

Planning Obligation by Deed under Section 106 of the Town and Country Planning Act 1990

Relating to the application for the erection of 1 no. industrial unit (use classes B2 or B8) with ancillary office space including service yard, parking, sub-station and other associated works

on land to the north-east of the junction of Gale Road and Admin Road,
Knowsley Industrial Park, Kirkby, Knowsley

Planning Application 23/01197/FUL

Dated 8th April 2024

- (1) Knowsley Metropolitan Borough Council
- (2) Redsun Projects Limited
- (3) Redsun Projects 2.0 Limited

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EXECUTION OF DEED

DATE

8th April

2024

PARTIES

- (1) **KNOWSLEY METROPOLITAN BOROUGH COUNCIL** of Municipal Buildings Archway Road Huyton Knowsley Merseyside L36 9YU ("**Council**")
- (2) **REDSUN PROJECTS LIMITED** (Co. Reg. No. 10221015.) whose registered office is at 322 Cotton Exchange, Bixteth Street, Liverpool, L3 9QL ("**Applicant**")
- (3) **REDSUN PROJECTS 2.0 LIMITED** (Co. Reg. No. 14596812) whose registered office is at 322 Cotton Exchange, Bixteth Street, Liverpool, L3 9QL ("**Developer**")

INTRODUCTION

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated and is the freehold owner of the Site.
- 2 The Developer intends to develop the Site pursuant to the Planning Permission and has entered into an Agreement for Building Lease with the Council (as owner of the freehold) dated 10 May 2023 conditional on the grant of planning permission.
- 3 The Applicant submitted the Application to the Council.
- 4 The Developer intends to develop the Site and has agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 5 In accordance with the Council's Supplementary Planning Documents on Planning Contributions and Social Value the Developer covenants to perform the obligations set out in this deed and agrees that the planning obligations contained in this Deed are necessary to comply with the requirements of regulation 122 of the Community Infrastructure Regulations 2010 (as amended).

NOW THIS DEED WITNESSES as follows:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed unless the context otherwise requires the following expressions shall have the following meanings:

- 1.1 "**Act**" means the Town and Country Planning Act 1990
- 1.2 "**Application**" means the application for planning permission submitted to the Council for the Development and allocated reference number 23/01197/FUL
- 1.3 "**Committed**" means any amount which the Council has allocated for expenditure relevant to the purpose for which the sum was paid and such amount has been authorised by the relevant committee, or Council member or Council officer or has contracted to expend where such contract provides for payment contingent on the provision of works and/or services and/or supplies

- 1.4 **“Development”** means the erection of 1 No. industrial unit (use classes B2 or B8) with ancillary office space including service yard, parking, sub-station and other associated works
- 1.5 **“Plan”** means the plan at Annex 2
- 1.6 **“Planning Permission”** means the planning permission for the Development subject to conditions to be granted by the Council pursuant to the Application a draft of which is at Annex 1 to this Deed
- 1.7 **“Site”** means the property (including land and any buildings) against which this Deed may be enforced as shown edged red on the Plan and more particularly described in the First Schedule
- 1.8 **“Working Day”** means a day other than a Saturday or Sunday or public holiday in England or the period between 24 December and 2 January inclusive.

2 INTERPRETATION

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving through or under that party any title interest or estate in any part of the Site and in the case of the Council the successors to its relevant statutory functions.
- 2.7 The headings and contents list are for reference only and shall not affect construction.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Developer under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Applicant and the Developer.
- 3.3 The obligations in this Deed are conditional on the grant of Planning Permission.

4 THE APPLICANT'S AND THE DEVELOPER'S COVENANTS

- 4.1 The Developer and the Applicant covenant with the Council as set out in the Second Schedule.

5 THE COUNCIL'S COVENANTS

- 5.1 The Council covenants with the Applicant and the Developer as set out in the Third Schedule.

6 MISCELLANEOUS

- 6.1 The Developer shall pay to the Council on or before completion of this Deed
- 6.1.1. the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed; and
- 6.1.2 the sum of £286 in respect of the Council's administrative costs for registering the obligations contained in this Deed
- 6.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 6.3 This Deed shall be registrable as a local land charge by the Council and the Council shall record that the requirements of this Deed have been satisfied by the Developer.
- 6.4 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 6.5 No person shall be liable for any breach of any planning obligations or other provisions of this deed after parting with its entire interest in the Site or its interest in that part of the Site on which the breach occurs, but without prejudice to liability for any subsisting breach arising before parting with that interest
- 6.6 The obligations in this Deed will not be enforceable against any party acquiring an interest in the Site solely by way of registered legal charge or mortgage, unless that party takes possession of the Site, in which case they will be bound by obligations of this Deed as an owner, in relation to any parts of the Site over which it has a legal charge but not further or otherwise and provided that, at all times the rights and obligations in this clause shall not require any mortgagee or chargee to act contrary to its duties under the charge or mortgage and the Council must give full consideration to protecting the interests of the mortgagee or chargee in respect of monies outstanding under the charge or mortgage.
- 6.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 6.8 Nothing contained or implied in this Deed grants planning permission or other consent or shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions as a Local Authority and its rights powers duties and obligations under any statute byelaw or regulation may be as fully and effectually exercised as if the Council were not a party to this Deed.

