

20th January 2016
Our Reference: 47070949

Local Plan Team
Knowsley Council
1st Floor Annexe
Municipal Buildings
Archway Road
Huyton
Merseyside
L36 9YU

Dear Sir / Madam,

Letter to Inform Habitats Regulations Assessment of the Developer Contributions Supplementary Planning Document, Consultation Version January 2016

The submitted Knowsley Local Plan Core Strategy¹ was subject to Habitats Regulations Assessment (HRA) in 2012², assessing a variety of impact pathways (including disturbance from recreational pressure and other activities causing disturbance, mechanical/abrasive damage and nutrient enrichment to habitats, loss of supporting habitat, atmospheric pollution, water resources, and water quality) linking the Plan to the following internationally designated sites:

- Mersey Estuary SPA/Ramsar Site
- Manchester Mosses SAC
- River Dee & Bala Lake SAC
- Sefton Coast SAC
- Dee Estuary SAC SPA & Ramsar site
- Mersey Narrows & North Wirral Foreshore Ramsar and SPA
- Ribble & Alt Estuaries SPA and Ramsar site
- Liverpool Bay SPA
- River Eden SAC
- Martin Mere SPA and Ramsar site

Subsequent HRAs were undertaken of modifications to the Plan, the most recent being August 2015. It is the Plan that sets out the spatial strategy for housing and development within the Knowsley Council area. Following the HRAs of the Plan, it was concluded that the Plan would not result in likely significant effects upon internationally designated sites alone or in combination with any other project or plan.

This document is the HRA for the Developer Contributions Supplementary Planning Document (SPD), Consultation Draft Version January 2016 only. Background on internationally designated sites and potential impact pathways is not repeated within this document, but can be found within the 2012 Plan HRA document³.

¹ For ease, the Knowsley Local Plan Core Strategy and modifications documents are referred to as the 'Plan' throughout this document.

² URS (October 2012). Knowsley Borough Council Core Strategy Habitats Regulations Assessment. http://www.knowsley.gov.uk/pdf/SD11_CoreStrategyHabitatsRegulationsAssessment.pdf [Accessed 17/09/15]

³ Ibid

The SPD is a supporting document to the Core Strategy and is to be read in conjunction with the Core Strategy. It provides guidance on when developer contributions will be required and the provision of affordable housing. It sets out the way in which the Council will implement its approach to developer contributions, sought as part of new development. The purpose of this SPD is to provide *'detailed guidance on how developer contributions will operate in Knowsley. This guidance is designed to be of particular use to developers, planning officers, stakeholders and local residents, and seeks to provide greater certainty at the earliest stages of the planning process, before a planning application is submitted or a development site is purchased, so that the cost implications of developer contributions can be fully taken into account. It provides a transparent framework for how the Council's expectations with respect to developer contributions can be met in practical terms, and to ensure legislative compliance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).'*

This document contains policies as well as chapters. To keep in line with the HRA for the emerging SPD's, both chapters and policies will be assessed.

Chapter 1: Introduction

This chapter outlines the background and purpose of the SPD, including that the SPD is a supplementary document to support the Plan. There are no impact pathways linking to any internationally designated sites present within this chapter.

Chapter 2: Policy Context.

This chapter places the SPD in context in relation to existing policy such as National Planning Policy, Local Planning Policy, and the Plan. Whilst not referring directly to internationally designated sites, this is a positive chapter. Paragraph 2.1 includes reference to the presumption in favour of sustainable development as detailed within the NPPF. By definition, sustainable development will not result in likely significant effects upon any internationally designated site. There are no impact pathways linking to any internationally designated sites present within this chapter.

Chapter 3: Local approach to developer contributions

This chapter details background to developer contributions e.g. why developer contributions are sought, how contributions are sought, and when contributions are required. There are no impact pathways linking to any internationally designated sites present within this chapter.

Chapter 4: Detailed Guidance

This chapter clarifies Core Strategy Policy relevant to planning and paying for new infrastructure. This chapter also expands on the following topic areas in more detail. It is noted that some topics have their own freestanding SPD which provide more detailed guidance than would be appropriate to include within the Developer Contributions SPD document:

- Highways and transport, public transport, walking and cycling;
- Flood risk;
- Greenspace provision;
- Decentralised energy;
- Education;
- Health, community and leisure facilities;
- Public realm and design;
- Affordable Housing; and
- Other residual requirements.

