

Knowsley Local Plan Core Strategy Examination

Reconvened Examination Hearings

Matters 2, 3 & 4

Date: 08/05/2015

Knowsley Local Plan Core Strategy – Re-convened Examination Hearings

These representations are submitted on behalf of The Knowsley Estate and are in response to the Submitted Knowsley Local Plan Core Strategy and matters arising since the July 2014 Hearings. The submitted representations seek to address the Matters and Issues identified by the examination Inspector as set out below.

Overall it should be noted that the Knowsley Estate broadly support the plan and its overall strategy and there is little difference between the Council views and that of our client.

The Knowsley Estate owns land within the Knowsley Local Plan area and there are three sites under the Estate's ownership which have been assessed and reviewed through the Council's Green Belt Technical Report. These sites have been assessed by the Council as being suitable for Green Belt release and future allocation and our client concurs with this view.

Our client is committed to bringing forward these development sites to support the housing and employment land needs of the borough and is pleased to be working with the Council to secure the delivery of these sites. The landowner envisages these sites will bring forward high quality and inclusive design as sustainable developments to the benefit of the area, its residents and visitors.

Matter 2: Legal Compliance and Procedural Matters

Issue 2.1: Is the Knowsley Local Plan: Core Strategy (KLPCS) in general accordance with the Statement of Community Involvement? Has the KLPCS emerged from an open and transparent process that demonstrates how and why the preferred strategy was selected, in consultation with the public and other stakeholders?

In preparing the KLPCS, the Council has needed by law to comply with the requirements of:

- The Town and Country Planning (Local Planning) (England) Regulations 2012, and preceding regulations published in 2004, 2008 and 2009; and
- The Knowsley Statement of Community Involvement (adopted by the Council in 2007).

The KLPCS has been prepared using four main consultation stages as follows:

1. "Issues and Options" consultation (from 27 November 2009 until 22 January 2010);
2. "Preferred Options" consultation (from 27 June until 5 September 2011)
3. "Proposed Submission" consultation (from 8 November until 21 December 2012);
and
4. "Proposed Modifications" consultation (from 19 September until 14 November 2014).

The consultation methods used at different stages included several which specifically targeted individual areas of the Borough. These have included for example a series of drop in events in individual townships at Issues and Options, Preferred Options and Proposed Modifications stages.

It is therefore considered that the KLPCS is in general compliance with the Statement of Community Involvement and has emerged from an open and transparent process that demonstrates how and why the preferred strategy was selected, in consultation with the public and other stakeholders. It is therefore considered to be legally compliant and has followed the correct procedural matters.

Matter 3: Housing need and land supply assessments

- *Issue: 3.1. What are the implications of the new household projections for the KLPCS, particularly in relation to the objectively assessed need for housing?*

We continue to support the Council's focus on delivery of new homes to meet existing identified needs and demands, to retain existing residents and to attract more residents to the Borough.

The Government's official population and household projections are generally updated every two years to take account of the latest demographic trends. As set out in the National Planning Policy Guidance (NPPG - Reference ID: 2a-016-20150227), wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework (NPPF) is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued.

On 27 February 2015 the Department for Communities and Local Government (DCLG) published 2012-based household projections for the period 2012-2037. Such projections are clearly only one element to be considered within the calculation of Objectively Assessed Housing Need (OAHN); however, we note that there has been a slight increase in respect of the new household projections for Knowsley up to 2037. This is an increase of approximately 2.65%. The identified increase in household projections confirms the trend on housing requirements and reinforces the continuing need to significantly boost housing development in line with the NPPF.

It is therefore considered that the increase in household projections reinforces the validity of the plan formulation and the essential requirement for allocating enough housing sites as part of this plan period to meet the OAHN need as well as safeguarding land for longer term development.

Notwithstanding this, if the Inspector considers that the annual delivery target should be amended (upwards) to reflect this new evidence then we will support the Inspectors finding and would like to work closely with the Council to ensure enough housing sites are brought forward to ensure that the Plan can be found sound.

- *Issue: 3.2. Are there other changes in the evidence base which materially affect the assessment of housing need, such as any update to the SHMA or changes in market signals?*

As set out in the NPPG (Reference ID: 3-045-20141006), local authorities should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs. However, assessing need is just the first stage in developing a Local Plan. The SHMA should then inform a Strategic Housing Land Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Market signals should form part of the methodology when the Council objectively assesses the development needs in the area; however, it is not the only approach to objectively assessing housing need.

As set out in the NPPG, a worsening trend in any market signals will require upward adjustment to planned housing numbers compared to ones based solely on household projections. The Authority should plan positively to ensure that the housing need and demand is met during the Plan period.