- 6.9 Nothing contained or implied in this Deed shall prejudice affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 6.10 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party as detailed in this Deed or such other address notified in writing to the other party from time to time. Provided however that
- 6.10.1 any notices to be served upon the Applicant and/or the Developer shall be sent marked for the attention of Mr Nick Wightman, Director at Redsun Projects Ltd, 322 Cotton Exchange, Bixteth Street, Liverpool L3 9LQ; and
- 6.10.2 any notices to be served upon the Council shall be marked for the attention of the Council's Head of Planning
- 6.11 If the Council agrees pursuant to application under section 73 of the Act to any variation or release of any condition contained in the Planning Permission or if any condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission save where the Council in their determination of such an application for the new planning permission all the Secretary of State or inspector in their determination of such appeal indicate that consequential amendments are required to this deed to reflect the impact of the section 73 application and in such circumstances a separate deed pursuant to section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

7 DISPUTES

- 7.1 If any dispute arises out of this deed the dispute shall be referred to an arbitrator appointed jointly by the parties. If the parties cannot agree on the arbitrator's identity the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors. The arbitrator shall act in accordance with the Arbitration Act 1996 and the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction then equally).

8 JURISDICTION

- 8.1 This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

9 DELIVERY

- 9.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

The Site

The freehold land shown edged with red on the Plan being land to the north-east of the junction of Gale Road and Admin Road, Knowsley Industrial Park, Kirkby, Knowsley comprised within title registered at HM Land Registry under title numbers MS670249, MS192977 and MS652547

SECOND SCHEDULE

Developer's Covenants to the Council

Interpretation

1. In this Part 1 the following words and phrases shall have the meanings:
 - 1.1 **"Public Transport Contribution"** means the sum of £2,000 (two thousand pounds) payable to the Council as a contribution towards the cost of towards the costs of moving (including the provision of a new flag-type stop) a bus stop adjacent to the site on Gale Road to a new location on Gores Road, Knowsley Industrial Park..
 - 1.2 **"Social Value Strategy"** means a strategy for providing training programmes and delivering social value during construction and end use phases of the Development as required and described in the SPD and which has been
 - a) submitted by the Developer in support of the Application;
 - b) approved by the Council as part of the Planning Permission; and
 - c) annexed to this Deed
 - 1.3 **"Social Value Contribution"** means the sum of £6,118 (six thousand one hundred and eighteen pounds) to be used by the by the Council's approved partner organisation to support and monitor the provision of social value activity relevant to the Development in accordance with the approved Social Value Strategy. Social Value activity may include but shall not be limited to the provision of apprenticeships, local employment and trainee placements.
 - 1.4 **"SPD"** means the Council's adopted SPD "Adding Social Value to Development: Employment and Skills" September 2018
2. The Developer covenants with the Council to pay the Social Value Contribution and the Public Transport Contribution to the Council on completion of this Deed.

THIRD SCHEDULE

Council's Covenants to the Developer

The Council hereby covenants with the Developer:

- 1 To issue the Planning Permission promptly following completion of this Deed
- 2 To use all sums received from the Developer under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such per other purposes for the benefit of the Development as the Developer and Council shall agree
- 3 That it will pay to the Developer such amount of any payment made by the Developer to the Council under this Deed which has not been expended in accordance with the provisions of this Deed (and money shall be deemed to be expended if such sum has been Committed to be spent by the Council) within 15 (fifteen) years of the date of receipt by the Council of the payment such payments to be paid together with interest at Barclay's Bank PLC base rate from time to time for the period from the date of payment to the date of refund
- 4 That it will provide to the Developer such evidence as the Developer shall reasonably require in order to confirm the expenditure of the sums paid by the Developer under this Deed
- 5 That if the Planning Permission is quashed or revoked or otherwise withdrawn or ceases to have effect by operation of law or expires before the Development has commenced then the Council shall return to the Developer any payments made under the terms of this Agreement within 20 Working Days of receipt of a written request from the Developer.

ANNEX 1 The Draft Planning Permission



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

This application is subject to a Section 106 Agreement and needs to be read in conjunction with that Agreement.

