

KNOWSLEY LOCAL PLAN: CORE STRATEGY

KNOWSLEY METROPOLITAN BOROUGH COUNCIL

HEARING STATEMENT 10

Matter 10 TRANSPORT AND RESOURCE MANAGEMENT

Issue: Whether the policies towards sustainable transport and resource management are justified and consistent with national policy.

Questions

Transport

10.1 Policy CS 7 includes various references to carbon emissions: clause 1 seeks to reduce carbon emissions; clause 2 requires new development to be “inclusive of emerging new technologies that will mitigate or minimise carbon emissions and improve air quality”; clause 3 supports the roll out of infrastructure for low carbon emission vehicles. How is it intended that these objectives will be implemented, particularly the clause 2 requirement of new development?

10.1.1 The references in policy CS7 to the reduction of carbon emissions will be delivered at a strategic level by managing patterns of growth in a way which will maximise the use and available choice of sustainable modes of travel. This accords with the NPPF and complements the overall development strategy of prioritising growth in existing urban areas in policies CS1 and CS2.

10.1.2 Consistent with the Knowsley Carbon Management Plan (PG40) the policy will: guide development to locations already well served by infrastructure such as the rail freight terminals in Knowsley Industrial Park and at Jaguar Land Rover in association with the Mersey Freight Strategy (PG24); help to improve local service provision in town centres to reduce the need to travel; and support port and freight activities associated with the Liverpool SuperPort (PG25).

10.1.3 Delivery is also likely to be assisted by the Merseyside Third Local Transport Plan (PG23), including existing capital programmes providing road safety initiatives and improvements to energy efficient public transport in association with the Liverpool City Region Low Emissions Strategy (PG27) and Knowsley Climate Change Strategy and Action Plan (PG41).

10.1.4 Improvements to the range of public transport options available to residents will also be delivered through the Knowsley Community Transport Framework (PG46). The provision of new walking and cycling routes will be assisted through funding streams such as the current Local Sustainable Transport Fund as part of the wider Green Infrastructure network.

- 10.1.5 Clause 2 of policy CS7 guides new developments towards appropriate locations, prioritising accessibility and ensuring that they help to deliver benefits to sustainable transport infrastructure at a local level. In line with the NPPF, the clause encourages use of Travel Plans and Transport Assessments. Where deficiencies exist, it requires developer contributions to address these. Further guidance is set out in the current "Ensuring a Choice of Travel" Supplementary Planning Document (PP09) with flexibility for future change to this provided by policy CS7 clause 5.
- 10.1.6 The reference in clause 2e to the delivery of emerging new technologies that will mitigate or minimise carbon emissions and improve air quality is intended to require developments to be capable of accommodating infrastructure for low carbon emissions vehicles and / or other technologies that may emerge during the plan period. Additional guidance is provided in the current "Ensuring a Choice of Travel" Supplementary Planning Document (PP09). This will help promote grant eligible infrastructure for low emission vehicles, such as domestic charge points and residential on-street charge points, through new development.
- 10.1.7 Notwithstanding the above, the Council is aware that there may be circumstances where all requirements for development may not be applicable, achievable or viable to implement. Therefore to ensure sufficient flexibility within clause 2e, the Council would consider the following modification:

Potential Main Modification*

Amend policy CS7 clause 2e to read:

"[...] e. Inclusive of new technologies where feasible that will mitigate or minimise carbon emissions and improve air quality; and [...]"

- 10.1.8 The development requirements will be supplemented by other initiatives to roll out low carbon infrastructure under policy CS7, clause 3g. The Council has recently secured funding from the Office for Low Emission Vehicles (OLEV) to install 6 electric vehicle chargers in Huyton, Kirkby, Halewood and Prescot which are expected to be available for use by members of the public from 2014. Neighbouring authorities also intend to install similar chargers, thereby creating a viable network across the Liverpool City Region. The Merseyside Transport Partnership also expects to adopt an Electric Vehicle Strategy for Liverpool City Region in 2014. This will set out how the use of plug-in-vehicles including cars, vans, scooters and vehicles will be increased for example by promotion to key potential user groups. The Council is also promoting to businesses the benefits of changing their current fleet vehicles to electric models, with one local taxi firm having currently licensed electric vehicles for private hire use.
- 10.1.9 Policy CS7 clause 3 identifies specific strategic infrastructure improvements which link to the delivery of clause 1 through delivery agencies such as Liverpool John Lennon Airport, Merseytravel and Network Rail. It should be

noted that in terms of clause 3c (as mentioned in response to question 6.4, Statement 6, and to be confirmed in December 2013), there may be changes to the status of Merseytram which would necessitate removal of the reference to this scheme in policy CS7, the supporting text and elsewhere in the KLPCS.