At this stage, however, we do not consider that there have been any other recent changes in the evidence base which materially affects the assessment of housing need.

- *Issue: 3.3. Are there changes in the evidence base which materially affect the housing land supply assessment (e.g. any significant changes to the availability of housing land, updated data on residential density, revisions to the housing trajectory, etc.)? Does the latest information on housing land availability show any significant variation of recent trends?*

Whilst there has been a flurry of revisions to national planning guidance since the last set of hearing sessions in July 2014, it is considered that there have not been any significant changes to the evidence base which will materially affect the housing land supply assessment for the district.

We can confirm that the following sites within our client's ownership continue to be available for future development as part of this plan period or, in the case of the safeguarded land, available for development, if deemed necessary by the Council, post 2028:

1. Land at Knowsley Lane, Huyton – a mixed use site allocation (which has interest from Persimmon Homes);
2. Land east of Knowsley Industrial and Business Park – Employment allocation site; and,
3. Land at Knowsley Village – a Safeguarded site for housing post 2028 if deemed necessary.

- *Issue: 3.4. What are the implications (if any) of the Ministerial Statements and PPG revisions for the KLPCS, particularly in relation to:*

(a) development in the Green Belt

As stated above, there has been a flurry of revisions to national planning guidance since the last set of hearing sessions in July 2014.

In the 'Planning Update March 2015' Written Ministerial Statement (25 March 2015), the Government continues to attach great importance to protecting the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt (NPPG Reference ID: 3-034-20141006).

However, tight settlement limits throughout the district in the past have been a hindrance to development therefore leading to an undersupply of housing and an increase in out-migration. New housing and employment development in the Borough is essential to support the future vitality of the borough and this can only be delivered by releasing land from Green Belt. As

such, as part of the KLPCS, the Council has undertaken a Green Belt review and proposed several sites to be deleted from the Green Belt and allocated for development to accommodate this need.

The NPPF and NPPG sets out clearly that Local Planning Authorities should look beyond the plan period when reviewing Green Belt boundaries. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan (NPPG Reference ID: 3-044-20141006). It is therefore essential that the Council identifies enough land for allocating housing and employment development up to 2028, but also safeguard land for possible development post the plan period in case there is still an identified need for further development. We therefore continue to support the Council's approach to the SUE sites and safeguarded land.

As the KLPCS looks to safeguard land at Knowsley Village it is considered that the revisions to Planning Practice Guidance does not change the plan but clearly emphasises the need to prepare for housing post plan period. It is therefore considered that the KLPCS has established its housing need and thoroughly undertaken a land supply assessment by undertaking a detailed Green Belt review and as such, the proposed allocations and safeguarded land is considered to fully comply with the NPPF and NPPG and all the recent changes to these documents since July 2014.

(b) sustainable drainage systems

Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source; and
- combine water management with green space with benefits for amenity, recreation and wildlife

Further guidance on the planning considerations on sustainable drainage in relation to water supply and water quality set out in the NPPG.

The Written Statement made by the Secretary of State for Communities and Local Government (Mr Eric Pickles) on 18 Dec 2014 makes clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate.

As such, the Government expects Local Planning Policy relating to major development (10 or more units) to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

As set out in the NPPG, (Paragraph: 080 Reference ID: 7-080-20150323), particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful

therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate. The Council may therefore wish to consider this further as part of the emerging Local Plan.

Where surface water or other local flood risks are likely to significantly affect a proposed development site, early discussions between the planning authority and the developer will help to identify the flood risk issues that the authority would expect to see addressed in the planning application and accompanying site-specific flood risk assessment (NPPG Reference ID: 7-045-20150323). However, information sought by the local planning authority should be no more than necessary, having regard to the nature and scale of the development concerned.

Furthermore, the technical standards provided by government, “Non-statutory technical standards for sustainable drainage systems”, relate to the design, construction, operation and maintenance of sustainable drainage systems and have been published as guidance for those designing schemes. In terms of the overall viability of a proposed development, expecting compliance with the technical standards is unlikely to be reasonably practicable if more expensive than complying with building regulations (NPPG Reference ID: 7-083-20150323) – something for the Council to bear in mind in respect of future schemes.

Moreover, sustainable drainage systems are land hungry. Due to the amount of land which is required to accommodate onsite drainage systems it is important for the Council to acknowledge that to accommodate the necessary housing requirements, sometimes larger site boundaries are required to ensure that the technical requirements for such development (such as SuDS) can be accommodated onsite. Construction costs can include the opportunity cost of providing land for a drainage system above ground where the land utilised for the drainage system is not also utilised for another land use. Design costs also include the resulting maintenance and operation requirements arising from the design.