PLANNING PERMISSION

Application No: 23/01197/FUL

Name and address of applicant

Redsun
C/o AEW Architects
Trinity Court
16 John Dalton Street
Manchester
M2 6HY

Name and address of agent

AEW Architects
Trinity Court
16 John Dalton Street
Manchester
M2 6HY

Date of Receipt: 5 June 2023

Date Valid: 4 October 2023

Address/Location Of Development:

**Land To The North East Of The Junction Of Gale Road And Admin Road,
Knowsley Industrial Park, Kirkby, Knowsley**

Description of Development:

**ERECTION OF 1 NO. INDUSTRIAL UNIT (USE CLASSES B2 OR B8) WITH
ANCILLARY OFFICE SPACE INCLUDING SERVICE YARD, PARKING, SUB
STATION AND OTHER ASSOCIATED WORKS**

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. Prior to the first occupation of the development a scheme for the design and layout of bus boarding kerbs and associated works for a replacement bus stop, for that being removed as part of the site access works, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before removal of the existing bus stop and prior to the development being first brought into use.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policy CS19 of the Core Strategy, adopted January 2016

4. The development shall not be brought into use until the areas indicated on Site Plan Drawing 12877-AEW-XX-SI-DR-A-0503 REV P6 identified for car, cycle and motorcycle parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

5. A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority. Prior to any further ground investigations taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority.

The assessment must also be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant):

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and
 - service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification

plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

F. Importation of Soil/Material

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006

6. Any gate or other form of barrier across the access shall be positioned at least 20 metres back from the nearside edge of the carriageway of Gale Road.

Reason: To permit vehicles to pull clear of the Highway when entering the site, in the interests of highway and pedestrian safety and to comply with Policy CS19 of the Core Strategy, adopted January 2016

7. No part of the development hereby permitted, including any works of demolition, shall be commenced until a Construction Management Plan that details the means of mitigation of construction effects has been submitted and agreed in writing by the Local Planning Authority. This shall include the following:

- a) Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- b) Methods for dust control and suppression.
- c) Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- d) The areas for the storage of plant and materials.
- e) A programme of works, including phasing
- f) Location of site compound, including any loading/unloading areas, turning areas for delivery vehicles and construction staff parking arrangements.
- g) Scheme for recycling/disposal of waste resulting from demolition and construction works
- h) Proposed hours of construction (the following is usually acceptable: 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays/Public Holidays).
- i) Details of relevant pest control measures that will be put in place during the construction phase.
- j) Methods that can be put in place quickly, should odour control be required. (There is potential for odour from the historic use of the site, particularly when ground excavations take place).
- k) The following Reasonable Avoidance Measures (RAMS)
 - Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas;
 - The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
 - Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.
 - A pre-commencement check for hedgehog;
 - All trenches and excavations should have a means of escape (e.g. a ramp);
 - Any exposed open pipe systems should be capped to prevent mammals gaining access; and
 - Appropriate storage of materials to ensure that mammals do not use them.
- l) A method statement to eradicate Rhododendron within the site boundary. The method statement should include the following:-
 - A plan showing the extent of the plant;
 - The method(s) that will be used to prevent the plant/s spreading further, including demarcation;
 - The method(s) of control that will be used, including details of post-control monitoring; and
 - How the plants will be disposed of after treatment/removal.

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers, and in the interests of biodiversity conservation and to comply with the National Planning Policy Framework; Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016; Policy WM9 of the Merseyside and Halton Joint Waste Local Plan 2013 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

8. No part of the development hereby permitted shall be occupied prior to implementation of the Framework Travel Plan listed within the approved documents pertaining to this application. During the first year of occupation an approved Full Travel Plan based on the Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment and to ensure compliance with Saved Policy T9 in the Knowsley Replacement Unitary Development Plan (adopted June 2006).

9. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window in residential properties in , Acornfield Close, Spinney Road, Spinney Close or Spinney View .

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

10. The development hereby permitted shall not be occupied until details of bird and bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016

11. The approved landscaping scheme ref 4141 201 REV G received 07.02.2024 shall be implemented and completed prior to the occupation of the building hereby permitted or within the next planting season following the first occupation of the building. The landscaping shall be maintained and managed in accordance with the approved landscaping scheme and the approved Landscape Management Plan ref 4141 501 received 19.01.2024 at all times thereafter.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next

planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

12. Prior to the commencement of any works to the roof of building a scheme for the installation of Photovoltaic Panels to the roof of the building as set out in the Ene Low Zero Carbon Report November 2022 ref 5835-KGA-XX-XX-RP-ME-0001 shall be submitted to and approved in writing by the Local Planning Authority. The Photovoltaic panels shall be installed in accordance with the approved scheme prior to the first use of the building.

Reason : To ensure the provision of low carbon/ renewable energy to ensure compliance with Policy CS22 in the Knowsley Local Plan Core Strategy (January 2016).

13. Development shall not commence until a detailed SUDS based drainage scheme based on the principles of the SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority (LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the proposed surface water drainage based on site characteristics. The drainage works shall be implemented in accordance with the approved scheme before the development is brought into use.

Reason: To ensure a satisfactory drainage system is provided to serve the site in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

14. A Management and Maintenance Plan for the finalised drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a management company.
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
- Details for planned maintenance and a mechanism for remedial and urgent repair works.
- Means of access for inspection and maintenance purposes.
- The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

15. At least five days written notice shall be given to the Local Planning Authority of the intention to commence development. The protective fencing referred to in the submitted arboricultural method statement ref 80-660-R3-1 received 26.01.2024 shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place until the development is complete.

