

KNOWSLEY LOCAL PLAN: CORE STRATEGY

KNOWSLEY METROPOLITAN BOROUGH COUNCIL

HEARING STATEMENT 16C

MATTER 4: RESPONSE TO THE CONSULTATION ON MAIN MODIFICATIONS

Wording of Main Modifications

4.4 Are further adjustments to the wording of the following policies necessary?

- (a) SUE2;**
- (b) SUE 2a-2c;**
- (c) CS11;**
- (d) CS20;**
- (e) CS22; and**
- (f) Allocation profiles.**

(a) SUE 2

4.4.1 Policy SUE2 “Sustainable Urban Extensions: Development Principles”, along with other “SUE” policies, was added to the Knowsley Local Plan Core Strategy (KLPCS) following the Inspector’s first interim findings in January 2014 (EX26) to provide strategic guidance for the development of proposed Sustainable Urban Extensions (SUEs) and Safeguarded Land. This is reflected in the Proposed Modifications version of the KLPCS (CS09a).

4.4.2 A large proportion of representations received during the Proposed Modifications consultation in autumn 2014 sought the removal of one or more of the proposed SUEs from the KLPCS. These representations are not considered within this Statement, which focusses on representations which sought specific alterations to the wording of Policy SUE2. Notwithstanding this, some representations were received which suggested that Policy SUE2 could be omitted or its content moved to supported text within the KLPCS, as it is repetitive of other policies within the Plan or its content would be better presented outside of the format of a KLPCS policy. As set out in the “Accounting for Proposed Modifications Representations” (SD35, section 17), the Council considers that Policy SUE2 draws together the priorities for development of the SUEs, and in doing so reasonably cross refers to other relevant KLPCS policies. Therefore it is not unnecessarily repetitive, is valuable within the suite of SUE policies and is necessary as a stand-alone policy.

4.4.3 Representations from Highways England (formerly known as Highways Agency) (Rep ID 204) suggested that additional content be added to Policy SUE2 (at clauses 1g and 3) in relation to provisions for the strategic road network. The Council considers that an addition to Policy SUE2 would be

unnecessary given that transport issues are already addressed in other provisions of the KLPCS, which would apply to all developments, including those on proposed SUEs, and in relevant parts of Policies SUE2a, SUE2b and SUE2c. Highways England accepts this and has withdrawn its representations on this matter through clause 3.3a) of a Statement of Common Ground (document AD59) published in December 2014.

- 4.4.4 Representations submitted on behalf of one of the owners of land in the proposed South Whiston SUE (Junction Properties Ltd Rep ID 108) object to the statement in Policy SUE2 that a master plan should “accord with” development plan policy “and any associated Supplementary Planning Document (SPD)”. The representations claim (incorrectly in the Council’s view) that this incorporates an SPD into development plan policy when it has not been subject to the Examination process and therefore that the use of the proposed SPDs could be unlawful, taking account of relevant national planning regulations.
- 4.4.5 The Council has established in its previous evidence (e.g. in its hearing statement CH13A to the July 2014 hearings) that the preparation of SPDs to guide the master planning and development of the SUEs is wholly appropriate. The Inspector’s second interim findings (EX34) found the Council’s approach to be sound. The Council’s Proposed Modifications including for example the requirement for the master planning of the SUEs to accord with development plan policy and “...*any associated Supplementary Planning Document*” reflect the wording of Policy SUE2 as set out in those findings.
- 4.4.6 The Council is also aware of the legal limitations on the scope of SPDs which are set by the national regulations and will comply with these. The wording of clause 3 of Policy SUE2 does not imply (as is claimed in the representation) that an SPD will introduce new requirements which are not firmly based within development plan policy; it merely confirms that further details of the requirements will be set out in the SPD. The “requirements” which are referred to here are those which arise from the other KLPCS policies which are mentioned earlier in Policy SUE2, under the headings relating to “general” and “site specific” requirements, and elsewhere in the KLPCS. For these reasons the representation is incorrect in claiming that the wording of Policy SUE2 could be unlawful or that there is a very real risk that any SPD would go beyond its lawful scope. If any SPD did go beyond its lawful scope then the Council is well aware that the SPD would be subject to potential challenge and so will be mindful (as it is in the preparation of all SPDs) to ensure that it is limited to those matters that can be properly dealt with in an SPD. Accordingly the Council does not accept that any modification is necessary to the wording of Policy SUE2.

