

## **Collation of objections / representations received for the proposed disposal of land at Longridge / North Downs, Knutsford.**

### **Subject Land**

The subject land measures a total of circa 7.5 acres and is located off Longridge and North Downs, Knutsford, situated circa 0.5 miles to the east of Knutsford town centre on the edge of the settlement boundary.

It is broadly split between two parcels of land, one shown edged green on the plan and one edged blue and, for the purposes of this report the respective parcels will be referred to as the green land and the blue land accordingly.

The green land is circa 0.9 acres of land consisting of a thin strip of over grown land running parallel to Longridge. The blue land consists of circa 6.6 acres of land and consists of grassland and hedges. Land adjacent to the green land and the blue land has been allocated for new housing (Site LPS 38) under the Local Plan adopted on the 27th July 2017.

The subject land is open space (the green land) and designated public open space (the blue land). In addition to this the blue land is within the green belt. Although the Green land is close to the highway (Longridge) it is not part of the adopted highway or held for highway purposes. Although the green land is not designated as open space in the Council's Local Plan assessment, the nature and the customary use of that land is such that it is appropriate to treat the land as open space and consequently to consider a proposed disposition only in the context of the statutory a public open space disposal process.

### **Reasons for proposed disposal**

All of the responses received by the public to the public open space proposal to dispose of the land delineated 'blue' for the purposes of providing access and services to Local Plan Site LPS 38 and the land delineated 'green have been duly and properly considered.

It is recommended to proceed with the disposal as the proposed scheme would, if implemented, allow the adjacent development site to be brought into use and affords an opportunity to uplift the Longridge estate by this adjoining development.

A disposal of this land supports the local plan strategy enabling much needed development within the borough which in turn is anticipated will secure in the region of some 20 acres of new public open space nearby as part of the proposed development.

The area of the blue land that would be lost as a consequence of the proposal would be c4% of the Blue Land.

A disposal of the land delineated 'green' provides an opportunity to remove a barrier between the new housing and the Longridge Estate. The unusual shape of the green land is such that, it does not afford significant recreational use as public open space that most residents would recognise, i.e. it

would be hard to walk along or play sport on the land, although a number of informal permissive paths cross the land for the purpose of accessing the potential development site land.

### **Proposed method of disposal**

Should it be decided to progress with the freehold disposal of the land it is proposed that the Council will enter into an agreement with the owner of the development land (Site LPS 38 in the local plan). This will be subject to them satisfying a number of conditions, including obtaining outline planning permission for the site. Any such disposal would be made in accordance with the Council's statutory requirement to secure best value.

### **Disposal of Public Open Space Process**

Under Section 123 of the Local Government Act 1972 (as amended by the Local Government Planning and Land Act 1980) the Council published public open space disposal notices for two consecutive weeks in the local press to confirm its intention to dispose of the land. This allowed the local community to comment on or raise any objections to the proposed disposal and the Council must consider the responses in accordance with the statutory process as set out in that legislation. The first advertisement was published in the Knutsford Guardian, a newspaper circulating in the Knutsford area, for two consecutive weeks on 23 November and again on 30 November and the deadline for objections / representations was 15 December 2017.

As a result of feedback from residents, an amended plan (see appendix 4) was prepared and consequently, further notice was placed in the Knutsford Guardian. This plan showed a reduced subject area focused on the specific part of which it is proposed to dispose. Although the land potentially affected fronts onto Longridge, the second notice referred to both Longridge and North Downs as feedback indicated the subject land may not be clear to residents. As a result we do not believe that residents were disadvantaged in the publication of the first or second notice. The notice was advertised for a further two consecutive weeks in the 14 December and 21 December editions and the deadline for objections / representations was 19 January 2018. All communications received whether in response to the first or to the second set of notices have been given due consideration.

In addition to this statutory requirement, the Council also made the information available at its Westfields office and on the Council's web site and briefed Knutsford Town Council.

