

METROPOLITAN BOROUGH OF KNOWSLEY

ACTION TAKEN UNDER DELEGATED AUTHORITY

**ACTION TAKEN BY THE DEPUTY CHIEF EXECUIVE IN CONSULTATION WITH
THE REGENERATION, ECONOMY AND SKILLS CABINET MEMBER**

Reference No: DRES-186-2013	Date: 17 September 2013
Report Title: KNOWSLEY LOCAL PLAN: CORE STRATEGY – EXAMINATION HEARINGS	
Officers consulted on, and contributing to, the report (including name and title): Sue Jarvis (Director of Policy and Partnerships); Stuart Barnes (Head of Planning); Nigel Fagan (Business Advisor);	
DECISION: That approval is given to: 1) Submit the letter at appendix 1 to this report to the Inspector for the Knowsley Local Plan: Core Strategy under Section 20(7C) of the Planning and Compulsory Purchase Act 2004	
PURPOSE OF THE REPORT/REASONS FOR DECISION: The report describes the arrangements for the forthcoming public hearings into the Knowsley Local Plan: Core Strategy. It also seeks approval to write to the Inspector under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 requesting that in the event of modifications being required to make the Plan "sound" he formally recommends these to the Council. This letter is considered necessary for reasons set out in section 3 of the report.	
ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED: An alternative option would be to not write to the Inspector under the legislation mentioned above or to delay writing to him until after the hearings have been completed in late November 2013. This option has been rejected as it would not bring any benefit to the Council or assist the hearing process.	
ANY CONFLICT OF INTEREST DECLARED BY THE CABINET MEMBER/CHAIRMAN CONSULTED ON THE REPORT (and any dispensation granted in this respect, if applicable, by the Proper officer):	

The following section must either be completed (if this is a delegated Key Decision) or deleted if this is not a Key Decision:-

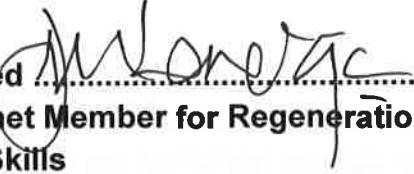
Notice of Key Decision to be taken published 28 clear days in advance?	Date of publication of Notice of Decision (or confirmation of compliance with the General Exception Procedure Rules)
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Yes

21 May 2013

Signed: 
Deputy Chief Executive

In consultation with:-

Signed: 
Cabinet Member for Regeneration, Economy
and Skills

Date: 17.9.13

METROPOLITAN BOROUGH OF KNOWSLEY

To: Deputy Chief Executive in consultation with the Cabinet Member for Regeneration, Economy and Skills

Meeting: 17 September 2013

Wards Affected: Borough-wide

Portfolio Area: Regeneration, Economy and Skills

Key Decision

REPORT OF THE DIRECTOR OF REGENERATION AND HOUSING

KNOWSLEY LOCAL PLAN: CORE STRATEGY – EXAMINATION HEARINGS

1. PURPOSE OF THE REPORT

- 1.1 The report describes the arrangements for the forthcoming public hearings into the Knowsley Local Plan: Core Strategy. It also seeks approval to write to the Inspector under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 requesting that in the event of modifications being required to make the Plan "sound" he formally recommends these to the Council.

2. RECOMMENDATIONS

- 2.1 The Deputy Chief Executive in consultation with the Cabinet Member for Regeneration, Economy and Skills is recommended to:
- (a) Submit the letter at appendix 1 to this report to the Inspector for the Knowsley Local Plan: Core Strategy under Section 20(7C) of the Planning and Compulsory Purchase Act 2004.

3. BACKGROUND

- 3.1 On 19 July 2013 the Council submitted the Knowsley Local Plan: Core Strategy ("**the Plan**") to the Secretary of State for Communities and Local Government.
- 3.2 A Planning Inspector (Mr Martin Pike BA MA MRTPI) has been appointed to undertake an Examination which will consider whether the Plan is "sound" and legally compliant.
- 3.3 As part of this process a formal pre hearing meeting will take place in the Huyton Suite (Gallery Room) at 2.00 pm on 26 September 2013. This will discuss and provide guidance on procedural matters concerning the hearings.

3.4 The hearings themselves are expected to take place between 5 November and 22 November 2013, also in the Huyton Suite. These will take the form of a series of structured discussions led by the Inspector, who has invited parties to participate. A large number of individuals and organisations have been invited to participate in those specific hearing sessions which focus on issues raised in their previous representations. The sessions which consider the most contentious matters ("housing provision" and "Green Belts") could have up to about 30 different organisations and individuals formally participating in the debate. Members of the public who are not formally participating will be able to attend as observers.

3.5 A huge range of issues will be considered under the headings of:

- Legal and procedural matters
- Spatial Strategy
- Housing Provision
- Employment Provision
- Green Belt (general)
- Green Belt (sites)
- Retail and Town Centre Regeneration
- Particular housing needs
- Environmental Protection and Enhancement
- Building Design and Sustainability
- Transport and Resource Management
- Monitoring and Implementation

3.6 The Inspector has issued (via the independent Programme Officer for the hearings) a proposed hearing programme and a list of Matters, Issues and Questions. These documents set out further details including the parties invited to participate in each session and the issues to be addressed. These documents together with further details of the Examination process including regular updates are available on the Council website at www.knowsley.gov.uk/localplan.

3.7 On the opening day of the hearing sessions (5 November 2013) the Council will present a short opening statement. It would be normal practice for this to be presented by a senior Council officer or Member. The Council's evidence for subsequent sessions will be co-ordinated and led by the Policy Manager (Places) supported by other officers as appropriate. A statement will be prepared setting out the Council's key arguments on each issue.