10.2 Is there sufficient recognition in policy CS 7 of the safeguarding requirements of Liverpool John Lennon airport?

10.2.1 The safeguarding requirements of Liverpool John Lennon Airport are covered by policy CS7 clause 2f, which aims to ensure that new development is consistent with the safeguarding arrangements that will secure the operational integrity and safety of the Airport. Policy CS7 clause 3a states that the Council will work with relevant partners to deliver schemes and infrastructure which support the future expansion of the Airport. Paragraph 5.86 of the KLPCS summarises the requirements for the Council with regard to specific Safeguarding Zones and their associated maps. This paragraph makes it clear that parts of Knowsley are subject to Safeguarding Zones. No Public Safety Zones have been designated in Knowsley.

10.2.2 To ensure that reference is continually made to the most up-to-date versions of the Safeguarding Zone maps, as issued by the Civil Aviation Authority, the Council's development management service will advise on the extent of these restrictions for each planning application. When preparing the Local Plan: Site Allocations and Development Policies (KLPSADP), the Council may produce a contemporary version of the Safeguarding Zones map to feature alongside other evidence for this part of the Local Plan. However, emphasis will need to be placed on the importance of ensuring that the most up-to-date maps are referred to.

10.2.3 Ensuring safeguarding of the Airport is also a key priority in the Merseyside Third Local Transport Plan (PG23) and the Council is a key supporter of the Liverpool John Lennon Airport Master Plan (PG22). Taking all of this information together, the Council considers that the safeguarding requirements for the Airport have been given due consideration.

Flood Risk

10.3 Is the approach to flood risk in policy CS 24 justified by the evidence and consistent with national policy?

10.3.1 Policy CS24 is consistent with the NPPF (paragraph 100-104 (PG01)) and associated Technical Guidance (PG01a). For example, clause 2 of the policy guides new development towards areas with the lowest probability of flooding by ensuring that the sequential and exception tests are applied where appropriate. Clause 4 of policy CS24 requires new development to include flood mitigation measures to manage any flood risk that would result from or affect the development.

10.3.2 The NPPF (paragraph 100) requires Local Plans to be supported by Strategic Flood Risk Assessments (SFRA). The Council has undertaken a Level 1 (EB14) and Level 2 SFRA (EB15) to evidence the approach within CS24.

10.3.3 The SFRA (EB15) has been used to inform the identification of sites and development capacity within the Housing and Employment Position Statements (SD22 and SD23). The evidence presented within the SFRAs will also be used to inform the identification of land allocations within the KLPSADP.

Minerals

10.4 Is the minerals evidence base sufficiently up-to-date to enable a robust assessment of future need and supply to be undertaken? Has a recent Local Aggregate Assessment been carried out to determine whether a steady and adequate supply currently exists?

10.4.1 The sources of evidence on minerals issues include:

- Evidence Base for Minerals Planning in Merseyside (LC05);
- The maps concerning coal resources published on the Coal Authority website;
- A draft Local Aggregates Assessment (LAA) (on which further detail is set out below);
- An actively maintained license for British Geological Survey Mineral Resources data;
- Representation on the Aggregate Working Party (AWP) and participation in its annual monitoring survey; and
- The history of previous planning permissions in the Borough.

10.4.2 The Council considers that these together constitute an adequate and proportionate level of evidence to enable future need and supply to be assessed.

10.4.3 Knowsley has only one active mineral extraction site (used for brick clay extraction) at Cronton Clay Pit. The level of commercial interest in mineral extraction in the Borough is extremely limited. The Coal Authority has identified that parts of Knowsley fall within an area with potential for future surface coal extraction. The area may also have future potential for shale gas and coal bed methane resources.

10.4.4 A draft LAA has been prepared for Knowsley jointly with the other unitary authorities making up the relevant aggregate apportionment sub-region (which covers Merseyside, Warrington and Greater Manchester). The draft LAA was submitted to the appropriate AWP in May 2013 along with those prepared by the other North West Mineral Planning Authorities. Since then a consultation process run by the AWP secretariat has been ongoing which is due to conclude with a meeting of the AWP in November 2013. Following conclusion of the consultation process the LAA will be completed, taking the advice of the AWP into account as required by paragraph 145 of the NPPF.