The Council received 185 representations as part of the process. 151 of which was based on a standard letter of objection, 6 were based on a minor amendment to the standard letter of objection and 28 were individual letters of objections. The main points raised in the objections are as follows:

- Public open space contributes to Social Well being
- Relocating public open space would make it less accessible to local residents.

- The subject is used for recreation purposes (including football).
- The subject land is used regularly for dog walking
- Loss of wildlife habitat

The majority of the correspondence focused on the loss of the blue land and included factors such as increased traffic movement and planning matters, taken to be references to the proposed development rather than to the actual loss of public open space and not factors which can be addressed as part of the statutory process for the disposal of public open space. Individual letters objecting to the loss of public open space land were received.

As part of this process the objections received have been attached to this document, however as part of the Council’s standard process a summary of the objections received has been included in this report.

**Objections to the sale of Public Open Space**

Summary of Objections	Commentary
<p>1. POS contributes to Social Well being</p>	<p>This is correct and the reason that the Council does not take a decision about disposal of public open space lightly.</p> <p>Green Land. The majority of responses supported the disposal of this land.</p> <p>Blue Land. The area of the blue land that would be lost as a consequence of the proposal would be c4%.It is likely that this would be replaced as part of the planning process.</p> <p>As a result of the proposals additional public open space will be created. Should the Council not progress with this disposal the adjacent development is not anticipated to proceed in the immediately foreseeable future and as a consequence no additional public space would be created.</p> <p>The disposal of this land would allow a development to take place in accordance with the local plan strategy. Not taking the decision would mean that developers could look to promote other sites which are outside the local plan. Policy PG1 (Overall Development Strategy) of the Local Plan Strategy (‘LPS’), adopted in July 2017, states that sufficient land will be provided to accommodate the full, objectively assessed needs for the borough of a minimum of 36,000 homes between 2010 and 2030, the plan period. Policy PG7 (Spatial Distribution of Development) of the LPS states that the</p>

	<p>Key Service Centre of Knutsford is expected to accommodate in the order of 950 (net) new homes over the plan period.</p> <p>The proposed scheme will bring back into use the development land that is currently under used and this has an additional opportunity to uplift the Longridge estate by this adjoining development.</p>
<p>2. Relocating POS would make it less accessible to Local Residents.</p>	<p>The area of the blue land that would be lost as a consequence of the proposal would be c4% and this is on the edge of the land nearest the development and furthest from the Downs. Therefore, the majority of the (Blue) public open space land will remain available for the continuation of recreational activities whilst relocating this small part will allow improved recreation areas and facilities to be provided within reasonable proximity of the existing residential areas.</p> <p>The Green land is a strip of land with a number of informal access ways across it to access the proposed development land. The green land is too narrow to be of practical use for recreation.</p>
<p>3. Used for Recreation purposes (including football).</p>	<p>This matter was raised by a large number of residents, but few commented that they actually used the asset themselves.</p> <p>The area of the blue land that would be lost as a consequence of the proposal would be c4% and this is on the edge of the land nearest the proposed development land and furthest from the Downs. Therefore, the majority of the public open space land will remain available for the continuation of recreational activities whilst relocating this small part will allow improved recreation areas and facilities to be provided within reasonable proximity of the existing residential areas.</p> <p>The Green land is a strip of land with a number of informal access ways across it to access the proposed development land. The green land alone is too narrow to be of practical use for recreation.</p>
<p>4. Used regularly for Dog Walking</p>	<p>A small number of residents have indicated that they use the blue land for dog walking. The area of the blue land that would be lost as a consequence of the proposal would be c4% and this is on the edge of the land nearest the development and furthest from the Downs. Disposal would not prevent the continuation of dog walking on the remainder of the public open space at The Downs without the activity being materially restricted.</p>