3.8 Following the Examination (probably in spring 2014) the Inspector should be in a position to issue his report. This report would normally find the Plan to be either:

1. Sound and legally compliant in its current form (i.e. without modifications); or
2. Unsound and/or legally non compliant; or

3. Sound but only provided modifications are made.
- 3.9 Of these outcomes number 1) ("sound without modifications") is not now considered possible. This is because due to changes in circumstances outside the Council's control since the submission of the Plan a need has already been identified for detailed modifications to specific aspects of the Plan. These are detailed in paragraph 3.12 below.
- 3.10 Outcome number 2) "unsound and/or legally non-complaint" would be the worst for the Council and must be avoided.
- 3.11 Outcome number 3) ("sound but only provided modifications are made") would be a good outcome provided the nature of any modifications identified as being required are acceptable to the Council. Modifications which arise during this process can be to any part of the Plan policies or its supporting text.
- 3.12 As mentioned in paragraph 3.9 above new circumstances have led Council officers to already identify a need for some modifications to detailed aspects of the Plan. These include the references in the Plan to:
- the Merseytram project (which need to be changed due to the revised formal position of Merseytravel regarding this project announced in August 2013);
 - the sustainability standards for dwelling design (which need to be changed due to changes in the Government approach to this topic announced in August 2013).
- 3.13 A need for further modifications may arise as the hearing process proceeds. There is likely to be discussion at each hearing session (on a strictly "without prejudice" basis and subject to subsequent Cabinet approval – see below) of any further modifications which may be acceptable to both the Council and the Inspector to ensure the Plan can be found sound.
- 3.14 Following the hearing sessions it is likely that a full schedule of any modifications which may be required will be drawn up. This will need to be sent to the Inspector for comment. If it is considered that such modifications need to be formally proposed by the Council, they would need to be approved by Cabinet and made subject to public consultation. The need for and potential timing of these stages remains uncertain at present but is likely to be in the early months of 2014.
- 3.15 The statutory provisions relating to the potential modifications process are set out in Section 20 (7C) of the Planning and Compulsory Purchase Act (as modified by the Localism Act 2011). Under that legislation if the Inspector finds that the Plan requires modifications, he cannot recommend these to the Council unless formally requested to do so beforehand by the Council. If the Council does not submit a formal request for the Inspector to recommend any modifications that are required, the Inspector would have no choice but to recommend non adoption of the Plan.

3.16 To deal with this it is considered expedient for the Council to write to the Inspector before the start of the hearings requesting that he formally recommends any modifications that are needed. These are likely to include modifications which have already been identified by Council officers plus any that the Inspector considers are needed. Sending this letter at this stage is helpful as it assists in the efficient management of the hearing process. It does not weaken the Council's case or commit the Council to formally accept any modifications which the Inspector may recommend.

4. RESOURCE IMPLICATIONS

4.1 Financial

There continue to be financial implications for the Council in progressing the Core Strategy through its remaining stages, for example the costs of the forthcoming examination in public. Provision for this has been made within the Council reserves which are expected to be sufficient to progress the Core Strategy to adoption.

4.2 Human Resources

There are no human resource implications stemming from the report.

4.3 Information Technology

There are no information technology implications stemming from the report.

4.4 Physical Assets

There are no implications for physical assets stemming from the report.

5. PERFORMANCE AND RISKS

5.1 The Inspector who is undertaking the Examination in Public of the Plan will assess whether it meets the strict "soundness" and legal requirements set by Government. As part of this process any potential modifications that are required to make the Plan sound and legally compliant will be discussed (see section 3 above for further details).

6. EQUALITY AND ENVIRONMENTAL ASSESSMENT

6.1 Equality and Diversity

The decision subject to this report (to send a letter to the Inspector under section 20(7C) of the Planning and Compulsory Purchase Act) has no implications for different population groups. Should the Inspector recommend that the Plan is modified, the Council will be able to consider the equality and diversity implications of such modifications at that stage as part of its decision regarding whether such modifications should be approved.

6.2 Environmental Policy

The decision subject to this report has no implications for the Council's environmental policy. Should the Inspector recommend that the Plan is modified, the Council will be able to consider the environmental implications of such modifications at that stage. Any formal modifications to the Plan will also need to undergo a sustainability appraisal process incorporating a Strategic Environmental Assessment.

7. COMMUNICATION ISSUES

- 7.1 Subject to approval of this report it will be necessary to send the Section 20 (7C) letter to the inspector and place a copy on the Council website at www.knowsley.gov.uk/localplan.

8. CONCLUSION

- 8.1 It is recommended that the Council formally write to the Inspector under Section 20 (7C) of the Planning and Compulsory Purchase Act as set out in this report.

LISA HARRIS
DIRECTOR OF REGENERATION AND HOUSING

Contact Officer: - Jonathan Clarke (0151 443 2299)

Appendices:-

1. Proposed letter to the inspector under Section 20 (7C) of the Planning and Compulsory Purchase Act

Background Documents:-

None



Knowsley Council

Mr Martin Pike BA MA MRTPI
c/o Programme Officer
Knowsley Local Plan Core Strategy Examination
Municipal Buildings
Archway Road
Huyton
Merseyside
L36 9YU

Our Ref: Local Plan

XX September 2013

Dear Mr Pike,

Knowsley Local Plan Core Strategy – Examination in Public

I am writing to you in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004, as amended by Section 112(2) of the Localism Act 2011. As the person appointed to carry out the Examination of the Knowsley Local Plan Core Strategy, Knowsley Council requests that you recommend modifications to the Plan, should they be required in order to make the document such that it:

- Satisfies the requirements mentioned in Section 20(5)(a); and
- Is sound.

Yours sincerely,

Jonathan Clarke

Policy Manager – Places
Knowsley Council

