providing net gains where possible, whilst encouraging opportunities to incorporate biodiversity in and around development.

8.1.2 The Council however accepts that the current wording could offer inadequate consideration of circumstances where appropriate justification of limited opportunities for enhancement could be provided. The Council would therefore be willing to consider the following modification to resolve this issue.

#### **Potential Main Modification\***

Amend policy CS8 clause 6c to read:

*“Protect, maintain and where possible enhance biodiversity within and around new developments, to provide space for nature.”*

#### **8.2 Do clauses 2 and 3 of policy CS 21 properly reflect the intention of the plan to balance any loss of urban greenspace against the other benefits?**

8.2.1 The approach of policy CS21 is consistent with the NPPF (paragraphs 73 and 74, page 18 (PG01)) in seeking to safeguard Knowsley’s existing open space, sports and recreational buildings and land, including playing fields, which are considered to have value in providing for existing or anticipated local needs within the plan period. In this respect, policy CS21 clause 2 and clause 3 provide a two tier approach to policy implementation to guide appropriate

development in suitable locations, with consideration of any associated benefits or mitigating circumstances.

8.2.2 Policy CS21 clause 2 is consistent with the criteria in the NPPF (paragraph 74, page 18 (PG01)). It will ensure that proposed developments which affect existing greenspace are assessed according to whether:

- The affected open space is surplus to quantity requirements (clauses 2a, 2b and 2e);
- Replacement equivalent or better provision would be made in terms of quantity, quality and location (clause 2c); or
- The proposal is for alternative sports and recreational provision (clause 2d).

8.2.3 The Council has considered evidence in the Knowsley Greenspace Audit (EB21), Knowsley Playing Pitch Assessment and Strategy (EB22) and Knowsley Green Space Strategy 2010-2014 (PG35) and concluded that policy CS21 clause 2 in isolation would not protect high quality open spaces and opportunities for sport and recreation that make or could make an important contribution to the health and well-being of communities. Consequently policy CS21 clause 3 has been included to provide an additional safeguard to ensure that where an existing quantitative surplus exists, the value (or potential) of the open space relative to qualitative and accessibility benefits in meeting local needs is also considered.

8.2.4 The approach of policy CS21 is intended to be supported by evidence in Knowsley Greenspace Audit (EB21), Knowsley Playing Pitch Assessment and Strategy (EB22) and Knowsley Green Space Strategy 2010-2014 (PG35) and any subsequent updates, in decision making and will provide a positive, justified and effective approach when progressing allocations through the Local Plan Site Allocations and Development Policies (KLPSADP).

8.2.5 Notwithstanding the above, the Council has identified that the wording of policy CS21 clause 3 could be mistakenly interpreted to imply that all greenspaces would be subject to the special qualities listed. This is not the intention of the policy and consequently the Council would be happy to consider the following modification.

**Potential Main Modification\***

Amend policy CS21 clause 3 to read:

*“Irrespective of whether criteria in 2. are met, loss of urban greenspace will be resisted where it would ~~result in~~ significantly harm any existing or potential special qualities of greenspace in the area in terms of to one or more of the following existing or potential special qualities of greenspace.”*

**8.3 What is the intention of clause 2.e of policy CS 21 – is it sufficiently clear and capable of implementation? Is it appropriate and practical to take into account “potential” special qualities in clause 3 of the policy?**

8.3.1 The purpose of policy CS21, clause 2e, is to provide clarity and guide appropriate developments in circumstances where the release of indoor or outdoor sports provision is acceptable in accordance with the NPPF (paragraph 74, page 18). The start of policy CS21 clause 2 explains that clauses 2a to 2e are applicable to ‘*new development which would result in the loss of urban greenspace*’. In this respect, the Council considers the policy approach to be sound.

8.3.2 Notwithstanding the above, the Council notes potential for misinterpretation of policy CS21, clause 2e, in circumstances where a proposal on urban greenspace is for alternative sports and recreation provision, and clause 2 is not considered as a whole. On this basis, the Council would be willing to consider the following modification.

**Potential Main Modification\***

Amend policy CS21 clause 2e to read:

*“Where the proposal relates to the loss of indoor or outdoor sports provision, and there is no evidence of future or continuing need for sports use, or alternatively only land incapable of forming a playing pitch or sporting facility is affected.”*

8.3.3 The Council considers that the inclusion of ‘potential’ special qualities at clause 3 of urban greenspace is important to ensure that the implementation of policy CS21 is informed by evidence and is consistent with the strategies and recommendations within the Knowsley Greenspace Audit (EB21), Knowsley Playing Pitch Assessment and Strategy (EB22) and Knowsley Green Space Strategy 2010-2014 (PG35). This is clarified in KLPCS (paragraph 8.23, page 128), with the approach intended to ensure adequate protection for open space beyond quantity considerations, by reflecting its current and / or potential contribution in meeting localised needs from a quality and accessibility perspective.