It is considered that the revision to the NPPG and additional Ministerial Statements does not significantly affect the KLPCA, however, does raise items for greater consideration when it comes to determining future planning applications; particularly in terms of viability and design requirements.

(c) housing standards

On 25 March 2015, as part of the Written Ministerial Statement the Government has created a new approach for the setting of technical standards for new housing. This rationalises the many differing existing standards into a simpler, streamlined system which will supposedly reduce burdens and help bring forward much needed new homes.

The new system will comprise new additional optional Building Regulations on water and access, and a new national space standard. This system complements the existing set of Building Regulations, which are mandatory.

It is vital, however, for the local planning authority to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans, as it is essential that onerous requirements are not imposed on development scheme which could delay development or make them financially unviable.

Again, it is considered that the revision to the NPPG and additional Ministerial Statements does not significantly affect the KLPCA, however, does raise items for greater consideration when it comes to determining future planning applications; particularly in terms of viability and design requirements.

(d) affordable housing site-size thresholds

National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development.

- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm (gross internal area).
- In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less in designated rural areas being areas as described under section 157 of the Housing Act 1985. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.

As Policy CS15 'Delivering Affordable Housing' has a threshold of 15 units before development triggers an affordable housing requirement, it is considered that the Plan is still in line with national guidance. We therefore foresee no reason as to why the Plan could not be viewed sound in respect of this matter.

(e) housing for older people

Once an overall housing figure has been identified, plan makers will need to break this down by tenure, household type (singles, couples and families) and household size. This Council has undertaken this work when producing their SHMA.

The NPPG (Reference ID: 2a-021-20150326) states that plan makers should, as part of this process, therefore examine current and future trends of the proportion of the population of different age profile. The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013).

Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities should therefore identify particular types of general housing as part of their assessment.

However, with regard to housing types, although it is important to plan for a wide range of housing mix throughout the district to ensure that all needs are catered for, it can be unviable to dictate housing mix on smaller development sites and potentially lead to a site becoming undeliverable. Therefore, large scale developments being promoted should utilise the evidence provided by the SHMA, ensuring a mix of housing is being provided, - although should not be dictated by it - whilst allowing small housing sites to come forward independently as these sites can easily become unviable if too many onerous requirements and planning obligations are placed up on them.

Notwithstanding this, Local planning authorities should ensure that the policies in their Local Plan recognise the diverse types of housing needed in their area and, where appropriate, identify specific sites for all types of housing to meet their anticipated housing requirement. It is our view that Policy CS2 and Policy CS17 of the KLPCS already address this and as such, the Plan continues to remain in line with national policy and guidance.

We do note, however, that the PPG (Reference ID: 3-037-201503200 now states that in decision-taking, evidence that development proposals for accessible and manageable homes specifically for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes.

(f) planning obligations

Whilst we acknowledge that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, as set out in the March 2015 revisions, the NPPG states that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework (NPPG Reference ID: 23b-001-20150326). Planning obligations must be fully justified and evidenced.

The terms of commuted contributions should form part of the discussions between a developer and a local planning authority and be reflected in any planning obligations agreement. Agreements should include clauses stating when the local planning authority should be notified of the completion of units within the development and when the funds should be paid. Both parties may wish to use the issue of a building regulations compliance certificate (called a completion certificate when given by a local authority and a final certificate when given by an approved inspector) as a trigger for payment (NPPG Reference ID: 23b-019-20141128).

Policies for seeking planning obligations should be set out in a Local Plan. As stated in the NPPG (Reference ID: 23b-003-20150326) supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. The Council therefore need to make note of this in respect of Policies CS7, CS15, CS17, CS19 CS21, CS22 and CS27.

Please also see our comment above regarding affordable housing site-size thresholds which also relates to planning obligations.

Notwithstanding this, it is considered that the revision to the NPPG and additional Ministerial Statements do not significantly affect the KLPCA, however, they do raise items for greater consideration when it comes to determining future planning applications; particularly in terms of viability and design requirements.

Issue: 3.5. Are there any other new matters relevant to the KLPCS?

It is considered that there are no additional matters arising following these Reconvened Examination Hearings.

Matter 4: Response to Consultation on Main Modifications

Safeguarded land at Knowsley Village

Matter 4.1: Having regard to emerging matters including revisions to PPG relating to Green Belt protection, new household projections, evidence of increased densities on certain housing sites, and so on, and in light of recent substantial public opposition, is the proposal to safeguard land at Knowsley Village for housing development beyond the Plan period necessary and does it satisfy the exceptional circumstances test of national policy?

