

**KNOWSLEY CORE STRATEGY**

**RECONVENED EXAMINATION HEARINGS**

**MATTER 2: COUNCIL'S RESPONSE TO INSPECTOR'S INTERIM FINDINGS**

**STATEMENT BY BARTON WILLMORE**  
**ON BEHALF OF JUNCTION PROPERTY LTD**

**JULY 2014**

**Short term land supply and release of Green Belt sites.**

**Question 2.1: Is the designation of "reserve locations" as Sustainable Urban Locations and the omission of a phased approach to their release (New policy SUE1) justified by evidence?**

- 1 JPL supports the general approach set out in Policy SUE1, especially to the immediate release of the Sustainable Urban Extensions (SUEs). It considers that this approach has been adequately justified in evidence to the hearing sessions last year, and subsequently by the Council in Technical Report TR02.
- 2 The immediate release of the SUEs is essential if an adequate supply of housing and employment land is to be provided in the short and medium term, so that identified quantitative and qualitative needs are met in accordance with national policy and guidance.
- 3 We address more fully the five year supply of deliverable housing opportunities under Question 2.2.
- 4 In terms of employment land supply, we have already shown that there is a severe quantitative and qualitative deficiency without the release of the employment SUEs. This applies to the short, medium and longer term.

5 TR08 sets out other potential options for the release of the SUEs. We agree with the Council's reasons why these other options are not appropriate. In particular, we must emphasise that any delay in the release of larger sites (South of Whiston and East of Halewood) is likely to mean that these sites could not be fully developed in the plan period and as a result other Green Belt land would need to be identified to make up the shortfall.

**Question 2.2: Does the approach to Sustainable Urban Extensions adequately address concerns about the availability of the five year requirement?**

6 JPL considers that the shortfall on the five year supply at April 2013 is significantly greater than that shown in Table 2.1 of TR08 because the requirement figure does not include the backlog for the period 2010-2013 (see answer to Question 1.3) and the Inspector's suggested supply figure of 2309 dwellings represents the best case for the Council. If the matter was to be examined at a Section 78 Inquiry, applying rigorously the tests for deliverability set out in the NPPF, it is very likely that a much lower supply figure would be reached. This was accepted by the Inspector at the previous hearing sessions.

7 The immediate release of the SUEs by the Core Strategy is the most appropriate response to this lack of a five year supply. In this regard, it must also be borne in mind that a phasing policy of the type envisaged under the Council Options 2A and 2B would constitute a "*housing supply policy*" in terms of paragraph 49 of the NPPF and would be considered out-of-date if a five year supply cannot be demonstrated.

8 We accept that the immediate release of the SUEs would not resolve the five year supply immediately because of the lead-in times required before development starts. However, it does represent the best available option in the medium (2 years+) and longer term. In the very short term, Green Belt land and other areas of high environmental value would continue to be protected under NPPF paragraph 14 footnote 9 and PPG paragraph 3-034. This protection would be given added weight if the Council can show that it has put in place measures to address the shortfall in the medium term. Such measures would, of course, be the immediate release of the SUEs.

9 For the record, we consider that the trajectory produced by the Council at Appendices 8 and 13 of TR08 exaggerates the likely number of dwellings which will be completed in the first part of the plan period. However nothing turns on this matter if the currently proposed modifications are accepted.

**Question 2.3: Is the treatment of safeguarded land in Knowsley Village justified by evidence? Is the potential development of this land before 2028 if required to maintain a five year supply (new policy SUE1) consistent with national policy?**

10 Policy SUE1 allows the development of the safeguarded land at Knowsley Village before 2028 if necessary to maintain the five year deliverable supply of sites for housing. Theoretically, such an application could be approved soon after the adoption of the Core Strategy if the Council could not demonstrate a five year supply.

11 National policy is quite clear. NPPF paragraph 80 (4th bullet point) states that local plans should:-

*"make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development."*

12 It must follow that Policy SUE1 as it applies to the safeguarded land at Knowsley Village is contrary to national policy because it allows the development of the land in advance of a Local Plan review. The Council has given no reasons to justify this departure from national policy.