It is this chapter that contains the SPD Policies. These are screened as follows overleaf.

DC1 – Highways and Transport Provision New development will be required to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles.

Where deficiencies are identified as a result of the development, developer contributions will be required to improve the accessibility of the location, the value of the contribution will be based on the estimated cost of delivering the project(s).

This policy outlines when developer contributions relating to highways and transport provisions are likely to be required. It does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

DC2 – Flood Risk Mitigation New development shall include flood mitigation measures, where necessary, to manage flood risk associated with or caused by the development. These measures shall:

- a. Be designed to contribute to the biodiversity of the Borough unless it can be demonstrated that this would not be technically feasible;
- b. Incorporate a Sustainable Drainage System;
- c. Be fully described in the planning application; and
- d. Be funded by the developer, including long term maintenance.

The drainage of new development shall be designed to reduce surface water run-off rates to those associated with a green-field site by treating it at its source. The chosen method of implementation should take account of site size, ground contamination or conditions, and potential damage to adjacent buildings or sites.

All development which is within or otherwise affects an area of flood risk or is larger than 1 hectare in size may trigger the requirement for developer contributions, to mitigate and manage any potential flood risk.

Details of flood risk mitigation measures will normally need to be submitted and approved as part of a planning application or to satisfy pre-commencement planning conditions before construction can commence.

The developer should fund flood mitigation measures, including long term maintenance, necessary to manage flood risk associated with or caused by development. There are no standard calculations for development contributions relating to flood risk, as the value of any potential contributions are informed by the site specific nature of the mitigation necessary to make the development acceptable.

This policy outlines the requirement for flood risk mitigation measures, including when developer contributions relating to flood risk mitigation provision are likely to be required, including long-term maintenance. It is noted that developer contributions will be site specific. This policy does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

DC3 – Greenspace and Trees Provision

Development in excess of 10 new residential units, or where there are fewer units but there is a combined gross floorspace of more than 1,000 square metres, will be required to make provision or a contribution to public open spaces and outdoor sports. The type of provision and mechanism for delivery will be influenced by the residential capacity of the development.

Non-residential development, such as new industrial, office, warehousing or retail development, will not normally be required to make provision for open space unless that would lead to a loss of an existing open space, or indoor / outdoor sports provision.

Developments below the threshold of 10 units

- May be required to protect an area of natural and semi natural greenspace or biodiversity interest where it might be negatively impacted on by the development scheme, this will normally be secured through planning conditions.

Small new residential developments above 10 units or 1,000sqm

- Residential capacity of around 30 - 300 persons will normally be required to make a financial contribution towards off-site provision, unless the design of the scheme includes the required standards for provision.

Large new residential developments above 10 units or 1,000sqm

- Residential capacity of around 300 persons or more will normally be required to include provision of new open space on-site up to the required standards, plus a commuted sum towards maintenance, or an agreed maintenance programme.

Where the location or layout of the site makes it difficult to provide high quality on-site provision, a developer contribution to off-site provision of identified projects within existing greenspaces that serve the development may be acceptable.

Where small new residential developments within the same SRA cumulatively exceed the threshold of 300 persons, and the individual proposals are unlikely to deliver suitable onsite provision, developer contributions may be used to provide new spaces or invest in existing spaces for all residents to utilise and access. In these circumstances, each contribution towards open space provision should be proportionate to the scale and density of the individual residential development.

Once the residential capacity of the development has been established, the requirements for provision of public open space and outdoor sports provision should be calculated in line with the standards shown in figures 4.2 and 4.3. Where these standards cannot be delivered on site, or only partially delivered on site, developer contributions will be used to secure the delivery of offsite provision.