Green Belt boundaries differ from other aspects of the Plan in that they are intended to be as permanent as is possible and therefore are not subject to review within or at the end of the Plan period but are intended to remain unchanged for a period in excess of the life of the Plan.

Safeguarded land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed. As required therefore by the NPPF and NPPG, Local Planning Authorities should look beyond the plan period when reviewing Green Belt boundaries.

Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. It is therefore considered that the inclusion of safeguarded land as part of the emerging Local Plan is a positive approach to the Plan and this approach is needed to ensure that land supply for housing and employment meets the short and long term needs and that a satisfactory supply is subsequently maintained. The identification of safeguarded sites will ensure that the revised Green Belt boundaries will endure and will prevent future incremental amendments over the longer period in accordance with the NPPF (paragraph 83).

As stated above, the NPPF and NPPG sets out clearly that Local Planning Authorities should look beyond the plan period when reviewing Green Belt boundaries. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan (NPPG Reference ID: 3-044-20141006). It is therefore essential that the Council identifies enough land for allocating housing and employment development up to 2028, but also safeguard land for possible development post the plan period in case there is still an identified need for further development. We therefore continue to support the Council's approach to the SUE sites and safeguarded land.

As the KLPCS looks to safeguard land at Knowsley Village it is considered that the revisions to Planning Practice Guidance do not change the plan but clearly emphasise the need to prepare for housing post plan period. It is therefore considered that the KLPCS has established its housing need and thoroughly undertaken a land supply assessment by undertaking a detailed Green Belt review and as such, the proposed allocations and safeguarded land is considered to fully comply with the NPPF and NPPG and all the recent changes to these documents since July 2014.

In conclusion, having regard to the emerging matters, including revisions to the PPG relating to Green Belt protection, new household projections and so on, notwithstanding the public opposition, we continue to support the Councils proposition regarding safeguarded land and confirm that the safeguarded land at Knowsley Village for housing development beyond the plan period is in accordance with national planning policy and guidance and it satisfies the exceptional circumstances test of national policy.

Matter 4.2: Given the representation submitted by Lord Derby, does the proposal to safeguard land at Knowsley Village for longer term housing development have the full support of the land owner? Is all the land likely to be available for development beyond the Plan period?

Safeguarded land comprises areas and sites between the urban area and the Green Belt which may be required to meet longer-term development needs beyond the plan period without the need to alter the Green Belt boundary. The designation of such land therefore helps to strengthen the permanence of Green Belts, as set out in the NPPF and NPPG.

Planning permission for the development of this land will only be granted following a Plan Review which proposes the development of particular areas of Safeguarded Land.

Lord Derby recognises the need for more housing in the Borough and the Council's prerequisite to plan for the future needs of the area. As such, we confirm that land at Knowsley Village, identified as safeguarded land, is available for such use and that the landowner acknowledges that with such identification, the site is not to be allocated for development during this plan period, but to be deleted from the Green Belt to provide additional housing land post plan period, if deemed necessary by Knowsley Council.

However, in response to the previous public consultation, having regard to the views of residents of the village, Lord Derby reviewed the proposed number of dwellings at Knowsley Village. As such, Lord Derby would welcome a thorough assessment in respect of the proposed yield on the site when formally allocating this site for development in the future. Knowsley Council must ensure that any future development is the correct size for Knowsley Village and is proportionate to the settlement post 2028.

As such, we fully confirm that the proposal to safeguard land at Knowsley Village for longer term housing development has full support of the landowner.

Sustainable urban extension (SUEs)

Matter 4.3: Having regard to emerging matters including revisions to PPG relating to Green Belt protection, new household projections, evidence of increased densities on certain housing sites, and so on, and in light of further public opposition, are the proposed SUEs at the following locations justified and consistent with national policy?

(d) Knowsley Lane, Huyton

Whilst our client is the landowner of this site, Persimmon Homes has interest in the land and therefore, we confirm that we support all comments submitted by Permission in respect of the delivery of Knowsley Lane, Huyton.

Notwithstanding this, having regard to the emerging matters, including revisions to the PPG relating to Green Belt protection, new household projections and so on, notwithstanding the public opposition, we continue to support the allocation of Knowsley Lane, Huyton for mixed use development as an identified SUE site. It is considered the allocation of this site for mixed use is justified and consistent with national planning policy and guidance.



Matter 5: Any Other Matters

No, it is not considered that there are any other new matters relevant to the KLPCS.