**Question 2.4: Are the criteria to be applied to the development of Sustainable Urban Extensions (new policy SUE2) justified and effective?**

13 JPL has no objection in principle to the criteria set out in the first part of SUE2. However, we doubt the usefulness of the many cross-references to other policies as these would need to be taken into account in any event.

14 We deal with the third part of Policy SUE2 under Question 2.5.

**Question 2.5: Is it appropriate to require the preparation of master plans and associated Supplementary Planning Documents (SPDs) to guide the development of the three largest sites?**

15 JPL is strongly committed to the concept of a comprehensive development of the South of Whiston site and the preparation of a master plan to guide it.

16 However, we are concerned at the detailed wording of Part 3 of Policy SUE2 for three reasons:-

1. It conflates the concept of a detailed master plan for the site (which should normally be prepared by the developer) with a SPD (which would normally be prepared by the local authority). JPL has no objections in principle to the Council preparing a SPD for the South of Whiston site, although it questions the necessity for it given the level of detail already contained in Policies SUE1, 2 and 2c. However, such an SPD should be confined to providing guidance on matters necessary for a successful planning application (NPPF paragraph 153 and PPG 12-028). It should not seek to impose a particular master plan on the site. There will be many potentially acceptable master planning solutions for a site of the size of South of Whiston. It is not the job of the local planning authority to specify which particular design solution is chosen provided that the requirements of the development plan are met.
2. The policy should not require that a proposal "*will only be approved where they are in accordance with a masterplan that has been approved beforehand by the Council*". Although the policy is not clear on the point because of its reference to "*a*" master plan rather than the proposed SPD, the implication from the previous sentence is that the masterplan being referred to is the same as the Council intends to adopt within the SPD. In any event, as it is currently worded, Policy SUE2 effectively makes conflict with the approved master plan (which will not be the subject of independent testing and examination) as equivalent to conflict with a development plan policy. In other words, it is seeking to give the same weight and status in decision making to a non-statutory master plan as a development plan policy. This is not appropriate and is potentially unlawful.
3. The policy implies that after the approval of the master plan and the SPD, separate planning applications could be made for different parts of the site. As well as being undesirable because of the need for a comprehensive approach to matters such as phasing and infrastructure provision, this approach would be wholly impracticable because of the legal requirement for the documentation accompanying any application to assess the cumulative impacts of the development of the whole site. Because of the size of the site, these supporting documents would have to include an Environmental Impact Assessment and a Transport Assessment. In JPL's opinion, the only realistic way forward would be a single outline planning application for the whole site followed by reserved matters for individual parts. This would allow a single Section 106 Obligation to be agreed dealing with matters such as financial

contributions, off-site highway and infrastructure works, and enhancement of public transport.

17 JPL considers that the third part of Policy SUE2 should be reworded as follows:-

**For each of the following Sustainable Urban Extensions (Knowsley Lane, Huyton, East of Halewood, and South of Whiston and Land South of M62), proposals must be accompanied by a comprehensive master plan for the urban extension which accords with the requirements of Policies SUE2a) to 2c) (as appropriate), and other relevant development plan policies. The master plan must also have regard to any Supplementary Planning Document which the Council may have adopted for the site. The master plan should set out the general layout of the urban extension; the mix, type of development proposed; the design principles; and density, phasing, affordable housing and open space provision; together with a comprehensive transport and infrastructure strategy for the site.**

18 JPL also considers that paragraph 6A.17 should be reworded as follows:-

**To facilitate the comprehensive redevelopment of the three largest Sustainable Urban Extensions (Knowsley Lane, Huyton; East of Halewood and South of Whiston and land south of the 62), the Council would expect all proposals to be accompanied by a master plan for the whole urban extension together with any necessary off-site works. The master plan must cover all the matters set out in the policy. It should accord with development plan policies, including SUE1 to 2c) as relevant, and have regard to any supplementary planning document which may have been adopted by the Council for the site. It is important that the proposals set out in the master plan are fully informed by a thorough and comprehensive consultation with the local community and other key stakeholders. This consultation should be carried out as an integral part of the preparation of the master plan. The Council will seek to ensure that the key elements of the final master plan are secured by means of planning conditions and/or obligations within any planning permission granted for the site.**

