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Report on Knutsford Neighbourhood Plan 2010 - 2030

An Examination undertaken for Cheshire East Council with the support of the Knutsford Town Council on the Regulation 15 submission version of the Plan dated October 2018.

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Date of Report: 18 January 2019

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Main Findings - Executive Summary

From my examination of the Knutsford Neighbourhood Plan (the Plan/KNP) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Knutsford Town Council;
- The Plan has been prepared for an area properly designated – the whole of the Parish of Knutsford as shown on page 11 of the submitted Plan, together with an adjacent area of the Parish of Tabley;
- The Plan specifies the period in which it is to take effect: 2010 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Knutsford Neighbourhood Plan 2010 - 2030

- 1.1 Knutsford, with a parish population of 13,191¹, is a historic market town in northern Cheshire about 12 km south west of Wilmslow, 20 km north west of Macclesfield and 13 km north east of Northwich. Set in very attractive countryside, the town has good road and rail connections with Greater Manchester and Manchester Airport.
- 1.2 The process to commence preparation of the KNP began in 2014 with a public meeting and the subsequent formation of eight Working Groups. A residents' questionnaire was circulated to every household. Community and business groups were also contacted. The Knutsford Town Council (KTC) and Cheshire East Council (CEC) have worked closely together to aim for no conflict between the KNP and the adopted Cheshire East Local Plan Strategy (CELPS) and the emerging Sites and Allocations

¹ 2011 Census (the 2016 mid-year estimate is 13,300).

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Development Plan Document (SADPD). The KNP now represents over four years' work by those involved.

- 1.3 The vision for Key Services Centres in the CELPS is that they will see growth, with high quality homes and business premises provided, where smaller independent traders and tourism initiatives will continue to thrive and where all development will contribute to creating a strong sense of place.
- 1.4 The vision for Knutsford, which has evolved through the Plan process, has been adapted from one presented in the 2010 Knutsford Town Plan and indicates that the KNP should: ensure that the Town thrives economically and socially as a historic market town; protect and enhance the Town's character, variety of buildings and natural environment; support the delivery of the facilities and infrastructure the Town needs; and maintain Knutsford's strong sense of community as it grows, allowing it to remain an attractive, healthy and safe place to live, work and visit.
- 1.5 Nine objectives for the KNP seek to address specific aspects of the vision as well as issues identified by the community in consultation events. The objectives are on the topics of: Community and Education Infrastructure; Healthy Living and Wellbeing; Sport and Leisure; Environment and Green Infrastructure; Heritage; Housing; Future Prosperity and Employment; Traffic, Transport and Movement and; Town Centre. KNP policies were developed to deliver those objectives.

The Independent Examiner

- 1.6 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Knutsford Neighbourhood Plan by CEC, with the agreement of the KTC.
- 1.7 I am a chartered town planner and former government Planning Inspector with previous experience of examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.8 As the independent examiner, I am required to produce this report and recommend either:
 - (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.9 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.10 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.11 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the KNP must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;

- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.12 Regulation 32 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017².

2. Approach to the Examination

Planning Policy Context

- 2.1 The development plan for this part of CEC, not including documents relating to excluded minerals and waste development, is the CELPS adopted in July 2017 and the saved policies of the Macclesfield Borough Local Plan (MBLP) 2004. The Proposals Maps from the MBLP and other Local Plans in East Cheshire are saved for the purposes of determining planning applications.
- 2.2 The emerging SADPD will include detailed development management policies and an adopted Policies Map, which will replace the saved policies from the MBLP. The First Draft SADPD was published for consultation from 11 September until 22 October 2018.
- 2.3 I shall make reference to the emerging policies of the SADPD in this report, having regard to paragraph 184 of the National Planning Policy Framework (NPPF)³, which states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. To facilitate this, local planning authorities should ensure that an up-to-date local plan is in place as quickly as possible. PPG Reference ID 41-009-20160211 advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan. In this context, I shall have regard to the emerging SADPD in addition to assessing whether the KNP is in general conformity with the saved policies from the 2004 adopted MBLP.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

³ The NPPF 2012: see paragraph 2.4 below.

2.4 The planning policy for England is set out principally in the NPPF. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 24 July 2018, replacing the previous NPPF 2012. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the NPPF 2018, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The KNP was submitted to CEC in October 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

Submitted Documents

2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the Knutsford Neighbourhood Plan 2010 – 2030;
- the map on page 11 of the Plan which identifies the area to which the proposed NP relates;
- the Consultation Report, October 2018;
- the Basic Conditions Statement (undated);
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) Screening Report prepared by CEC, March 2017; and
- the requests for additional clarification sought in my letter of 7 December 2018 and the responses on 13, 17 and 19 December provided by the Town and Cheshire East Councils, which are available on the Town Council website⁴.