(b) SUE 2a-2c

- 4.4.7 Representations from Highways England suggested that additional content be added to Policy SUE2a “Sustainable Urban Extension – Knowsley Lane, Huyton” in relation to provisions for the strategic road network at Junction 2 of

the M57. The Agency made similar representations in relation to Policy SUE2b “Sustainable Urban Extension – East of Halewood”, and Policy SUE2c “Sustainable Urban Extension – South Whiston and Land South of the M62” with reference to the M57/M62 junction at Tarbock Interchange. The Council considers that these additions would be unnecessary as transport is already considered in general under other provisions of the KLPCS, which would apply to all developments, including those on proposed SUEs, as well as by existing relevant provisions in policies SUE2a-2c. Highways England has withdrawn these representations in the Statement of Common Ground published in December 2014 (AD59).

- 4.4.8 Further representations from members of the public objected specifically to the assessment of Policy SUE2c through the Sustainability Appraisal process, and state that the policy conflicts with some of the Sustainability Appraisal objectives. The wider purpose of these objections is to seek removal of the SUEs, specifically at South Whiston. As set out in the Council’s comments on representations received (SD35, section 37), the Council’s position is that the Sustainability Appraisal reports (SD32) have been independently and robustly prepared.

(c) CS 11

- 4.4.9 A private landowner (Orbit Investments) (Rep ID 105) requested that Policy CS11 “Principal Regeneration Area – Knowsley Industrial and Business Parks” be further modified to give a more generic location for the proposed service hub in Knowsley Industrial Park, details of which should be defined in a future Local Plan document. It also claims that its site at Academy Business Park could provide a suitable location for such a services hub, and that as a previous application (ref: 11/00055/OUT) for mixed use development at South Boundary Road was refused in 2011, Policy CS11 is not justified or effective.
- 4.4.10 The proposed location of the services hub within the Park has not changed as a result of the Proposed Modifications. The Inspector’s Interim Findings (EX26) did not identify any soundness issues with this aspect of the KLPCS. The Council considers it appropriate for the KLPCS to give strategic guidance on the general location of the service hub (rather than defer consideration of this issue to a future Local Plan), particularly as the location specified in Policy CS11 at South Boundary Road is consistent with the findings of “Delivering a New Future for Knowsley Industrial and Business Park: Strategic Framework” (EB17)¹.
- 4.4.11 The development of the site at South Boundary Road would provide close links to the existing Admin Road local centre as the priority location for shopping and services to meet local needs. The site promoted by the representor is not in a position where its development could strengthen any existing local centre. The refusal of planning permission (ref: 11/00055/OUT) referred to in the representation, which was for mixed use retail and

¹ See for example paragraphs 4.3, 4.6, 4.16 and 4.47 to 4.49 of EB17

employment uses on land to the south of South Boundary does not alter the Council's views on this matter particularly as this proposal pre-dated the Proposed Submission version of the KLPCS.

(d) CS 20

4.4.12 English Heritage North West (Rep ID 237) objected to the proposed modifications to Policy CS20 "Managing the Borough's Historic Environment" stating (in summary) that:

- The revision to clause 1b) removes the need for proposals to have regard to the setting of historic assets;
- The new clause 1 bA) also fails to require proposals to have regard to setting; and
- These modifications weaken the protection given to heritage assets and do not comply with the National Planning Policy Framework (paragraph 132) or the 1990 Act which requires 'special regard' to be given to the preservation of the setting of historic assets.

4.4.13 The Inspector's Interim Findings (EX26) identified no soundness issues with the Proposed Modifications to Policy CS20, which had already been identified at the earlier stages of the Examination of the KLPCS, and the Council still considers the approach to be sound.

4.4.14 Policy CS20 confirms (in clause 1a) that the Council will require preservation of the local distinctiveness and character of historic assets through sensitive design of new development "..., including appropriate integration with their setting and immediate landscape". The issue of setting is therefore already appropriately covered by the policy. Clause 1a) will apply to all relevant cases irrespective of whether the proposal causes substantial harm or not i.e. irrespective of whether clauses 1b) or 1Ba) also apply. The policy will not adversely affect the ability of decision makers to satisfy their statutory duties² to have special regard to the desirability of preserving Listed Buildings or their settings, and is consistent with paragraph 132 of the Framework. As paragraph 132 of the Framework relates to decision making it will need to be applied in any event to all relevant cases and there is no need to replicate the precise detail of this in the KLPCS.