No storage of plant or material (including soil), works (including movement of soil, changes in ground level, vehicular movements, siting of temporary buildings or other works), lighting of fires or tipping of liquids shall take place within the protective fencing thereby defined for the duration of the development works.

Reason: To protect existing trees within the site in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
26/01/2024	80-660-R3-1	-	AMENDED ARBORICULTURAL IMPACT ASSESSMENT
18/12/2023	5835-KGA-XX-XX-DR-E-0300-R3	-	AMENDED EXTERNAL LIGHTING LAYOUT
18/12/2023	46169I	-	AMENDED EXTERNAL LIGHTING LEVELS
07/02/2024	201	G	LANDSCAPE MANAGEMENT PLAN
05/06/2023	50-611-R1-1	-	NOISE IMPACT ASSESSMENT
07/02/2024	201	REV G	PROPOSED SOFT LANDSCAPING PLAN
05/06/2023	5835-KGA-XX-XX-RP-ME-0001 - LCZ Report	-	ENE04 LOW ZERO CARBON REPORT
05/06/2023	12877-AEW-XX-SI-DR-A-0500	REV P1	LOCATION PLAN
10/01/2024	12877-AEW-XX-SI-DR-A-0503	REV P7	AMENDED PROPOSED SITE PLAN
13/09/2023	12877-AEW-ZZ-SI-DR-A-0504	REV P3	PROPOSED SITE SECTIONS
05/06/2023	12877-AEW-XX-SI-DR-A-0506	REV P2	BOUNDARY TREATMENT PLAN
05/06/2023	12877-AEW-XX-SI-DR-A-0507	REV P2	EXTERNAL FINISHES PLAN
05/06/2023	12877-AEW-XX-XX-DR-A-0508	REV P3	CYCLE SHELTER DETAILS
05/06/2023	12877-AEW-XX-XX-DR-A-0509	REV P1	REFUSE STORE DETAILS
05/06/2023	12877-AEW-XX-XX-SH-A-	-	SCHEDULE OF BUILDING ENVELOPE FINISHES AND

	0550_P1		COLOURS
05/06/2023	12877-AEW-XX-ZZ-DR-A-0515	REV P03	PROPOSED ELEVATIONS (PLANNING)
05/06/2023	12877-AEW-XX-ZZ-DR-A-0511	REV P03	GA FLOOR PLANS
05/06/2023	12877-AEW-XX-ZZ-DR-A-0512	REV P05	ROOF PLAN
05/06/2023	12877-AEW-XX-XX-DR-A-0514	REV P04	PROPOSED SECTIONS
05/06/2023	16740	-	SOCIAL VALUE STRATEGY
13/09/2023	-	-	TRANSPORT ASSESSMENT

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

T9 - Travel Plans

DQ4 - Trees and Development

ENV2 - Noise and Vibration

ENV3 - Light Pollution

ENV5 - Contaminated Land

National Planning Policy Framework

T9 - Travel Plans

ENV2 - Noise and Vibration

ENV3 - Light Pollution

ENV5 - Contaminated Land

DQ4 - Trees and Development

CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks

National Planning Policy Framework

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS4 - Economy and Employment

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS24 - Managing Flood Risk

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

EC3 - Primarily Industrial Areas

T8 - Transport Assessments

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (Mark Quinn on 0151 443 2381)

ARTICLE 35 STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning

permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

Informative

1. It is noted that part of the site crosses the adopted highway, and this will need to be stopped up before any development takes place over that land. The applicant must make themselves aware of their legal responsibilities in this area. The process to stop up adopted highway can begin during the planning application process (although formal confirmation is not possible until a planning permission is received) in order to minimise the time required post consent before physical works can commence over said land.
2. No development shall take place across the public highway that exists over part of the land before formal action has been finalised to extinguish the public highway to the satisfaction of the Council as Local Planning Authority. The applicant is advised to contact the National Transport Casework Team on 0191 203 4262 / 0191 203 4272 or by email: nationalcasework@dft.gsi.gov.uk Further guidance can be found at: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at SiteDevelopment@knowsley.gov.uk to discuss the matter further