8.3.4 The Council considers that open space can only reasonably be considered to be surplus to requirements in accordance with NPPF (paragraph 74, page 18 (PG01)), if it is not required to meet and/or is incapable of meeting identified needs. The evidence within Knowsley Greenspace Audit (EB21), Knowsley Playing Pitch Assessment and Strategy (EB22) and Knowsley Green Space Strategy 2010-2014 (PG35), include recommendations for potential qualitative and accessibility improvements to existing open space which address identified deficits against local standards. The approach of the KLPCS is therefore justified and effective, given it does not preclude development in circumstances of quantitative surplus, whilst ensuring that this will occur only in the locations of limited current or potential value in quality and accessibility

terms, as supported by evidence. The effectiveness of policy CS21 clauses 2 and 3 in reflecting these considerations is explained in more detail in the Council response to Question 8.2.

**8.4 Are the local greenspace standards identified in the KLPCS justified by the evidence? How will the quantitative and accessibility standards be applied to particular development proposals (will assessments have regard to provision in individual Substantial Residential Areas)?**

- 8.4.1 The local greenspace standards in the KLPCS are informed by evidence in the Knowsley Greenspace Audit (EB21), Knowsley Playing Pitch Assessment and Strategy (EB22) and the Knowsley Open Space, Recreation and Sports Needs Assessment (EB23). The Council considers that the approach to local standards is sound, as it is based upon robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision, in accordance with the NPPF (paragraph 73, page 18 (PG01)).
- 8.4.2 The local standards for greenspace in the KLPCS (table 8.1, page 129) are based on recommendations in the Knowsley Greenspace Audit (EB21) and have been updated from those which were previously set out for the four typologies listed in the Knowsley Replacement Unitary Development Plan (adopted 2006, PP01) and the Greenspace Standards and New Development Supplementary Planning Document (PP07). The only change is the lowering of the quantity standard for provision for children and young people from 0.2 hectares per 1 000 residents to 0.1 hectares per 1 000 residents. This is justified given the need to ensure appropriate priorities for future investment, and the Knowsley Greenspace Audit (EB21) identifying that the current standard for this typology would be unachievable in many areas. Recent investment worth £3 million has provided twenty eight new or refurbished play spaces in Knowsley, thereby increasing the overall provision to 48 sites. These targeted investments have ensured deficits in quality and local access relating to provision for children and young people have been minimised as evidenced in the Knowsley Greenspace Audit (EB21) and therefore emphasise that existing standards for this typology are too high and not a realistic reflection of the ability to meet local needs.
- 8.4.3 The KLPCS (table 8.2, page 130), provides local standards relating to outdoor sports provision via a new approach informed by the Knowsley Playing Pitch Assessment and Strategy (EB22). The evidence, recommendations and resultant approach arising from this document have been endorsed by Sport England. The land based standards on a Community Area footprint are developed from playing pitch requirements relative to local needs, which are forecast from demographics of the local population, participation rates, quality and accessibility information.
- 8.4.4 With regard to the application of quantitative and accessibility standards, the Council has an established approach in the Greenspace Standards and New Development Supplementary Planning Document (PP07). This approach uses the individual Substantial Residential Areas as a means of assessment for operating the standards set out in Knowsley Greenspace Audit (EB21) and

any subsequent replacement. The standards will inform the allocation of sites for development in the KLPSADP and ensure any proposed developments on urban greenspace are appropriate in allowing only the release of surplus land as required by the NPPF (paragraph 74, page 18 (PG01)). The local standards will also inform the circumstances in which enhancements to greenspace will be sought in accordance with policy CS21 clause 8.

8.4.5 To support the above, the Council intends to update the Greenspace Standards and New Development Supplementary Planning Document (PP07) following adoption of the KLPCS to provide consistency with updated standards. This approach will also include any updates to procedures concerning "pooled contributions" which are required under the Community Infrastructure Regulations 2010 (as amended). In addition, the implications of development and population change will be monitored through the Council's Monitoring Reports and periodic updates to the Knowsley Greenspace Audit (EB21). This process will identify the need for any remedial action or targeted improvements as appropriate. The Council intends to continue to prioritise and target investment to meet deficits on the basis of the new local standards in the KLPCS.

**8.5 Why does the KLPCS not identify whether it is proposed to make Local Green Space designations and, if so, give guidance on the criteria to be used to select sites?**

8.5.1 The Council considers that the reference to Local Green Space provision in policy CS21 of the KLPCS provides appropriate flexibility for future designations as part of the KLPSADP if required to reflect the community led identification of these areas.

8.5.2 At the present time, the Council has not received any requests from local communities to designate Local Green Space in accordance with the NPPF (paragraphs 76-77, page 18 (PG01)). In addition, the Council intends to undertake further consultation as part of the KLPSADP preparation process. This will provide local communities with a further opportunity to identify potential Local Green Space for further consideration against the criteria in the NPPF (paragraph 77, page 18 (PG01)).