**Question 2.6: Does the subdivision of land at Knowsley Lane, Huyton into specific employment (Use Class B1) and housing allocations (new policy SUE2a) meet the identified needs? Are the other requirements of policy SUE2a appropriate?**

19 No comments at this stage.

**Question 2.7: Is the approach to development of land East of Halewood (new policy SUE2b) appropriate?**

20 No comments at this stage.

**Question 2.8: Is the approach to development of land South of Whiston for housing and South of M62 for Use Class B8 employment (new policy SUE2c) appropriate?**

21 JPL supports the general approach set out in Policy SUE2c with the following reservations:

1. Clause 2a should be revised to refer to the site meeting Boroughwide and local housing needs. The reference to local needs only is misleading given the strategic character of the site.
2. Clause 2b should not seek to limit unnecessarily the type of employment development which the Land South of the M62 can accommodate (subject to Policy CS4 in respect of offices). There is a general need in Knowsley for more employment land which is attractive to the market. Although the Cronton site is particularly suitable for large distribution and logistics uses, it is capable of attracting other forms of employment user, including high amenity research and manufacturing uses. An unnecessarily restrictive approach to occupiers is likely to put off potential investors and developers. JPL considers that the policy should only refer to 'employment development', and should not limit the types appropriate (other than in relation to town centre uses). This would bring the policy into line with that for the Sustainable Urban Extension at East of Knowsley Industrial and Business Parks where Policy SUE2 only specifies "*employment*" development, and there is no limitation as to type. The Council has not explained the basis for these different approaches to site allocation.
3. Clause 2d should not specify "*a new local retail centre*" as a potential requirement. The development is simply not large enough (at 1500/1800 dwellings) to support

more than one or two new shops. The same clause should also be revised to remove any potential interpretation that a financial contribution would be payable in substitute for provision of a local retail centre on-site. Such a contribution would not meet the CIL tests.

4. Clause 3 should be amended in light of the Inspector's finding on Policy SUE2.

**Question 2.9: Is the revised minimum target for employment land in the KLPCS policy CS4 (modification MO70) justified by the evidence?**

- 22 The revised minimum employment target of 160ha arises from the following interim finding by the Inspector:-

*"Evidence from a wide range of sources indicates that the Submission CS minimum target of 183.5ha of employment land over the plan period is towards the upper end of the range of probable needs. A more realistic and achievable minimum target is around 160ha (about 9ha per annum), though the identification of land above this level is necessary to provide flexibility and 'headroom'." (our underlining)*

- 23 It is not known what the "*wide range of sources*" is that led to the Inspector's interim finding. It was the agreed evidence of all the parties to the previous hearing sessions that the Core Strategy should provide as a minimum for the continuation of the past long term rate of take-up of employment land in Knowsley. This was equivalent to a need for 183.5ha of land between 2010 and 2028. The principal issue argued at the previous hearing sessions was whether this figure should be increased to reflect the evidence that take-up rates in the past decade had been suppressed by a lack of genuinely available employment land. For the reasons previously given, JPL believe this is the case.

- 24 JPL accepts that there has been a sharp decline in take-up in recent years. However, this is common to most Authorities in the North of England and has been a reflection of national and regional economic conditions. In this regard, the PPG is clear (2a-032) that plans will need to take account of the whole business cycle and not be based on short term trends. Otherwise the plan will not meet the objectives of the NPPF and in particular the requirement of paragraph 17 to:-

*"proactively drive and support sustainable development to deliver the homes, business and industrial units, infrastructure and thriving local plans that the country needs. Every effort should be made objectively to identify and then meet*

*the housing, business and other development needs of an area, and respond positively to wider opportunities for growth."*

- 25 JPL considers that the policy and evidence supports an objectively assessed need for at least 183.5ha of employment land over the plan period. However, if the Inspector is satisfied that this need cannot be met by additional sites without significant harm being caused to the strategic purposes of the Green Belt, he can rely on paragraph 14 of the NPPF (footnote 9) as justification for a lower employment land requirement. The evidence for such significant harm would be the Knowsley Green Belt Study and his own findings on alternative sites.
- 26 On a matter of detail and notwithstanding the above, the second part of Policy CS4 should be amended to read that provision will be made for **at least** 164 hectares of land to be developed for employment purposes in the plan period. This follows from the Inspector's own interim finding about the "*minimum*" level of need.