3. No vegetation management is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all vegetation is to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.
4. The applicant, their advisers and contractors should be made aware that in the unlikely event any European Protected Species are found (such as bats or great crested newt), then as a legal requirement, work must cease and advice must be sought from an ecologist.
5. KMBC Street Lighting Column 006 - Gale Road is located in the middle of the new entrance and will need a full S278 design to be relocated. Relocating the column would require the lighting levels for this stretch of road to be assessed. If the spacings between the columns was too great then we may have to move existing or install additional units to ensure that the correct light levels are maintained on the highway and into the entrance of the site. These works would have to be undertaken at the developers expense.
6. In relation to Condition 13 In the preparation of surface water and drainage strategy, detailed design drawings, calculations and supporting information the following elements must be considered and included within the submission.
 - (i) The proposed drainage design assumes that the infiltration rate would not be sufficient to consider infiltrating-based SuDS systems. To assess the feasibility/infeasibility of infiltration techniques, evidence must be provided to show that a suitable number of soakaway tests have been completed across the whole site within different geology and to a suitable depth (i.e. a similar depth to the proposed infiltration devices). The tests should be completed according to the BRE 365 method and their results should be submitted with the full application.
 - (ii) The discharge rate from the developed site should not exceed 4.8 lit/s for all rainfall events including the 1 in 100 years plus 30% climate change event.
 - (iii) The developer is advised that they will need to consult United Utilities to obtain agreement for building over, easement width, or diversion of the public water asset.
 - (iv) Water quality should be taken into account as part of the proposed drainage design. It will be required to demonstrate that adequate water quality of the off-site surface water flows (draining into a sewer, watercourse and ground) in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved. From the development description it is not clear that whether or the proposed development include an individual yard or a parking area with heavy vehicles traffics. If this is the case, water quality risk to groundwater should be assessed (screening risk) and mitigation measures to be adopted to ensure that risk to groundwater are effectively managed (see Table 26.1 and Sections 26.7.1 and 26.7.2 of the SUDS Manual).
 - (v) A clarification will be required about the way the existing car park at the south of the site will be drained after development. It appears that the existing drainage system on the car park will be retained; however, no information of this system; its condition and how the system will interact with the proposed drainage system for the whole site has been provided.
 - (vi) Technical details and information of the attenuation and discharge rate control devices will be required.
 - (vii) An updated Surface Water Drainage Proforma will be required.
 - (viii) A timetable for implementation of the drainage works will be required.

The logo for Dubai, featuring a stylized falcon in flight above the word "Dubai" in a cursive script.

Executive Director - Regeneration and Economic Development

Date: 6 March 2024

DRAFT

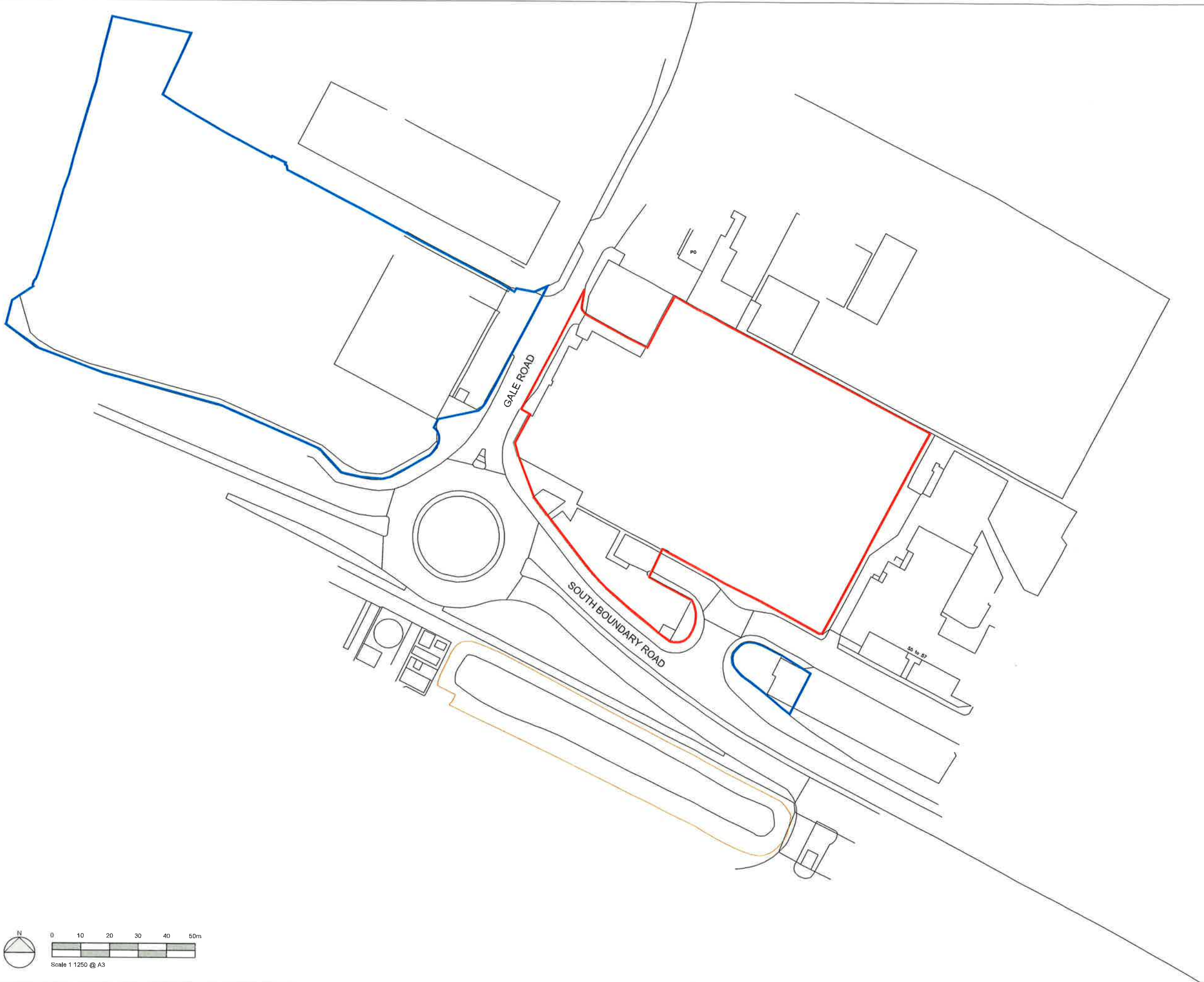
IMPORTANT NOTES FOR YOUR ATTENTION:

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.
2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.
3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.
4. A fee is normally payable to discharge planning conditions in accordance with government regulations.
5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.
6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

ANNEX 2 The Plan



NOTES AEWTP029C

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- This drawing shall not be scaled to ascertain any dimensions. Work to fixed dimensions only.
- This drawing shall not be reproduced without express written permission from AEW.
- Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CDM 2015

Client notified of duties 18/08/22
Principal Designer: AEW Architects
Unless noted below, all known hazards have been highlighted on the drawing.

- KEY
- Applicant control / ownership boundary
 - Application red line boundary

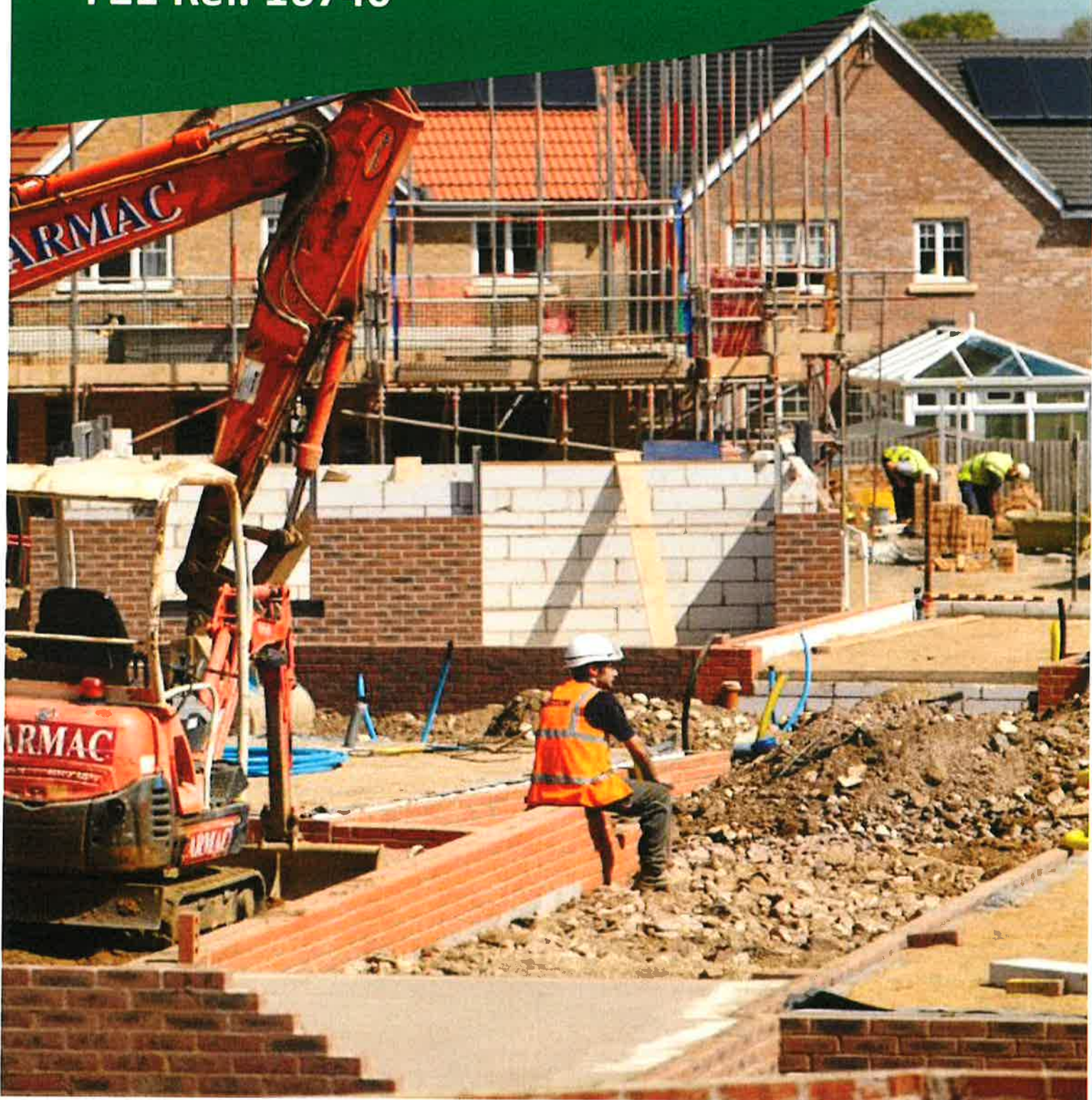
AW
MB

PI1	15/11/22	ES	DOH
Planning Issue			
REV	Date	Drawn by -	Checked by -
S2		For Approval	
Drawing stage RIBA Stage 3 Spatial Coordination			
client Redsun Projects Ltd			
project South Boundary Road, Knowsley			
drawing title Location Plan			
date	14/10/22	drawn	CM
scale@A3	1:1250	checked	DOH

ANNEX 3

The Approved Social Value Strategy

**Social Value Strategy
East Hub, Admin Road
Knowsley
F21 Ref. 16740**



Contents

- 1. Introduction**
- 2. Background and Context;**
 - 2.1 National Planning Policy**
 - 2.2 Knowsley Planning Policy**
 - 2.3 Knowsley 2030**
- 3. Social Value Delivery and Monitoring;**
 - 3.1 Social Value target**
 - 3.2 Social Value Delivery Options**
 - 3.3 Social Value Monitoring**



1. Introduction

It is a planning condition that Red Sun Projects submit a Social Value Strategy for their development at Admin Road, Knowsley. On approval of this Strategy by Knowsley Borough Council (KMBC), it will form a compliance document and will be implemented by Red Sun Projects, supported by a site-specific Social Value Delivery Plan which Fusion21 will develop with the developer and/or main contractor once appointed. Fusion21 have been engaged by KMBC to support the delivery of this Strategy.

A section 106 agreement or unilateral undertaking is intended by KMBC to secure provision of social value strategies by way of a commuted sum contribution towards specified social value projects provided by the Council's approved partner(s). In either case, the SPD notes that a commuted sum may also be sought towards the costs of preparing and monitoring the Social Value Strategies [paragraph 5.4].



2.1 Planning Policy Context - National Policy Context - National Planning Policy Framework (February 2019)

The overarching aim of the revised 2019 National Planning Policy Framework is to proactively deliver sustainable development to support the Government's economic growth objectives and deliver the development the country needs. Paragraph 8 sets out the three overarching objectives for the planning system to achieve sustainable development, one of which is:

"A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being"

Paragraph 9 further states that:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."