8.5.3 The omission of the specific criteria from policy CS21 was intended to avoid replication of national policy in the NPPF (paragraph 77, pg.18 (PG01)), by utilising a cross reference. Without prejudice to the Council's view that the current approach remains sound, if the Inspector concludes that the approach could be enhanced, the Council would be willing to consider the following potential modification.

**Potential Main Modification\***

Amend policy CS21 clause 9 to read:

*“Any Local Green Spaces Designations (~~as referred to in the National Planning Policy Framework~~) which are formally designated will be identified in the Local Plan: Site Allocations and Development Policies or future Neighbourhood Plans (if applicable). This designation will only be used where the greenspace concerned is:*

- a. reasonably close to the community it serves;*
- b. demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c. local in character and not an extensive tract of land.”*

## **8.6 Is the requirement to provide two replacement trees for every tree lost (clause 10.c of policy CS 21) unduly prescriptive and onerous?**

8.6.1 The Council approach in policy CS21 clause 10 accords with the NPPF (paragraphs 58, 99, 109 and 118, as appropriate, (PG01)), by encouraging designs that avoid the unnecessary loss of urban or rural trees, which can offer green infrastructure, landscape and biodiversity value within development sites. The Council considers that the requirement for two replacement trees in circumstances where tree loss is unavoidable would secure appropriate benefits in terms of green infrastructure, landscape and biodiversity value to mitigate any harm resulting from a proposed development.

8.6.2 The wording of policy CS21 clause 10 avoids being unduly prescriptive or onerous, as it does not specify that replacement provision should always be on-site. This is noting that the Council accepts that there may be some circumstances where on-site replacement is not feasible, and where off site alternatives could be reasonably be considered to comply with the NPPF (paragraph 58, page 14 (PG01)). The Council will take account of condition, age and quality of the trees concerned when implementing the policy in terms of requiring replacement.

### Historic Environment (CS 20)

## **8.7 Is clause 1.b of policy CS 20, which seeks to prevent demolition and/or development which adversely affects historic assets subject to statutory designation, consistent with national policy and legislation?**

8.7.1 The approach in policy CS20 reflects the strong presumption against substantial harm or loss of heritage assets in the NPPF, recognising that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. On this basis, the Council considers

that the approach provides a sound and positive strategy for the conservation and enjoyment of the historic environment.

- 8.7.2 Policy CS20 does not include the specific wording relating to the consideration of public benefits that outweigh harm or loss of heritage assets that is set out in the NPPF (paragraphs 132-134, page 31 (PG01)). When the KLPCS is considered as a whole, policy SD1 provides appropriate flexibility for these circumstances to be considered in decision making. Nevertheless, if the Inspector considers that policy CS20 would be enhanced by clarification of this specific nature, the Council would be willing to consider the following potential modifications.

**Potential Main Modification\***

Amend policy CS20 clause 1b to read:

*“Prevent demolition and / or development which ~~adversely affects~~ would result in substantial harm or the loss of designated historic assets ~~subject to statutory designation or its setting~~; and, unless the proposal would result in substantial public benefits (as appropriate to the asset’s significance) which clearly outweigh the harm or loss;”*

**Potential Main Modification\***

Add a new policy CS20 clause 1c to read:

*“Where a development proposal will result in less than substantial harm to a designated heritage asset, assess such harm against the benefits of the proposal”*

NB. This also requires the existing policy CS20 clause 1c to be renumbered as clause 1d.

- 8.8 KLPCS paragraph 8.19 refers to supplementary policy criteria in a Design Quality and New Development Supplementary Planning Document (SPD) – why will such policy criteria not be included in a part of the Local Plan?**

- 8.8.1 The Council intends that the Design Quality and New Development Supplementary Planning Document (SPD) will introduce additional policy guidance to support the existing criteria within the KLPCS rather than provide new criteria. Consequently, the Council would be willing to accept the following modification to the supporting text to clarify this issue.

**Potential Additional Modification\***

Amend paragraph 8.19 to read:

*“Other important areas and historic buildings and structures in Knowsley are also valuable to local distinctiveness and character, despite falling outside of national statutory designations, and therefore the policy ensures an appropriate approach with an expectation that their character will be integrated with new development. The Council will support this approach by producing a local list of buildings which are important in a local context because of their contribution to the area’s character, with supplementary policy ~~criteria~~ guidance provided via the Design Quality and New Development SPD.”*

**\* Note regarding modifications**

*The suggested potential modifications to the KLPCS set out in this statement are put forward to assist the consideration of this matter at the hearing sessions. These and any other potential modifications would need to be approved by the Council's Cabinet and undergo formal public consultation before being considered for inclusion in any version of the KLPCS which is finally adopted.*