	<p>The Green land is a strip of land with a number of informal access ways across it to access the development land. The green land is too narrow to be of practical use for recreation.</p>
<p>5. Loss of Wildlife / Wildlife Corridor</p>	<p>A small number of residents have indicated that if both parcels of land were sold then the wildlife corridor would be lost resulting in wildlife vacating the area.</p> <p>If made, the disposal of part of the blue land would reduce the area of public open space and consequently its availability for wildlife at the Longridge / North Downs by c4%.</p> <p>This is a matter that would be considered as part of the planning process, should the proposals come forward.</p> <p>It was noted by the relevant objector that the open space is grass and therefore this is not ideal in terms of the wildlife corridor. It is noted that the public highway (Longridge / North Downs) already intersects this corridor.</p>

### **Summary of Objections**

1. A large number of the received objections raised the recreational use of the blue land including for football, although few commented that they actually used the asset themselves. The area of the blue land that would be lost as a consequence of the proposal would be c4% and would be on the edge of the land nearest the development and furthest from the Downs. The reduction in the area of land available for recreational use is not considered such as would prevent or materially curtail other recreational activities. The marshy nature of the land is less than ideal for ball games over a significant proportion of the year. The disposal enables much needed development in accordance with the local plan which is expected to release approximately 20 acres of new public open space as part of the proposed development. This also relates to point 2 & 4.
2. Objectors have made the point that Public Open Space contributes to social wellbeing. This is acknowledged and the reason that the Council does not take a decision about disposal of public open space lightly. That does not mean that a decision to dispose is necessarily inappropriate in all circumstances. If the disposal was made and the adjacent development facilitated then as part of the development proposal additional public open space will be created.

3. Clause 4 iii of Policy SE6 (Green Infrastructure) of the LPS requires new development to provide adequate open space as outlined in Table 13.1 below which is within the Justification text that follows the policy. It also requires development to contribute to the provision of outdoor sports facilities in line with Policy SC2 (Indoor and Outdoor Sports Facilities).

	Children's Play Space	Amenity Green Space	Allotments	Outdoor Sports Facilities	Green Infrastructure Connectivity
Quantity (per 1,000 population)	0.8ha	0.8ha	0.2ha	Developer Contribution	0.8ha
Quantity (per family home)	20m <sup>2</sup>	20m <sup>2</sup>	5m <sup>2</sup>	Developer Contribution	20m <sup>2</sup>

**Table 13.1 Open Space Standards**

4. New development should meet the development plan policy requirements for public open space. There is the potential for the site to significantly enhance the provision of public open space in the area which would also benefit existing residents in the vicinity of the site. This is evident in the way that the site was promoted through the Local Plan process. However, the firm details of open space provision will only be established through a formal planning application process.
5. Open space requirements/ shortages in the locality are discussed in the Open Space Assessment report for Knutsford 2012 and a summary of these issues can be found in the Green Space Strategy 2013 (pages 35-36). The north-east of Knutsford is mentioned in relation to a shortage of allotment provision and eastern Knutsford generally in terms of poor accessibility to outdoor Sports Facilities. The Playing Pitch Strategy gives an up to date position in relation to outdoor sport.
6. The Green Space Strategy is currently being updated to support the second part of the Council's Local Plan, the Site Allocations and Development Policies Document (SADPD). It will be published alongside a pre-publication draft version of the SADPD. The council intends to carry out public consultation on the pre-publication draft in the late summer/autumn this year. Regarding Policy RT69(3), this remains an unimplemented proposal for playing fields in the saved Macclesfield Borough Local Plan and was never pursued. Public open space will be provided as part of Site/Policy LPS 38. Enhancement of existing outdoor sport facilities in the north of Knutsford forms part of development proposals in that area.
7. Should the Council take the decision not to progress with this disposal additional public open space would not be created. The proposal for the development of the adjacent is in accordance with the local plan strategy. Not taking the decision would mean that developers could look to promote other sites which are outside the local plan. The proposed development would improve the local economy.