Paragraph 38 also states that:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area."

2.2 Local Policy Context – Knowsley ‘Adding Social Value to Development Supplementary Planning Document’

The ‘Knowsley: Adding Social Value to Development: Employment and Skills SPD’ was adopted by KMBC in September 2018. The SPD is driven by the Council’s aspiration to see additional benefits (known as social value) incorporated into its housing and other development opportunities. Social value is identified as the additional economic, social and environmental benefits that can be created as part of a development. The requirement for applicants for major developments to agree to a Social Value Strategy is intended by KMBC to ensure developers make a positive contribution to the local area during the construction phase of a development.

The SPD provides guidance on how the Council will implement the requirements of the SPD, by requesting that developers in the Borough prepare and implement a Social Value Strategy in a case where their scheme meets or exceeds the designated threshold. It outlines the process for creating Social Value Strategies and identifies the kind of social value outcomes which could be expected from new major development; such strategies will commit to maximising the employment and training of local people during the construction phase and in the completed development, helping to develop the resident workforce skills, and there will be a route to employment for local people [paragraph 1.4].

The SPD stipulates that KMBC would like to see a Social Value Strategy commit to as many of the following measures as is practicably achievable:

- Provision of apprenticeships for Knowsley residents aged under 25, which can be from the construction or end use phases, or a combination of the two;
- Provision of employment opportunities, particularly those which have appropriate support to make them suitable for long-term unemployed Knowsley residents (i.e. those who have been out of work for at least two years);
- Provision to notify the Council or any other agency nominated by the Council, of job vacancies arising from both the construction and end use occupation; and
- Provision for delivery of bespoke pre-employment and skills training for Knowsley residents that will provide them with the skills to access the jobs that are being created.

2.3 Knowsley 2030

Throughout 2019, the organisations that make up the Knowsley Better Together Partnership worked closely with local residents, businesses, community groups and others to develop a long-term strategy for Knowsley.

Knowsley 2030 outlines a series of shared aims for the future. The aspiration is that by 2030, Knowsley will be:-

- ❖ A place with welcoming, vibrant, well-connected neighbourhoods and town centres;
- ❖ A place with a thriving, inclusive economy, with opportunities for people and business;
- ❖ A place where people are active and healthy, and have access to the support they need;
- ❖ A place where people of all ages are confident and can achieve their full potential; and,
- ❖ A place where strong and safe communities can shape their future.