Site Visit

2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 5 December 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a

⁴ View at: <https://www.knutsfordtowncouncil.gov.uk/services/neighbourhood-plan>
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referendum. As noted in paragraph 2.5 above, KTC and CEC helpfully answered in writing the questions which I put to them in my letter of 7 December. No requests for a hearing were received.

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The KNP has been prepared and submitted for examination by KTC, which is a qualifying body. It extends over the whole of the Knutsford Parish which constitutes the area of the Plan designated by CEC on 2 March 2015. In addition, with the agreement of the Tabley Parish Council on 13 November 2017, the Plan area was re-designated by CEC on 26 March 2018 to include a small piece of adjoining land in the Parish of Tabley.
- 3.2 It is the only neighbourhood plan for Knutsford Parish and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period during which it has effect, which is between 2010 and 2030. These dates align with the plan period for the CELPS, which is also 2010 – 2030. The Localism Act 2011 ('the 2011 Act'), which forms the statutory basis for neighbourhood plans (by principally amending the 1990 and 2004 Acts), postdates the KNP start date. I have considered whether this backdating of the KNP to 2010, predating the 2011 Act, gives rise to a substantive issue. It is common practice to backdate a plan period to reflect the base date for a plan and its evidence base, so it is essentially the statistical period on which the plan is founded. Similarly, a neighbourhood plan comes into force only once it has been approved at referendum. It is only on, and from, the referendum date that the neighbourhood plan forms part of the development plan for the area⁵: it does not apply retrospectively. No concerns have been raised in this regard by representors or CEC. Accordingly, taking these considerations into account, I consider the (notional) Plan period start date is not a substantive issue and is appropriately aligned with the CELPS.

⁵ See section 38(3A) of the 2004 Act. In addition, once a neighbourhood plan is approved at referendum, it must then be made by the local planning authority within 8 weeks of that referendum (Regulation 18A(1) of the 2012 Regulations).

Neighbourhood Plan Preparation and Consultation

- 3.4 The comprehensive Consultation Report dated October 2018 and the third chapter of the KNP indicates that the Town Council first considered producing a neighbourhood plan in 2014. In 2015, the Town Council created several working groups made up of resident volunteers and town councillors. Appendix 3 of the Consultation Report lists the working groups and the meetings held with various parties.
- 3.5 In summer 2016, a questionnaire developed by the Neighbourhood Plan Committee was circulated to all households in Knutsford and was available online. Nearly 750 questionnaires were completed. The questionnaire was divided into nine themes. The results were subject to age gap and location analyses⁶.
- 3.6 An Emerging Policies Document (EPD) was developed from the results of the questionnaire and the feedback from consultation with the interest groups and various individuals. The EPD was itself the subject of widespread consultation for six weeks (later extended to eight weeks) in which every household was sent a summary copy and a feedback form on which opinions could be entered. A full copy of the EPD was accessible online and a hard copy was available at six venues in Knutsford. In addition, manned EPD information boards were displayed at seven events in November and December 2017. Just over 600 responses were received to the EPD consultation which was also subjected to age gap and location analyses⁷.
- 3.7 The formal consultation on the Draft KNP under Regulation 14 of the 2012 Regulations took place over a period of six weeks between 21 May and 2 July 2018, during which residents could respond by post or email. Three drop-in sessions and three themed workshops were held. Sixty-nine local residents, businesses and other organisations responded to the consultation. The Draft KNP was then submitted to CEC on 12 October 2018 and was subject to consultation under Regulation 16 until 23 November 2018. Twenty representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the KNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

⁶ Consultation Report: Appendices 1 and 2.

⁷ Consultation Report: Appendices 6 and 7.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 The Basic Conditions Statement comments that the preparation of the KNP has been positively prepared to ensure none of the policies infringe on any human rights from the Human Rights Act 1998. CEC states in the Regulation 16 consultation response that it is satisfied that the KNP does not breach, and is compatible with, EU Obligations and Convention rights (within the meaning of the Human Rights Act 1998). I have considered the matter independently and I have found no reason to disagree with that position.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The KNP was screened for SEA by CEC, the report of which was submitted with the Plan in accordance with the legal requirement under Regulation 15(e)(i) of the 2012 Regulations. The Council found that it was unnecessary to undertake SEA. Neither Historic England (HE), Natural England (NE) nor the Environment Agency (EA), when consulted, disagreed with that assessment. Having read the SEA Screening Opinion, and considered the matter independently, I agree with that conclusion.
- 4.2 The KNP was further screened by CEC for Habitats Regulations Assessment (HRA), which concluded that there were no habitats or circumstances which would trigger HRA. NE commented that, on the basis of the information provided, the Plan will not have any significant effects on sensitive sites that it has a duty to protect⁸. NE had no further comments in its Regulation 16 consultation response⁹. Based on my independent consideration on the information provided and noting that the KNP does not include site allocations for development, I support the above conclusions.