### **Affordable housing provision**

**Question 2.10: Are the reductions in the proportion of affordable housing sought from sites within the urban area (modification M169), and the flexibility relating to tenure split (modification M175) soundly based on evidence of viability?**

- 27 JPL considers that the Council has not properly justified the proposed distinction in the affordable requirement between urban greenfield and the sustainable urban extensions. JPL also does not consider that the proposed modification adequately reflects the fact that the largest SUEs will have significant infrastructure costs associated with their development, and that a significant part of South of Whiston is previously developed land.
- 28 In terms of the tenure split, the Inspector will recall the last hearing sessions when it was accepted by the Council that there was little evidential basis for the proposed tenure split, either in terms of need or impact on viability. In this regard, Proposed Modification 176 introduces in reality little additional flexibility.
- 29 JPL considers that paragraphs 7.8 and 7.9 should be redrafted as follows:-

**7.8 Bearing in mind the need to rebalance the housing offer of the Borough and to maximise the amount of affordable housing being provided, the Council will seek a tenure split for new affordable housing as follows:-**

- 50% affordable rent

- 50% intermediate housing

**7.9 The above tenure split will be regularly reviewed to take into account the findings of the monitoring processes, any new evidence regarding housing needs and development viability, and to reflect the emergence of new types of affordable housing products.**

**Question 2.11: What are the implications of the affordable housing changes for the KLPCS objective of rebalancing the housing market?**

30 The proposed reduction in the affordable housing requirement will have a beneficial impact on the objective of rebalancing the housing market. However, the proposed tenure split (75% of affordable rent) will have a negative impact as it will reduce the amount of affordable housing produced in total and increase still further the stock of public rented stock.

### **Sustainable construction**

**Question 2.12: Do the modifications proposed to policy CS22 fully take into account the Government's latest thinking on the approach to sustainable construction?**

31 JPL is broadly happy with the proposed modification to Policy CS22.

### **Infrastructure and viability**

**Question 2.13: Are the modifications to policy CS27, including the prioritisation of developer contributions, consistent with the overall strategy of the plan?**

32 JPL is broadly content with the proposed modifications to policy CS27 except:-

1. Clause 3 should be further modified to remove the requirement that proposals should "*demonstrate compliance*" with the Knowsley Infrastructure Delivery Plan. The IDP is not a statutory plan and the policy should not seek to delegate decisions to it.

2. Clause 3c should be deleted. Other than in circumstances that a CIL Charging Schedule has been adopted by the Council, financial contributions of this type would contravene national policy. In any event the reference to SPDs in this paragraph should be deleted. SPDs are not an appropriate way by which new financial contributions should be introduced.
3. The reference to SPDs in Clause 8 should be deleted for similar reasons.

### **Other Modifications**

#### **Question 2.14: Are there concerns about the soundness of any of the Main Modifications not addressed here?**

- 33 JPL considers that paragraph 5.46A (MO88) is potentially misleading as it implies that Green Belt releases are only required to meet qualitative and not quantitative employment needs. This is not the situation as we have demonstrated above. As there may be consequences for development management decisions, the paragraph should be amended to read:-

**Green Belt release is required to ensure that there is sufficient employment land provided in overall terms to meet the overall requirement identified in policy CS4. It is also required to meet the need for the Borough to provide a range, choice and quality of sites for employment, including a high quality business park (as a successor to the Kings Business Park which is almost fully developed) and a site for large scale distribution and logistics.**

- 34 JPL considers that the site of the former Saunders Garden Centre off Windy Arbor Road should be excluded from the South of Whiston Sustainable Urban Extension. The site has had planning permission for housing development until very recently (April 2014), and is part of the Council's five year supply (207). As previously developed land, it could not support a 25% affordable housing requirement if the planning permission is renewed.