This Social Value Strategy has been designed to help realise the ambitions set out in the Knowsley 2030 strategy.



3.1 Social Value Target

The S106 Agreement for the Admin Road development will set out a minimum number of social value weeks which must be delivered during the construction phase of the project. For this development the target is;

33 Social Value weeks.

The method for calculating the target number of Social Value weeks is driven by an industry approved model for addressing construction skills shortages in the local area. The Knowsley model applies regionally specific data published by CITB Construction Skills Network Data.

The Knowsley Social Value weeks forecasting tool is aligned to planning class uses and reflects the standard industry measurement of labour as 'labour weeks' based on typical construction output. This approach ensures that targets are relevant to specific developments and reflect the business needs of Applicants/Developers/Contractors and their supply chains so opportunities created are proportionate and sustainable.

The activities outlined in section 3.2 provide an overview of how the social value target can be achieved during the construction phase of the project. All social value activity on site will contribute to the social value target including employment of Knowsley residents, work in local schools and colleges etc.



3.2 Social Value Delivery Options

The table below provides an overview of the types of activities that can be delivered during the construction phase of the Admin Road development to satisfy the Social Value weeks target. Fusion21 will support delivery of these activities using their network of local partners. This list is indicative only and will be underpinned by a Social Value Delivery Plan which Fusion21 will create in partnership with Gener8, Knowsley Council and other local partners.

Knowsley 2030	Activity Profile and Measures
A place with welcoming, vibrant, well-connected neighbourhoods and town centres	- Place communities at the heart of new developments by ensuring that any opportunities generated during the construction phase of the project benefit local people (see individual measure below) - Local people given an opportunity to design artwork for the site hoarding (No. of people involved)
A place with a thriving, inclusive economy, with opportunities for people and business	- Meet the buyer events to engage Knowsley businesses (No. of Events and No. of local participants) - Business mentoring for Knowsley businesses (No. of businesses supported) - Subcontracting opportunities awarded to Knowsley businesses (No. of subcontracting packages awarded and value of packages)

3.2 Social Value Delivery Options continued

A place where people of all ages are confident and can achieve their full potential	• Employment opportunities created for Knowsley residents (No. of weeks) • Apprenticeship opportunities created for Knowsley residents (No. of weeks) • Careers Events to engage Knowsley Young People (virtual and in-person) (No. of Events and No. of beneficiaries) • Mentoring Opportunities provided for Knowsley residents (No. of opportunities and No. of beneficiaries) • Site Visits for Knowsley Young People (No. of visits and No. of beneficiaries) • Work experience opportunities for Knowsley Young People (No. of weeks and No. of beneficiaries) • Knowsley T-Level students supported to access long-term work experience opportunities (No. of weeks and No. of beneficiaries) • Support for individuals taking part in Sector-Based-Work-Academy Programmes by offering site placements as part of their training (No. of individuals supported and No. of days/weeks spent on site)
A place where strong and safe communities can shape their future	• Support for local VCSE businesses/groups by donating time/materials/equipment (No. of volunteer days and £ value of donation) • Knowledge share with local VCSE groups/mentoring (No. of volunteer hours/days)

3.3 Monitoring and Reporting Social Value Outcomes

A key element of the delivery of this Social Value strategy is successful monitoring and reporting outcomes. Fusion21 will lead on this area of work on behalf of KMBC. Fusion21 has a dedicated member of staff who will assume overall responsibility for monitoring and reporting outcomes. This will be undertaken in conjunction with the developer/main contractor who will provide Fusion21 with the necessary information to allow full monitoring of outcomes during the construction phase of the project.

Fusion21 will provide monitoring reports on an agreed basis detailing all outcomes delivered to date using the measured identified above. A final report will be submitted at the end of the project. This final report will include overall performance against the social value target, data confirming how the target has been achieved and case studies/narrative/images bringing the outcomes to life. A signed final report will be submitted to KMBC to satisfy the S106 planning obligation. On acceptance of the final report, KMBC will formally discharge the condition in writing.



0845 308 2321



fusion21.co.uk



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[@fusion21SocEnt](https://twitter.com/fusion21SocEnt)

FUSION21

EXECUTION

THE COMMON SEAL of
KNOWSLEY METROPOLITAN BOROUGH
COUNCIL was hereunto affixed in the presence of:

N.

Auth
Seal
Auth

10/11/2022

Position: **SOLICITOR** .



EXECUTED as a DEED by
REDSUN PROJECTS LIMITED
acting by Director



Direct

In the presence of:

Witness Signature: 

Name: Thomas Boston

Address:

.....
.....
.....

322 Cotton Exchange
Bixteth Street
Liverpool
L3 9LQ

EXECUTED as a DEED by
REDSUN PROJECTS 2.0 LIMITED
acting by Director



Director

In the presence of:

Witness Signature: 

Name: Thomas Boston

Address:

.....
.....
.....

322 Cotton Exchange
Bixteth Street
Liverpool
L3 9LQ