Main Issues

- 4.3 Following the consideration of whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions; particularly the regard it

⁸ Letter dated 18 January 2018.

⁹ Letter dated 22 October 2018.

pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.

- 4.4 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. The KNP should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence¹⁰.
- 4.5 Accordingly, having regard to the KNP, the consultation responses, written evidence¹¹ and the site visit, I consider that the main issues for this examination are whether the KNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues on the basis of grouping the topics which have been identified in the KNP into: (a) design; (b) housing and employment; (c) community facilities and infrastructure; (d) environment and heritage assets; and (e) the town centre, traffic, transport and movement.

Topic (a): Design (Policies D1, D2, D3 and D4)

- 4.6 I begin with design because it is a recurring theme throughout the Plan. Indeed, reference is made to the Knutsford Design Guide in 17 of the 40 policies in the Plan. One of the core principles in the NPPF is that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This principle is emphasised later in the NPPF where it is stated that the Government attaches great importance to the design of the built environment. Policy SE 1 of the CELPS continues the requirement for achieving good design in development proposals. Therefore, the repeated reference to high quality design in the KNP is quite appropriate and has regard to national guidance and is in general conformity with strategic local policies.
- 4.7 Government advice is that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people¹². The Knutsford Design Guide, introduced in KNP Policy D1, is a valuable tool in the effective

¹⁰ PPG Reference ID: 41-041-20140306.

¹¹ The other evidence includes my letter of 7 December 2018 to the Knutsford Town and Cheshire East Councils seeking clarification and the replies of 13, 17 and 19 December 2018.

¹² NPPF: paragraph 56.

management of development, with the objective of ensuring, so far as is possible, that development which requires planning permission is well designed. This is encouraged in the NPPF¹³. As foreshadowed in the CELPS, CEC has prepared a Residential Design Guide and adopted it as a Supplementary Planning Document (SPD) in May 2017. In response to one of my examination questions, the Town Council helpfully explained how the two design guides would interact and, having read both, I foresee no apparent conflict.

- 4.8 Policy D1 states that the guide is not intended to stifle innovation. There may be elements in the Knutsford Design Guide with which prospective developers might disagree, in which case, the policy enables variations which are justified. Therefore, in addition to having regard to national guidance, Policy D1 generally conforms with CELPS Policy SE 1 Design.
- 4.9 Occasionally, KNP policies include references to the need to comply with the Knutsford Design Guide. The Knutsford Design Guide has not been the subject of the rigour of an independent examination and is not part of the development plan. Therefore, CEC, the local planning authority, will determine planning applications on the basis of the development plan treating the Knutsford Design Guide, together with the CEC Residential Design Guide, where appropriate, as a material consideration. Policy D1 makes an allowance for justified variations to the Knutsford Design Guide. Policy HE1 states that proposals should "take account of..." the Knutsford Design Guide. Other policies are equally considerate, although phrased slightly differently. Policies ER1, ER4, ER5 and TC3 show no such flexibility. However, as is clear from the interpretation of the NPPF, the Plan should be read as a whole. Therefore, the explicit flexibility in Policy D1 would also apply to those policies which, by use of the phrase "... must comply with...", or similar words, will apply and so I do not consider that I should recommend modifications.
- 4.10 KNP Policies D2, D3 and D4 each have regard to national guidance about good design in that development should respond to local distinctiveness, have appropriate landscaping and encourage sustainability¹⁴. Flexibility is demonstrated by using the phrase "where appropriate" or "where relevant" in each policy. The policies also generally conform with CELPS Policy SE 1 Design.

Topic (b): Housing and Employment (Policies H1, H2, H3, H4, ER1, ER2, ER3, ER4, ER5)

- 4.11 The CELPS establishes the overall development strategy for the borough which is to deliver a minimum of 36,000 homes and 380 ha of

¹³ NPPF: paragraph 59.

¹⁴ NPPF: paragraphs 58 and 65.

employment land over the Local Plan period to 2030, distributed across a settlement hierarchy which focuses on the Principal Towns and Key Service Centres. The remainder of the development is distributed to the Local Service Centres and to Other Settlements and Rural Areas.

Knutsford is one of nine Key Service Centres which, overall, are expected to accommodate about 68 ha of employment land and 2,950 new homes over the plan period. CELPS Policy PG 7 shows that Knutsford is expected to accommodate in the order of 950 new homes.

