

KNOWSLEY LOCAL PLAN: CORE STRATEGY EXAMINATION**STATEMENT ON BEHALF OF JUNCTION PROPERTY LIMITED**

These Statements are prepared on behalf of Junction Property Limited (JPL) in relation to the reconvened Examination Hearings scheduled for Tuesday 2nd and Wednesday 3rd June. JPL wish to note that the additional comments provided below relate to the new matters and issues set out in the Inspector's Agenda and do not seek to reopen matters discussed at earlier Examination Hearings, given that the issues raised have been fully debated at previous sessions.

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- 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?***

JPL has no comments. This is a matter for the Local Authority.

Housing Need and Land Supply Assessments

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

JPL considers that the latest DCLG 2012-based household projections do not justify any change in the Core Strategy housing requirement. Whilst accepting that the 2012-based household projections represent the new '*starting point*' in the assessment of objectively assessed housing need (OAN) as specified by Planning Practice Guidance (PPG), it is important to note that the only piece of new evidence that they introduce to this examination process are new household formation rate assumptions.

It should also be noted that, in accordance with paragraph 2a-015 of the PPG, household projections may require *adjustment* to reflect factors affecting local demography and household formation rates, which are not captured in past trends. We examine this further below.

The 2012-based household projections comprise two parts, the first being the 2012-based sub national population projections (2012 SNPP) upon which we have previously provided comments to the Inspector in our July 2014 submissions (specifically in response to Q1.1). The second are new household formation rates, which are used to derive household counts from the projected population.

The 2012-based household projections project growth of +258 households per annum (2012 – 2028) in Knowsley. Whilst on the face of it this compares broadly with the 2011-based interim household projection, it disguises a significant and concerning fall in projected population growth.

The following table summarises the levels of population and household growth resulting from the current and past Government projection series’.

Table 3.1.1: Summary of projected population and household growth

Series	Population growth per annum	Household growth per annum
2006-based (2011-2028)	+315	+422
2008-based (2011-2028)	+235	+355
2011-based (2011-2021)	+310	+241
2012-based (2011-2028)	+82	+258

Source: CLG and ONS

The 2012-based SNPP projects growth of only +82 people per annum, resulting in total population growth over the plan period 2011 – 2028 of just 1,400 people. An analysis of the components of change underpinning the 2012 SNPP confirms that whilst there is projected to be +8,200 of natural change over the Plan period (i.e. births more than offsetting deaths), this is countered by a significant level of projected net out migration totalling - 6,700 people. Net out-migration is projected across most age groups, but it will impact most significantly on the District’s working age population (16-64), which is projected to decline from 93,781 people in 2012 to 85,452 people in 2028. The working age population under the 2012-SNPP forecast will decline by over 8,000 people over the Plan period.

As we have stated in our earlier evidence, the Government projections are trend based and as such reflect the poor rate of housing delivery experienced in Knowsley in past years. This point is acknowledged by the Council in paragraph 3.2.4 of its Matter 3A statement (October 2013) where it states in the context of the 2011-based interim household projections that these are likely to have been significantly influenced by past under delivery. These same concerns apply equally to the more recent 2012-based household projections.

The 2012-based projections for Knowsley do not therefore provide a reasonable basis on which to plan for future housing growth.

Furthermore, whilst the household formation rates underpinning the 2012-based household projections do result in greater levels of household formation than the 2011-based interim household projections, it is important to note that the 2012-based household formation rates simply reflect a better understanding (by DCLG) of the implications of the 2011 Census than was available at the time of the 2011-based household projections. The 2012-based household formation rates remain trend based and continue to suppress the formation of household in younger age groups. We append to this statement a series of graphs summarising the projected levels of household formation by ten year age bands based upon the 2008-based, 2011-based and 2012-based household projections for comparison. These clearly show that whilst projected household formation in older age groups is broadly similar across all series, the 2012-based series assumes far lower levels of household formation in those younger age groups. Whilst this is an issue that is experienced nationally, it is also worsened by the poor rates of housing delivery locally, a point recognised by paragraph 2a-015 of the PPG.

It is quite clear that household formation rates are not the determining factor here, but rather the level of population growth which should be provided for to stabilise the population (an important objective of the Council), and provide for sustainable economic growth in accordance with paragraph 2a-18 of the PPG.

As detailed above the 2012 projections will result in a significant decline in the working age population of Knowsley. Paragraph 3.4.2 of the Council's Matter 3a Statement confirms that the provision of 466 dpa will provide for

+44 jobs per annum in Knowsley, increasing to 266 jobs per annum on the basis of 575 dpa.