This policy outlines greenspace and tree provision requirements and when developer contributions will be required for greenspace and tree provision. This policy does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

DC4	-	Decentralised energy	<p>Priority Zones and Decentralised Energy Networks</p> <p>Knowsley Industrial Park and Knowsley Business Park are identified as a "Priority Zone". Within this area the Council and its partners will facilitate renewable and low carbon infrastructure by (subject to feasibility) requiring new development to:</p> <ul style="list-style-type: none">• Make provision for connection to an existing or planned decentralised energy network; and• Be designed to enable future connectivity in terms of proposed site layout, infrastructure and heating provision, including consideration of connections at a later date or phase. <p>Developers will have the option to contribute towards the Council's 'Community Energy Fund' used to deliver carbon reduction projects if they are unable to meet 'zero-carbon' targets through on site measures</p>
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This policy outlines provision for decentralised energy and the circumstances under which developer contributions can be provided (Community Energy Fund). Whilst this policy does mention strategic sites (Knowsley Industrial Park and Knowsley Business Park), this policy does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

DC5	-	Education Provision	<p>New residential development will lead to population growth in the locality and may consequently have an impact on capacity within local schools. Where this growth cannot be accommodated by existing capacity at primary and secondary school facilities, developer contributions will be secured to help deliver additional capacity either through expansion of existing facilities or through the provision of new facilities.</p> <p>Based on residential capacity of new dwellings in Knowsley, a development of around 400 dwellings is the threshold at which provision for education facilities may be required.</p> <p>Where an application is received for 400 or more dwellings which results in population growth of 2,000 persons, or where there are several smaller applications in a locality or there is a phased planning application that cumulatively delivers 400 dwellings or 2,000 persons, a developer contribution towards education provision may be needed to meet the needs of the future population.</p> <p>Contributions will only be required where the demand for school places created by development cannot be absorbed by existing capacity at that point in time. For outline, hybrid and phased planning applications that deliver residential development over a period of time, schools capacity may change during the lifetime of the scheme, therefore a S106 will be used to ensure that any future needs can secure developer contributions towards education provision. The contributions will be based on the benchmarked costs at that point in time of delivering an educational</p>
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facility (primary or secondary, based on local capacity needs), and then apportioned pro-rata on a per child basis, reflecting the residential capacity and live birth-rate data for Knowsley.

This policy outlines the circumstances under which developer contributions for education provision are required. This policy does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

DC6 - Health Provision

Based on residential capacity of new dwellings in Knowsley, a development of around 400 dwellings is the threshold at which provision for health care facilities may be required.

Where an application is received for 400 or more dwellings which results in population growth of 2,000 persons, or where there are several smaller applications in a locality that in combination deliver 400 dwellings or 2,000 persons or more, a developer contribution towards health care provision will be needed to meet the health needs of the future population.

This policy outlines the circumstances under which developer contributions for health provision are required. This policy does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

DC7 – Affordable Housing Provision

For market sector housing developments which have a capacity of 15 dwellings or more, the provision of affordable housing sought will be:

- 10% on sites within the current urban area
- 25% on sites identified as Sustainable Urban Extensions.

New affordable housing provision should be broken down in 75% for affordable rent and 25% for intermediate housing. A different tenure mix may be permitted where it can clearly be demonstrated that development would not be financially viable and affordable housing provision is being maximised.

The following discounts will normally be required when providing affordable dwellings:

- 55% discount off OMV for Affordable Rent; and
- 35% discount off the OMV for Intermediate Housing

Affordable housing provided should:

- be as provided on site, except in exceptional circumstances;
 - be fully integrated into the overall design of the development;
 - indistinguishable from market housing provided;
 - reflect the overall mix of property type and sizes; and
 - be phased to ensure that the delivery of the affordable units reflects the phasing of the scheme as a whole.
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This is effectively a development control policy relating to the provision of affordable housing. This policy does not promote any type, quantum or location of development. There are no impact pathways present. This policy can be screened out.

It can be concluded that there are no impact pathways linking policy within chapter 4 to any internationally designated sites. There is thus no mechanism for any impact in combination with other projects or plans.

Chapter 5: Implementation and monitoring

This chapter gives detail of pre-application planning advice, viability and the negotiation of contributions, the pooling of developer contributions, and legal agreements. There are no impact pathways linking to any internationally designated sites present within this chapter.

Conclusion

In conclusion, the Developer Contributions SPD for Knowsley essentially offers guidance on how to proceed with development with regards to the requirement of developer contributions.

There are no impact pathways present within the policies or chapters of this SPD that could result in likely significant effects upon any internationally designated sites either from the SPD itself, or in combination with other projects and plans.

Yours faithfully
for **AECOM Infrastructure & Environment UK Limited**

A handwritten signature in blue ink that reads "James Riley". The signature is written in a cursive style with a large, looping 'y' at the end.

Dr James Riley
Associate Director