- 4.12 In order to assist in delivering the number of new homes required in the plan period, strategic housing allocations were made in the Local Plan. Four of these are around the periphery of Knutsford defined as LPS 36(A), (B) and (C) North West Knutsford and LPS 38 Land South of Longridge and are intended to accommodate 925 new homes¹⁵. Together with housing completions and commitments from the beginning of the plan period in 2010 and a 5% added flexibility factor¹⁶, it is estimated that housing requirements to 2030 have been met and there is no intention by CEC to allocate further land for housing in the emerging SADPD¹⁷.
- 4.13 Responses to the Regulation 16 consultation sought the allocation in the KNP of two additional areas of land for housing. One area sought for a housing allocation was removed from the Green Belt upon the adoption of the CELPS and placed in the category of safeguarded land¹⁸. Policy PG 4 (4) of the CELPS states that development of safeguarded land for uses other than those appropriate in the open countryside will not be permitted, unless a review of the Local Plan has taken place to allocate the land following an assessment of the need for development at that time, and the identification of the most appropriate locations for development to take place. Moreover, NPPF advises that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review. Therefore, the allocation of the safeguarded land for housing would not be in general conformity with strategic policy and would not have regard to national guidance.
- 4.14 The second area, 0.24ha in size, is located alongside the Chelford Road beyond the edge of the cul de sac at Oakleigh. Despite the merits of the site for residential development, it is located within the Green Belt, the boundaries of which were re-evaluated in the CELPS. In the absence of

¹⁵ CELPS Table A.1 Housing Distribution: Principal Towns.

¹⁶ The flexibility factor is to take into account changing site circumstances or market conditions over the period of the plan.

¹⁷ SADPD: Knutsford Settlement Report FD 34 August 2018.

¹⁸ CELPS Policy PG 4 (5.v.) Safeguarded Land LPS 41 Land adjacent of (sic) Booths Hall, Knutsford (8.7ha).

the application of the NPPF 2018 to this examination¹⁹, the Green Belt boundary may not be altered by this Neighbourhood Plan. In any case, given the recent adoption of the CELPS and the equivalent of a 7.2 years deliverable housing land supply²⁰, I see no sound reason why the Green Belt boundary would be changed here to allocate the site for housing. Nonetheless, it will be possible for the settlement boundary and Green Belt at Knutsford to be altered in the emerging SADPD, should CEC choose to do it.

- 4.15 KNP Policies H1, H2, H3 and H4 respectively consider Housing Mix, Previously Developed and Infill Development, Residential Extensions and Conversions and Living in the Town Centre. Policy H1 lists three types of market housing which the KNP should primarily seek to deliver: two or three bedroomed family housing; housing for older people or those with reduced mobility; nursing and care homes and sheltered accommodation for the elderly. The policy states that larger housing types, including family and executive homes, will be acceptable in certain specified circumstances, but should not be the dominant feature within the mix.
- 4.16 National guidance is to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups²¹. Various groups are cited as examples, including families with children, older people and people with disabilities. Therefore, to that extent, I consider Policy H1 has regard to national guidance and conforms with CELPS Policy SC 4. However, national guidance also states that local demand should be reflected in the mix²² and so I shall modify Policy H1 to add "demand" to "housing need" in the penultimate paragraph in the policy. Furthermore, there is no bias against larger housing types in national guidance and so I shall also delete the final phrase of the policy. **(PM1)** With these modifications, I consider that Policy H1 would have regard to national guidance and generally conform with strategic Policy SC 4 of the CELPS.
- 4.17 KNP Policy H2 seeks to deliver the housing types described in Policy H1 on previously developed land within the urban area provided that three criteria are met, where relevant, as set out in the policy. In addition,

¹⁹ See paragraph 2.4 above. Paragraph 136 of the NPPF 2018 provides, where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

²⁰ Response to examiner question dated 17 December 2018. "Five year housing land supply as at 31 March 2018 is based on a five year requirement of 12,630 new dwellings (see Table 6.3) and a five year deliverable housing land supply of 18,250 dwellings (see Table 7.1). This equates to a 7.2 year supply. Housing Monitoring Report Cheshire East Housing Monitoring Update (Base Date 31 March 2018): Paragraph 8.1".

²¹ NPPF: paragraph 50.

²² NPPF: paragraph 50, bullet point 2.

Policy H2 offers support to infill development as part of side gardens. Policy H3 supports the construction of extensions or subdivision of an existing residential property and the conversion of non-residential buildings to residential use, subject to criteria stated in the policy. Within the central zone of Knutsford²³, under Policy H4, residential development will be supported where it would reuse redundant upper floors of retail or commercial premises or would be part of new small-scale apartment buildings. The policy would resist the loss of active retail and commercial frontage within the Primary Shopping Frontages (Policy TC 4).