There is therefore a clear need to increase the OAN figure to approximately that being proposed in order to stabilise labour force levels. However, we note that the Council in a subsequent paragraph (3.4.4) of its Matter 3a Statement go on to state that 11,390 jobs could be created in Knowsley by 2028, and as such the level of housing proposed is very much a minimum.

Furthermore, and as we have previously highlighted in our Matter 3 Statement (paragraph 2.8), the Council's own evidence identified a need for 568 affordable, and 741 market homes per annum considerably higher than the 2012-based household projections.

In conclusion therefore we consider that the 2012-based household projections should not alter the Inspector's initial finding on the objectively assessed housing needs of Knowsley.

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?*

JPL is not aware of any changes in the evidence base which materially affect the assessment of housing need.

Following discussions with the Council, JPL understand that there has not been any update of the Strategic Housing Market Assessment.

In relation to market signals, JPL is aware of an upturn in the housing market in the Knowsley area in line with that of the North West generally. This is a positive sign although JPL considers that this does not materially alter the evidence base position.

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?*

JPL has contacted the Council, which has confirmed that there is no further update to the Council's evidence regarding housing supply, with the exception of some anticipated further information to be released in relation to completions for 2014/2015. We have requested this information but we have been told that it is not yet available. JPL reserves its right to comment on any new information which may be produced.

Ministerial Statements and revisions to Planning Practice Guidance

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

JPL notes that the recent Ministerial Statement regarding development in the Green Belt seeks to protect the Green Belt from all unauthorised development as part of the development control process. The Statement relates to development control matters and is not a matter for plan-making.

JPL maintains its position that it is entirely appropriate to review Green Belt boundaries as part of the Local Plan process where there are exceptional circumstances to warrant such a review, including the meeting of full objectively assessed housing needs.

b) Sustainable drainage systems

No comments.

c) Housing standards

The Council has proposed amendments to Policies CS17 and CS22 which change them from having mandatory requirements to one of encouragement. This follows discussions at previous Examination sessions.

The proposed changes are consistent with the PPG which states that Councils have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations

“in respect of access and water, and an optional nationally described space standard” but only where there is evidence of need and the impacts upon viability have been fully taken into account. Neither circumstance applies in Knowsley.

d) Affordable housing site-size thresholds

This relates to smaller sites of up to 10 dwellings and does not materially affect matters raised in relation to the Knowsley Local Plan Examination.

e) *Housing for older people*

No comments.

f) *Planning obligations*

The recent Ministerial Statement in relation to planning obligations seeks to prepare new guidance on social housing relief under the amended CIL Regulations with the aim of increasing the delivery of affordable housing. JPL welcome these clarifications although this is not relevant in the context of the Knowsley Local Plan.

Other matters arising since July 2014 hearings

3.5 *Are there any other new matters relevant to the KLPCS?*

JPL does not consider there to be any other new matters which materially affect the Knowsley Local Plan Core Strategy.

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Safeguarded land at Knowsley Village

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?

No Comment.

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?

No Comment.

Sustainable Urban Extension (SUEs)

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?

(a) South of Whiston

JPL note that this matter was subject to substantial debate at previous Examination sessions. It is the position of JPL that there is no substantive new evidence that has emerged since the debate during the previous hearing sessions to suggest that the proposed SUE at South of Whiston is no longer justified or consistent with National Policy.

We set out in our representations to Matter 3, our clients' position in relation to the latest household projections and analysis which do not fundamentally alter the proposed housing requirements in the Knowsley Local Plan.

The latest revisions to the Planning Practice Guidance in relation to Green Belt protection are aimed at managing any unauthorised development rather than in a plan-making context and JPL is not aware of any substantive new evidence to suggest increased densities on other housing sites which would remove the need for Green Belt release.

JPL presented significant evidence at early Hearing sessions why the South of Whiston and Cronton sites should be identified as allocations. This can be summarised as follows:

- The sites are critical to the delivery of the spatial strategy for the Borough. The land north of the motorway (South of Whiston) would contribute nearly a quarter of the total housing provision required by Policy CS3. The land south of the motorway would be the largest employment site in the Borough, and is essential to attracting key employment target sectors such as knowledge based industries, advanced manufacturing and logistics.
- The development of the two sites is essential if the Core Strategy Spatial Vision is to be achieved in the plan period, especially those parts of the Vision relating to a stronger and more diverse economy "*which will help drive economic growth in the wider Liverpool City Region*", and to meeting needs and providing "*a wide choice of housing*."
- Due to their size, location and quality, the sites have the potential to have a transformative impact on the housing and employment offer of Knowsley.
- Because of their scale and the amount of infrastructure required for their development, the two sites will have significant lead-in times and very long construction periods. In particular, the development of the housing

site to the north of the motorway (with its capacity of over 1600 dwellings), will take at least 15 years to develop out. If development is not allowed early in the plan period, the two sites would not be able to make their full contribution to meeting housing and employment needs in the plan period. In such circumstances, other 'Green Belt' sites would need to be brought forward to compensate.