10.4.5 A copy of the draft LAA (dated May 2013) has been made available as document AD21. The draft LAA has identified that landbanks for crushed rock (15.9yrs) and sand and gravel (12.4yrs) in the sub-region are sufficient to satisfy policy requirements (10yrs and 7yrs respectively). The main findings for Knowsley are that:

- Knowsley has no active or dormant aggregate extraction sites and no resources of primary aggregate material;
- Knowsley is a net importer of aggregate material (as is the sub-region as a whole); and
- Knowsley's main means of contributing to the supply of aggregate is by promoting resource efficiency and the use of secondary and recycled materials.

10.5 Is the strategic approach to minerals in policy CS 25 consistent with national policy? How does the Council intend to “facilitate” a supply of minerals, and what consideration will be given to the maintenance of landbanks of mineral reserves? Should the policy include a reference to mineral resources “of local and national importance”? Is the reference to the economic importance of mineral deposits relevant and justified?

10.5.1 The KLPCS and other Local Plan documents will comply with national policy as set out below.

10.5.2 In accordance with paragraph 143 (bullet 2) of the NPPF, policy WM8 of the Merseyside and Halton Waste Local Plan (PP04) encourages the use of materials from recycled and secondary sources in construction projects. This matter is also referred to in principle 5 (clause d) of policy CS2 of the KLPCS.

10.5.3 In accordance with paragraph 143 (bullet 3) of the NPPF policy CS25 of the KLPCS aims to facilitate a supply of minerals. This will be done by designating Minerals Safeguarding Areas (MSAs) in relation to minerals resources of local or national importance. A criteria based policy will also be included in the proposed KLPSADP which will be used to assess any planning applications for minerals related development. "Saved" policies MW2 and MW3 of the Knowsley Replacement Unitary Development Plan (PP01) will continue to apply until this is adopted.

10.5.4 In defining MSAs the Council will consider all relevant evidence including:

- the potential brick clay MSA identified in Appendix 3, Map 7 of the Evidence Base for Minerals Planning in Merseyside (LC05); and
- the Coal Authority maps which show that surface coal exists under parts of the Borough including some existing built up areas. The Coal Authority maps are available on the website at <http://coal.decc.gov.uk/en/coal/cms/publications/data/map/map.aspx>. The Council is currently seeking agreement from the Coal Authority regarding the most appropriate format in which to make this information available for the hearings.

- 10.5.5 The Coal Authority has correctly identified that the NPPF does not identify "viability" as a factor in defining the extent of MSAs. The NPPF also states (in paragraph 143, bullet 3) that the designation of MSAs will not create a presumption that the minerals will be worked. This is an important point as parts of the coal resources identified by the Coal Authority extend into the "reserve" areas which are proposed in policy CS5 of the KLPCS to be released for much needed housing and/or employment development. These areas are being brought forward solely because special circumstances exist warranting their development and have therefore already satisfied a demanding test of "need". The Council's approach will allow prior extraction to be encouraged in these locations but only provided this is "practicable and environmentally feasible". This approach accords with paragraph 143 bullet point 5 of the NPPF.
- 10.5.6 The approach to these matters can appropriately be set out in further detail in the Local Plan: Site Allocations and Development Policies. This will be developed in close consultation with the Coal Authority and minerals extraction industry together with other stakeholders.
- 10.5.7 To bring the wording fully in to line with the NPPF the Council would be happy to consider the following modifications to policy CS25.

Potential Main Modification*

Amend policy CS25 clause 2 to read:

"Minerals Safeguarding Areas (MSAs) for mineral resources of national and local importance viable mineral deposits considered to be of current or future economic importance will be identified in the Local Plan: Site Allocations and Development Policies and shown on the Policies Proposals Map. The purpose of such MSAs will be to ensure that such resources are not needlessly sterilised by non-mineral development whilst not creating a presumption that resources defined will be worked"

- 10.5.8 The Council will assess the scope for landbanks to be maintained (as referred to in paragraph 145 bullets 5 and 6 of the NPPF) through the annual LAA described above in relation to question 10.4. Given the mainly urban nature of the Borough and its lack of aggregate resources (as evidenced in the draft LAA 2013 (AD21)) it is not considered likely that it will be necessary to allocate specific sites, preferred areas or areas of search for aggregate extraction.
- 10.6 The minerals evidence base (LC05) identifies a Minerals Safeguarding Area around the clay extraction operation at Cronton. Why doesn't clause 2 of policy CS 25 specifically propose the identification of this area in the Site Allocations and Development Policies plan?**

10.6.1 The identification of this potential MSA but not others at this stage could unnecessarily reduce the flexibility to deal with all MSAs (i.e. not just the brick clay resource at Cronton) in a comprehensive and consistent way as part of the KLPSADP process. There is no urgent need to flag the potential MSA in this area in the KLPCS. This approach will help consultees by allowing consultation on all proposed MSAs in a single stage alongside any site allocations for minerals extraction which are needed.