- 4.18 The above policies would each seek to make efficient use of land and contribute to protecting the natural environment, thereby generally conforming with CELP Policies SD 1 and SE 3. Encouraging the effective use of land is also a core planning principle within national planning guidance to which KNP Policies H2, H3 and H4 have regard²⁴. Therefore, I consider that, subject to the modifications above, the KNP housing policies would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.19 KNP Policy ER1 considers employment. CELPS Policy PG 7 shows that Knutsford is expected to accommodate 15 ha of employment land. The Knutsford Settlement Report [FD 34] 2018, paragraph 3.7, states that Knutsford has 6.5 ha of employment land committed (Parkgate), 7.5 ha allocated (part of LPS 36 North West Knutsford) and a 0.21 ha land take up²⁵. The SADPD does not allocate land to make up the shortfall. The overall provision of employment land in Cheshire East, of which the Knutsford figure is part, includes 20% for flexibility purposes. Therefore, despite the representation seeking the additional allocation of employment land which is in the Green Belt on the edge of Knutsford, I have no reason to doubt the confident belief of CEC stated in the SADPD that at least 1.29 ha of employment land will come forward in the town and the shortfall shown in Figure 1 of FD 34 would be met.
- 4.20 Policy ER2 deals with retail development both within and outside the town centre. The policy defines and differentiates between the Knutsford Town Centre and the three Neighbourhood Centres shown on the Proposals Map. Annex 2 of the NPPF explicitly excludes small parades of shops of purely neighbourhood significance from being described as town centres, but that does not preclude neighbourhood centres from being identified. Therefore, the KNP is not undermined by the definition of both types of

²³ See KNP Proposals Map Neighbourhood Plan Central Zone Inset.

²⁴ NPPF: paragraph 17.

²⁵ See response to examiner's questions from CEC dated 17 December 2018.

centre. The policy provides an understanding of what might and might not be permitted in each centre²⁶.

- 4.21 The policy states that small scale retail uses will not be permitted outside the town centre other than in one of the identified neighbourhood centres or within one of the large new residential areas where significant growth is planned but no local shopping exists. This element of the policy would recognise the town centre as the heart of the community and protect its viability and vitality. Similarly, the resistance to change of use away from retail to non-retail uses within the Primary Shopping Frontages (PSF), unless it would enhance the viability or vitality of the town centre, will encourage the centre to thrive. Other strands of Policy ER2 also seek to maintain or enhance the viability and vitality of the town centre and I consider that the policy has regard to national guidance in paragraph 23 of the NPPF.
- 4.22 Representations suggested that Policy ER 2 is not in general conformity with CELPS Policy EG 5 due to leisure, cultural and office development being included as uses appropriate to the town centre, as well as retail. However, although Policy ER 2 states that proposals for non-retail uses would be resisted in the PSF, there are other areas within the town centre where non-retail proposals might be made, not just the PSF. Moreover, the policy qualifies the restriction in the PSF by adding "unless it can be demonstrated that it will enhance the vitality and viability of the town centre", an aim which is in general conformity with CELPS Policy EG 5.
- 4.23 Policy ER3 proposes design criteria for the replacement and installation of existing and new shop frontages. Policy ER4 supports development linked to tourist activities and day visitor attractions. Policy ER5 supports overnight accommodation in the town centre or outside it, subject to accessibility. The policies have regard to national guidance for good design, conserving and enhancing the historic environment and contributing to achieving a sustainable environment. The policies are also in general conformity with CELPS Policies SE 1, EG 4 and EG 5.
- 4.24 Therefore, overall, on the evidence before me, with the recommended modification PM1, I consider that the housing and employment policies of the KNP are in general conformity with the strategic policies of the CELPS, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

²⁶ References have been made in representations to the NPPF 2018, but as stated in paragraph 2.4 above, the relevant version is the NPPF 2012.

Topic (c): Community Facilities and Infrastructure (Policies C1, C2, C3, C4, HW1, HW2, SL1, SL2 and SL3)

- 4.25 KNP Policy C1 indicates that proposals for various community facilities will be looked on favourably and states five criteria, including residential amenity, against which the proposals should be considered. The policy includes a test of affordability, with the aim of enabling all members of the community to enjoy whatever facility is built. I am sympathetic to the aim, but do not accept that it is a land use factor which can be used effectively and realistically in development management, unlike affordable housing where there are very specific and well-known measures to impose controls over such dwellings. Therefore, subject to the deletion of the criterion of affordability **(PM2)**, the policy has regard to national guidance in NPPF paragraph 70 and is in general conformity with CELPS Policy SC 3.
- 4.26 Policy C2 seeks to facilitate the provision of additional school places and suggests criteria of variety, accessibility and suitability, as in Policy C1. The policy has regard to national guidance and is in general conformity with CELPS Policy SD 1 and SC 3 as well as being included within Strategic Priority 2²⁷.
- 4.27 The aim of Policy C3 to safeguard land and buildings which are in community use has regard to national guidance, subject to the recognition described in the NPPF, that a loss of valued facilities and services may be judged to be necessary²⁸. Furthermore, the proposed marketing exercise to test whether there would be an alternative community use within the Plan period is both unrealistic and inflexible. I shall recommend modifying the policy to take those two deficiencies into account. **(PM3)**
- 4.28 Policy C4 aims to ensure that, where appropriate, planning applications for development demonstrate a strategy for the connection to utilities such as water, sewerage, surface water drainage, gas, electricity and telecommunications. National guidance is to approach decision making on planning applications in a positive way in order to foster the delivery of sustainable development²⁹. Policy C4 has regard to the guidance. The policy also generally conforms with CELPS Policy SD 2 Sustainable Development Principles.
- 4.29 Policy HW1 is concerned with health and wellbeing, Policy HW2 with community health infrastructure and facilities. Both policies generally conform with CELPS Policies SC 2 and SC 3 and have regard to national guidance³⁰.