- There are no overriding environmental objections to the development of the two sites. Neither site makes an essential contribution to the Green Belt, as shown by the Knowsley Green Belt Study. Cronton Road and Fox's Bank Lane make defensible long-term Green Belt boundaries. There would be a loss of open land but this is inevitable if the housing needs of the Borough are to be met.
- These proposals are viable and achievable in the plan period. Substantial interest has been expressed in the development of the two sites by volume housebuilders and commercial developers.
- There are no issues over the potential boundaries of the two proposed sites which are defined by public roads and the existing built-up area. As such, further consideration in the Allocations DPD would add very little value to the process.

(b) *South of M62 (employment location)*

See above.

(c) *East of Halewood*

No comment.

(d) *Knowsley Lane, Huyton*

No comment.

(e) *Edenhurst Avenue, Huyton*

No comment.

(f) A58 Prescot

No comment.

(g) Carr Lane, Prescot

No comment.

Wording of Main Modifications

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

(a) SUE 2

Overall, JPL welcomes the wording of Policy SUE2 as set out in the Main Modifications. This Policy provides a suitable policy framework for bringing forward the SUEs and is consistent with other Policies in other Local Plan Strategies.

JPL however **OBJECTS** to the third part of Policy SUE2 where it says that the masterplan required under the policy to accompany any planning applications for the site should "*accord*" with development plan policy "*and any associated Supplementary Planning Document.*" There is of course no objection to the principle that the masterplan should accord with development plan policy. However the development plan should not impose a requirement that the masterplan for a site must "*accord with*" the proposed Supplementary Planning Document. Such a requirement would effectively incorporate the supplementary planning document into the development plan policy as lack of accordance with it would create conflict with Policy SUE2 itself. This is wholly inappropriate because supplementary planning documents are not subject to the same rigorous statutory procedures and testing as development plan policies.

It must be emphasised that development plan policies only receive the status accorded to them under Section 38(6) of the 2004 Act after they have been independently tested and examined, and found to meet the tests of soundness set out in national policy. They are also subject to very exacting and lengthy procedures for stakeholder and public involvement and consultation. In contrast, supplementary planning documents are not the

subject of any independent examination or testing against the tests of soundness. Moreover they are not required to undergo the same rigorous requirements for stakeholder and public involvement and consultation. Because of these differences, planning law gives development plan policy and supplementary planning documents very different statuses in decision-making.

Section 38(6) of the 2004 Act requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Under this section of the Act, a supplementary planning document has only the status of a material consideration to which regard should be given. It is not development plan policy where there is an expectation of accordance unless material considerations indicate otherwise. As such, a proposal which accords with the development plan but is not in accordance with a supplementary planning document would still receive the presumption in favour under Section 38(6). The proposed modification seeks to reverse this position as established by statute. The same would apply to the national policy position, and in particular the presumption in favour of sustainable development under paragraphs 14, 196 and 197 of the NPPF.

The proposed supplementary planning documents for the sustainable urban extensions have not, of course, been prepared yet. As such, it is not known what matters they will cover or whether their policies and proposals will be consistent with national policy and guidance, especially in respect of viability which is so important to the delivery of the Core Strategy as a whole. In such circumstances, it is wholly inappropriate for Policy SUE2 to require planning decisions to accord with them. We note in this respect that the Council has suggested other proposed modifications that remove any requirement for proposals to accord with supplementary planning documents. A similar change should be made here.

To assist the Inspector, we attached Counsel's Written Opinion to our representations which confirms that the provisions of Policy SUE2 so far as they relate to the proposed Supplementary Planning Documents would be potentially unlawful and may be capable of successful challenge in the Courts.

For these reasons we consider that the proposed modification in this respect fails the tests of soundness and would be potentially unlawful. It should be replaced by the need to *“have regard to any supplementary planning documents which may have adopted.”*

(b) SUE 2a-2c

In relation to Policy SUE2, JPL welcome the wording provided by the Main Modification as part of the KLPCS.

The principal landowners within the South of Whiston site are working closely together to bring the site forward in line with Policy SUE2c. The main delay has been caused by the extended time period for the preparation and examination of the core strategy.

We append a joint statement on behalf of the principal landowners setting out progress on the South of Whiston and South of the M62 sites.

(c) CS 11

No comment.

(d) CS 20

No comment.

(e) CS 22

No comment.