10.7 Is it appropriate to leave the identification of Minerals Safeguarding Areas to a later Local Plan when the KLPCS is proposing specific sites for development? Has there been any investigation to establish whether the sites considered for development are in potential Minerals Safeguarding Areas?

10.7.1 Although the MSAs have not been formally designated at present it is likely on the basis of current evidence that they will include some of the "reserve" locations which have been identified for release from the Green Belt for development in the KLPCS. The sites which are affected are set out in paragraphs 10.7.5 to 10.7.8 below.

10.7.2 The "reserve" locations proposed for removal from the Green Belt are being put forward because there is a proven exceptional need for housing and economic development which cannot be otherwise met except in other locations which are less suitable for example in terms of Green Belt policy or wider sustainability issues. Under the phasing mechanisms in policies CS3, CS4 and CS5 it is unlikely that development within these sites will need to be approved until after the MSAs have been designated in the KLPSADP. Whereas the KLPSADP is scheduled to be adopted by the end of 2015, the first dwellings on the sites to be released from the Green Belt are not due to be completed until 2020/21 according to the current housing trajectory in figure 5.1 of the KLPCS.

10.7.3 Within any of the "reserve" locations which are affected by a future MSA, it will be necessary (under NPPF paragraph 143 bullet 5) for prior extraction to be encouraged. However there will be no presumption that the minerals will be worked (see NPPF para 143, bullet 3) and prior extraction could only be required if it is "practicable and environmentally feasible". The Council would argue that in this context "practicable" should include an assessment of whether the minerals can be extracted without significantly delaying the delivery of development on the sites within the timescales required by the KLPCS.

10.7.4 For these reasons the Council does not consider that leaving the designation of MSAs until a later stage is inappropriate despite the fact that the MSAs could wholly or partly cover some of the locations for development already identified in the KLPCS.

10.7.5 The potential MSA around the brick clay resource at Cronton (see Appendix 3, map 7 of the Evidence Base for Minerals Planning in Merseyside (LC05)) includes a core area covered by the existing planning permission for the clay

extraction and a buffer area around the site. One of the reserve sites identified for release from the Green Belt to meet future employment needs (KGBS17 - "Cronton Colliery") covers part of the buffer area but does not extend into the core area covered by the existing consent. The Council is aware of no commercial interest e.g. from the operator of the current brick clay extraction site or any other operator to extend the clay extraction area across the A5080 into the area covered by KGBS17. The mixed employment/country park uses proposed for KGBS17 would also be compatible with the continued operation of the brick clay operation within its existing area to the south of the A5080.

10.7.6 The following "reserve" locations for removal from the Green Belt fall wholly or partly within the surface coal resource areas identified by the maps on the Coal Authority website (see paragraph 10.5.4 above):

- KGBS7 "Knowsley Lane, Huyton"
- KGBS8 "Land at A58, Prescott"
- KGBS10 "Carr Lane, Prescott"
- KGBS14 "South of Whiston"
- KGBS17 "Cronton Colliery (and land south of M62)"

10.7.7 In line with the approach set out above (including the potential modification to policy CS25 set out earlier in this statement) the Council would need to encourage prior extraction but only if this meets the environmental and feasibility requirements already covered.

10.7.8 The Council can also clarify that the joint Knowsley and Sefton Green Belt Study (EB08) did as part of its methodology of potential sites for Green Belt release include an assessment of whether the sites were in an MSA. However this assessment was carried out on the basis of existing allocated MSAs of which there are none in Knowsley. It was not considered practicable to give weight to whether sites were in a potential MSA as these had not been firmly established at that point. As there is no presumption that the minerals will be extracted (under paragraph 143 of the NPPF, bullet 3) the presence of a potential MSA could not have appropriately been regarded as a "prohibitive" constraint affecting site selection anyway.

*** Note regarding modifications**

The suggested potential modifications to the KLPCS set out in this statement are put forward to assist the consideration of this matter at the hearing sessions. These and any other potential modifications would need to be approved by the Council's Cabinet and undergo formal public consultation before being considered for inclusion in any version of the KLPCS which is finally adopted.