²⁷ NPPF paragraph 72.

²⁸ NPPF paragraph 70: bullet point 2.

²⁹ NPPF paragraph 186.

³⁰ NPPF paragraph 70.

- 4.30 Policies SL1, SL2 and SL3 consider open space in new developments, enhancing existing sport and leisure facilities and the provision of new facilities. With one exception, each of the policies generally conform with statutory strategic policies in the CELPS and have regard to national guidance³¹.
- 4.31 However, in seeking the provision of open space in new residential developments, Policy SL1 states that all strategic housing sites must demonstrate how they will deliver children’s play areas, multi-use recreational parks, allotments, sports fields, green corridors and informal areas for wildlife and nature.
- 4.32 Firstly, this contradicts CELPS Policy SE 6 and accompanying Table 13.1, which set out open space requirements which developments will have to fulfil. The list of open space requirements in Policy SL1 appears to include an amount over and above those in the Local Plan. Secondly, each CELPS strategic housing allocation at Knutsford (LPS 36, LPS 37 and LPS 38) already has its Site Specific Principles of Development in the Local Plan which includes various open space and facilities requirements. The list in Policy SL1 appears to exceed those requirements, especially as there is no estimate in the policy of the area which these facilities would require, individually or cumulatively. Finally, the provision of all the facilities sought by Policy SL1 in each strategic allocation may threaten viability, and place in doubt either the number of dwellings sought, or their size and quality³².
- 4.33 The concluding section of Policy SL1 considers developer contributions. The proposal to provide evidence “as a result of community engagement” is too vague to be effective in development management and, in any event, the Town Council will be a statutory consultee on planning applications in the strategic sites and can make views known at that time. Furthermore, developer contributions are already dealt with in CELPS Policy IN 2, together with the Community Infrastructure Levy³³. By stating that developer contributions would be resisted, the policy would not generally conform with the Local Plan. Therefore, I shall delete the list and the subsequent paragraph from Policy SL1. **(PM4)**
- 4.34 The KNP Proposals Map includes an area defined as Informal Protected Open Space between the CELPS strategic housing allocation LPS 36C and Mereheath Lane. The CELPS explains that this would enable new built

³¹ CELPS Policies SC 1, SC 2, SC 3 and SE 6: NPPF Paragraphs 70, 73 and 74.

³² See CELPS paragraph 13.56.

³³ Following CEC’s receipt of the examiner’s report of 17 December 2018 on the Draft Cheshire East Community Infrastructure Levy Charging Schedule, the adoption of the modified Charging Schedule will be considered at the Council meeting on 21 February 2019. Subject to approval, the Charging Schedule will become operational on 1 March 2019, or as soon as practical thereafter.

development to be set back from Mereheath Lane and allow for appropriate landscaping, in the interests of protecting the setting of and approach to Tatton Park. In addition, there may be opportunities for new ecological habitats to provide net gains in biodiversity for the allocated site as a whole³⁴. There is no reference in the KNP to the Informal Protected Open Space, other than on the Proposals Map. I recommend that a reference is made to it within Policy SL1. **(PM5)**

- 4.35 The Proposals Map also includes a green shaded circle east of Mereheath Lane adjoining the allotments which the key suggests is Protected Open Space. I could see no evidence in the KNP or the CELPS to indicate what the policy might be for the site or the justification for it. The Town Council has indicated that the symbol on the Map is an error, in which case, I recommend its deletion. **(PM6)**
- 4.36 Accordingly, with the recommended modifications, I consider that the KNP policies for community facilities and infrastructure would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (d): Environment and Heritage Assets (Policies E1, E2, E3, E4, E5, HE1, HE2, HE3, HE4 and HE5)