**Other Matters not specifically relating to the notice of the Council in respect of the disposal of public open space**

	Commentary
6. Personal view indicating the land has been Public Open Space since 1969 is in poor condition and CEC have a duty to maintain it.	<p>This comment identifies three issues ;</p> <ul style="list-style-type: none"> <li>• The land is public open space</li> <li>• It is in poor condition</li> <li>• CEC have a duty to maintain it.</li> </ul> <p>It is correct to note that the land is open space. This is the reason why the POS notice process has been actioned. Condition and duty to maintain the asset is factual comments, rather than for a public open space notice process. It has been confirmed that grass is cut regularly as part of the Park Development Teams grass cutting schedule.</p>
7. Personal view indicating the land is well used recreational green space, forming part of the Character of the area and been seen as an asset to the community.	<p>This matter was raised by a large number of residents, but few stated that they actually used the asset themselves.</p> <p>The area of the blue land that would be lost as a consequence of the proposal would be c4% and this is on the edge of the land nearest the development and furthest from the Downs.</p> <p>The Green land is a strip of land with a number of informal access ways across it to access the development land. The green land is too narrow to be of practical use.</p>
8. Personal view indicating the land serves an existing housing area and putting a road through it will make it less safe and less used.	<p>The blue and green land already adjoins existing public highway and as a result the land in question is already subject to the issues associated with proximity to a public highway. Any matters relating to safety would be addressed as part of the planning process.</p>
9. Personal view indicating the proposal is unclear about how much land is needed.	<p>The original proposal was the whole of the blue land was to be sold (subject to this process) to the developer and this land would have been then have been improved as part of the scheme through the planning process and would have either been returned to the Council as open space with a covenant in place, or passed to a management company.</p> <p>The current proposal is a response to the views of Knutsford Town Council and KROW. This will mean that only a portion of the land would transfer to the developer. This does mean that the Council will not be able to oblige the developer to improve the</p>

	<p>balance of the blue land.</p> <p>The description as to how much land will be taken is identified in the Cabinet paper relating to this matter. The reason that the Council cannot define accurately the area that has to be set out is that this will be subject to the planning process and the alignment and area may vary as part of this process.</p> <p>An indication to the scale of the loss of open space to enable access is c4%. It is also proposed to dispose of all of the 'green' land. Any POS land lost would be replaced within the scheme.</p>
10. Against Local Plan and Local Plan Policies including disposal of Green Belt land and set a precedent for onward development.	<p>This is not a Public Open Space notice matter. This is a planning matter and, should the decision be taken to dispose of the land, should be addressed at the appropriate time, i.e. as part of the planning process.</p>
11. Personal view indicating that the disposal is against public interest but clearly in private and commercial interests.	<p>This is not a Public Open Space notice matter. However the premise of the statement is not correct.</p> <p>The disposal enables much needed development in line with the local plan and also releases c20 acres of new public open space as part of the proposed development. It brings an economically underused site (development land) in Knutsford into use.</p> <p>Should the proposal not go ahead as set out earlier in this would impact the local plan and this would potentially erode the green belt in the vicinity of Knutsford.</p>
12. In the standard form objection a statement to the effect that Knutsford Town Council supported the protection of the Blue land was recorded.	<p>The support or not of the Town Council is not a valid ground for objection to a Public Open Space notice and accordingly this is not a POS notice matter, however the position of the Town Council is noted.</p>
13. In the standard form objection two petitions of over 400 signatures have objected in principle to the sale of POS in respect of the recreational playing field [The Blue Land].	<p>The petitions have not been submitted to the Council as part of the public open space notice process.</p> <p>As set out in the letter of objections the objection is to the principle of the disposal of the land. The Council has a statute bound process for dealing with POS and this has been followed.</p> <p>With regard to petitions the council has a separate process for considering these.</p>