(e) CS 22

4.4.15 Various representations received during the Proposed Modifications consultation objected to the removal of references to sustainable construction standards including the Code for Sustainable Homes and BREEAM from Policy CS22 "Sustainable and Low Carbon Development". These objections were made on various grounds including that the change would not align with the objective of tackling climate change, would increase greenhouse gas emissions, and would mean that new development would place higher

² These duties are set out in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

demands on energy, water and other resources. Objectors also referred to the Council's "Sustainability Appraisal" (SD32) which noted that the proposed modifications in relation to Policy CS22 would reduce certainty that the policy would have a positive impact on objectives relating to poverty, deprivation and health.

4.4.16 A further objection suggested that Policy CS22 should include reference to the viability of delivery of sustainable and low carbon development, in order that the delivery of the policy does not make development unviable.

4.4.17 As stated in the Council's response to the issues raised during consultation, within the "Accounting for Proposed Modifications Representations" (SD35, section 32), the rationale for the proposed modification which removes reference to sustainable construction targets was to ensure that the KLPCS reflects national policy and Building Regulations, in anticipation of imminent changes. The approach also reflected a lack of evidence at a local level to justify construction targets which were more stringent than those to be set at the national minimum level. It is not considered appropriate to add any flexibility on viability grounds into Policy CS22, as meeting the minimum standards prescribed in the Building Regulations will be a statutory requirement.

4.4.18 Representors including Orbit Investments (Rep ID 105) and United Utilities (Rep ID 113) supported the Council's approach to modifying Policy CS22. The latter emphasised the importance of the Council's consideration of water efficiency in new development. It is considered that this issue is addressed in existing KLPCS policies, and will be further addressed within the Local Plan: Site Allocations and Development Policies document.

4.4.19 The Inspector has confirmed that the Council's approach is sound in his second interim findings (EX34). The Council's statement CH15C explains how the approach within the KLPCS remains sound and legally compliant in the light of the formalisation of the Government's changes, including revised Building Regulations, a written ministerial statement and revisions to the Planning Practice Guidance. It is therefore concluded that there is no requirement to propose any additional modifications to Policy CS22.

(f) Allocation Profiles

4.4.20 The Proposed Modifications version of the KLPCS includes within Appendix E an allocation profile for each of the proposed SUE allocations and Safeguarded Land at Knowsley Village identified in the KLPCS. Each profile names the site in question and identifies its location on an Ordnance Survey base map, and set out key information about the site, including: its size, primary proposed use, notional development capacity and key constraints and opportunities.

4.4.21 Representations received during the Proposed Modifications consultation made a general point that the allocation profiles should be based on technical studies for each site, to ensure an evidence based approach. The content of

the profiles is indeed based on the evidence assembled by the Council to support the proposed allocation of the SUEs and Safeguarded Land. This includes, for example, Flood Risk Assessment work (EB14-16), alongside information drawn from the range of evidence assembled to support the selection and allocation of the sites (e.g. documents EB08, TR03 and TR07).

- 4.4.22 A number of representations raised questions about the notional development capacities included within the allocation profiles, including whether these should be higher or lower than those stated by the Council. The stated capacities are notional only, but have been drawn from the Council's assessment within the Technical Report: Sustainable Urban Extensions (TR07, section 4). Likewise, representations raised concerns about the appropriateness of site boundaries for proposed SUEs and Safeguarded Land as set out within the allocation profiles. The rationale for the Council's approach is also set out in the Technical Report (TR07, section 3), including cross references to the Sustainability Appraisal process.
- 4.4.23 Finally, it was suggested by the Coal Authority (Rep ID 88) that the issue of minerals sterilisation should be identified within the "key site constraints and opportunities" section of each allocation profile. As set out in "Accounting for Proposed Modifications Representations" (SD35, section 17), it is considered that issues of prior mineral extraction, mineral safeguarding and mining legacy can be considered at a later date e.g. when a planning application is received. The Coal Authority has not objected to the feasibility of developing the SUE sites in principle.
- 4.4.24 The allocation profiles added through the Proposed Modifications can in the Council's view be appropriately be included in the final KLPCS.