- 4.37 Policy E1 seeks the provision in new development of physical and visual links to the countryside. Policy E2 seeks to maintain or improve the network of green and blue corridors throughout the Town. To conserve and enhance the natural environment is a core planning principle of national guidance and both policies have regard to it. In addition, the policies would help to sustain physical health and wellbeing. The policies would also generally conform with CELPS Policy SE 6 Green Infrastructure. However, the phrasing of Policy E1 might result in it being applied to circumstances which would not be appropriate. For example, it may not be possible to protect views or provide links to nearby countryside across land controlled by a third party. Similarly, Policy E2 refers to "all planning applications, regardless of scale and size", which is too all embracing. I shall modify each policy by including the phrase "where possible and appropriate". **(PM7) (PM8)**
- 4.38 Policy E3 aims to protect and promote the creation of wildlife habitats and corridors. The policy includes the statement that schemes with an excess of 50 dwellings or 1,000 sq. metres should demonstrate a net gain in biodiversity and I consider that this is broadly similar to CELPS Policy SE 3, which states that development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and

³⁴ CELPS paragraph 15.477.

should not negatively affect these interests. Accordingly, KNP Policy E3 is in general conformity with strategic local policies and has regard to national guidance.

- 4.39 Policy E4 lists 41 Local Green Spaces (LGSs) which are delineated on Appendix 4 of the Plan. Each LGS is justified in supporting document EOS7 under a tick box assessment against sub headings of proximity, beauty, history, recreation, tranquillity, wildlife, so demonstrating its value to the community, and whether it is extensive. I consider the assessment is sufficient to include all the LGSs in the Plan. Community ownership and public accessibility are not prerequisites for LGS designation.
- 4.40 Representations questioned the inclusion of LGS 32 on the basis that the land is an option for an access into the CELPS strategic housing allocation LPS 38. The NPPF states that local policy for managing development within a LGS should be consistent with the policy for Green Belts. Local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt³⁵. Therefore, on that basis, given the significance of the strategic housing allocation, it seems to me that an access through to LPS 38 through LGS 32 would not be precluded should it be required and that the LGS status of the remainder of the land could be maintained.
- 4.41 It was questioned whether LGS 32 is demonstrably special to the local community as this is a qualifying criterion for LGS under paragraph 77 of the NPPF. I consider that the public response to the proposed disposal of some of the public open space which forms part of LGS 32, and where 185 representations were received opposing the sale, shows that the local community places a significant amount of value on at least some of the land³⁶. Some points noted in the objections were the contribution to social wellbeing, the loss of wildlife habitat and the land being used for recreation and dog walking, all of which I believe would apply to the wider area not just the strip of land which could form an access to LPS 38. Furthermore, should LPS 38 be developed for housing, I consider LGS 32 would become even more special to the local community and form a significant green corridor from LGS 23, through to LGS 37. Therefore, I shall not delete LGS 32.

³⁵ NPPF paragraphs 78 and 90.

³⁶ Appendix EP1 of Regulation 16 representation on behalf of Dewscope Ltd. Report of Portfolio Holder for Planning, Housing and Regeneration to CEC dated 5 October 2018.

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- 4.42 Policy E5 considers the impact of pollution from development and has regard to national guidance³⁷ and generally conforms with CELPS Policy SE 12.
- 4.43 Heritage Policy HE1 aims to protect and enhance landmarks, views, vistas and gateways. Policy HE2 seeks to protect designated and non-designated heritage assets. Policy HE3 considers the protection and enhancement of all the conservation areas in the Town. Policy HE4 supports the re-use of historic buildings, subject to certain criteria. Policy HE5 seeks to protect historic open spaces, woodlands and meres specified in the policy from any negative effects which might be caused by development on adjoining land.
- 4.44 The policies generally conform with strategic policies in the CELPS³⁸ and have regard to national guidance³⁹. Policy HE4 requires development which re-uses historic buildings to conform to guidance within the Knutsford Design Guide. I do not accept that this is excessively restrictive. As stated above, under consideration of Policy D1, there may be elements in the Design Guide with which prospective developers might disagree, in which case, the policy enables variations which applicants should justify. The same can be said of the references to the Design Guide in Policies HE1 and HE3.
- 4.45 Accordingly, with the recommended modifications, I consider that the KNP policies for safeguarding the environment and heritage assets would have due regard to national policy, would generally conform with strategic statutory policies, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Topic (e): Town Centre, Traffic, Transport and Movement (Policies TC1, TC2, TC3, TC4, T1, T2, T3 and T4)

- 4.46 Policies TC1 Town Centre Streets, Spaces and Forecourts, TC3 Town Centre Sites and TC4 Active Frontages within the Town Centre each refer to the Knutsford Design Guide. Whereas it is reasonable to underpin development in Knutsford, especially in the centre and the historic core by advice in the Knutsford Design Guide, it is equally desirable that innovation is not stifled, particularly as for example, new materials or engineering techniques may become attractive to use. The third sentence of Policy D1 states that all planning applications must demonstrate how schemes comply with the Knutsford Design Guide or justify why they do not. There is an added statement in Policy D1 that it is not intended to stifle innovative design.

³⁷ NPPF paragraphs 123 and 124.

³⁸ Policies SE 6 and SE 7.

³⁹ NPPF Section 12 Conserving and enhancing the historic environment.

- 4.47 The flexibility of Policy D1 is not so evident in Policy TC3 which states that all planning applications must demonstrate compliance with the Knutsford Design Guide. However, rather than modify Policy TC3 and Policies TC1 and TC4, where references to the Knutsford Design Guide are slightly less compelling, I merely make the comment that the Plan should be read as a whole and that the variations possible, if justified, that are enabled by Policy D1 would apply to planning applications considered under the town centre policies.
- 4.48 Policy TC4 refers to Primary and Secondary Shopping Frontages which are shown on the Proposals Map Neighbourhood Plan Central Zone Inset. The policy has regard to national guidance⁴⁰. The detail of the frontages is derived from the emerging SADPD with justification in the Knutsford Settlement Report FD 34. I have no reason to question the justification, albeit I recognise that changes of use within the frontages may render some of the use class descriptions in Table: Knutsford 3 in FD 34 out of date. Accordingly, I consider that Policies TC1, TC2, TC3 and TC4 have regard to national guidance for ensuring vitality in town centres⁴¹. The policies are also in general conformity with CELPS Policy EG 5.
- 4.49 Policy T1 seeks the retention of footpaths, public rights of way and permissive paths and a high standard of public footpaths provided in new development. Policy T2 encourages provision for cycling in Knutsford. Policy T3 seeks easy and safe access to public transport and will support improved facilities and quality of services at Knutsford Railway Station. Each policy has regard to national guidance and is in general conformity with CELPS Policies SD 1, SE 1 (1)(iii) and Policy CO 1.
- 4.50 Policy T4 considers parking. The policy requires parking needs to be provided in line with guidance in the CELPS and the two Design Guides, which is appropriate. However, the policy continues by specifying parking space dimensions which are in excess of those required by the parking standards in the CELPS⁴². Therefore, to make Policy T4 generally conform to statutory strategic policies, I shall recommend the deletion of the second paragraph in the policy and the inclusion of a reference to Appendix C of the CELPS. **(PM9)**
- 4.51 Therefore, with the recommended modifications, I consider that the policies for the town centre and on traffic, transport and movement would generally conform with strategic statutory policies, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

⁴⁰ NPPF paragraph 23: bullet point 3.

⁴¹ NPPF Section 2.

⁴² CELPS Appendix C Parking Standards: Table C.4.

Town Council Aspirations

4.52 The Plan includes seven aspirations listed in the Contents and subsequently described in various relevant sections within the policies. As the Plan recognises in paragraph 1.12, in some cases it is not possible to deliver some important matters which concern the community through the planning system, as they will require the involvement of other groups, organisations and stakeholders. The aspirations set out how the Town Council will work alongside the other parties to ensure the needs of the community are delivered. A Town Council aspiration is not within the scope of neighbourhood planning or the examination. Nevertheless, together, they demonstrate the positive involvement of the community in the neighbourhood planning process and the wider aspects of life in Knutsford.

5. Conclusions

Summary

- 5.1 The Knutsford Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Knutsford Neighbourhood Plan, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the boundary of the Plan.
- 5.4 I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 In conducting the examination, I enjoyed reading the Plan and visiting the Town. The Plan is thorough, well-illustrated and has captured the Town's character. The Consultation Statement and Basic Conditions Statement were extremely helpful. The Town Council and the supporting Steering

Committee and the Working Groups are to be commended for their efforts in producing such a comprehensive document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for Knutsford and will assist in creating sustainable development.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification number (PM)	Plan reference	Modification
PM1	Policy H1	Amend penultimate paragraph to: <p>“... specific housing need and demand.”</p> <p>Delete: “but these should not be the dominant feature within the mix”.</p>
PM2	Policy C1: bullet point 4	Delete: Affordability and the subsequent text.
PM3	Policy C3	Modify the third sentence of the policy to: “The unnecessary loss of valued facilities by the redevelopment of these sites for non-community uses will not be supported unless sufficient alternative provision has been made elsewhere in the Town.”
PM4	Policy SL1	Delete: “All strategic sites must demonstrate how they will deliver the following: etc, ...” to the conclusion of the policy.
PM5	Policy SL1	Include an appropriate reference to the Informal Protected Open Space which is defined on the Proposals Map and listed in the key.
PM6	Proposals Map	Delete the Protected Open Space from the Map.
PM7	Policy E1: first sentence	Amend to: “... planning applications, where possible and appropriate, must ensure that ...”.
PM8	Policy E2: first sentence	Amend to: “... regardless of scale and size, where possible and appropriate, must seek to maintain...”.
PM9	Policy T4	Amend the first sentence of the second paragraph to: “The design of

		new parking spaces and garages should comply with the standards set out in Appendix C of the Cheshire East Local Plan Strategy.”
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