<p>14. Personal View that the proposal to dispose would be detrimental to the residents in the area as they will not be able to explore and play safely.</p>	<p>The retained area of public open space could still be used for these purposes without any material impact. It is noted that, were the proposed disposal to proceed and the adjacent development a significant amount of additional open space will be created as part of the proposal by the developer. The land proposed to enable the access to the development land is c4%. All of the green land would be disposed of however this is a linear piece of land with little practical value as POS land.</p>
<p>15. Personal View that green space is required for dog walking and children's play</p>	<p>The remainder of the public open space area of which the blue land forms part can still be used for these purposes without any material impact.</p>
<p>16. Objecting against the adjoining housing development and a general objection to the development of Knutsford.</p>	<p>This is not a material to the proposed disposition of public open space.</p>
<p>17. Personal View that the proposal is unnecessary action - solution using green land.</p>	<p>The Council has, as part of this process investigated overcoming restrictive covenant issues affecting the green land in detail. The Council does not take the decision to dispose of POS lightly. The Conclusion of the work was that the blue land is required.</p>
<p>18. Increased Traffic, Highway issues and planning matters</p>	<p>These issues are not material to the question of disposal of the land but rather to the proposed residential development. It would be appropriate to address these matters during the planning process, should the matter progress.</p> <p>Any disposal would be conditional upon certain factors, eg to ensure that the desired amount of public open space is obtained and to make sure that the development actually is then built out.</p>
<p>19. Objections based on promises made by former leader and actions of CEC are contrary to fair governance, bordering on illegality.</p>	<p>The Council's decision making process is set out in the Council's Constitution. The decisions made relating to this land are in line with the Council's constitution, its statutory obligations and are reflected in this report.</p>
<p>20. Personal view stating the Council has a conflict of interest as they will be rewarded financially.</p>	<p>This is a statutory process. If the Council makes a decision to dispose of public open space and it subsequently disposes of the asset in question, it will receive sale proceeds. There is a statutory requirement that the Council must obtain best value for the sale of the asset, (save in certain limited and specified circumstances). Unlike a commercial entity, any capital receipts generated are reinvested in the</p>

	Borough to delivered services to residents. The mechanism to do this is that the receipts are placed in the Council's capital budget for onward investment back into the Borough.
21. Personal view indicating that CEC should explore the restrictive covenants issue in respect of the green land and not dispose of the blue land.	The Council has as part of this process investigated this matter and following the Cabinet decision has looked at this matter again. It was concluded that there was no realistic prospect of securing all necessary agreements for the removal of the restrictive covenants.

**Summary of other matters**

1. Planning issues including being in 'green belt land', development disruption, highway issues, health and safety concerns were raised. These matters are objections to the proposed development rather than to the disposition itself. The issue in hand is whether the Council should dispose of land designated as public open space. The correct place to address these matters would be any future planning application.
2. Personal views, including whom the land should be held by or disposed to, and negative impact on surrounding housing. The matter in hand is not the future ownership of the land, but whether or not the public open space should be disposed of sale of POS process.
3. A number of letters received focused Public open space process stating it wasn't clear, indicating that the disposal is against public interest but clearly in private and commercial interests, the Town Council supports the protecting of the blue land. It is noted that the process was followed, both in terms of the Council's process as per the Cabinet decision relating to the instigation of the process and then subsequently the process of notification of residents. This was in accordance with section 123 of the Local Government Act 1972 (as amended by Local Government Planning and Land Act 1980). The Council has also taken extra steps to assist the public, including publication of notices on the Council's web site and also displaying the notices at the Council's Westfields office. In addition to this the Council have also taken the time to point members of the public that have expressed an interest in the matter to the relevant pages of the Council's web site. These matters are not for the POS decision process.
4. Many objections were made on the opinion that the land is well used recreational green space, it forms part of a wildlife corridor and that green space is required for dog walking and children's play. The Council does not take the decision to dispose of POS lightly however it must be noted that, were the land to be sold, the amount of public open space lost would be replaced on the proposed development site, together with the provision of a significant amount of additional open space by the developer. The amount of the POS land to be lost to enable the access is c4% and therefore the majority of land is still available enhanced

facilities provided. Any lost POS will be replaced as part of the planning process in the new scheme, so there will be no overall loss of POS.

A number of objections were received against the proposed adjoining housing development, general objection to the development of Knutsford and indicating that CEC should explore the restrictive covenants issue in respect of the green land and not dispose of the blue land. These do not form part of the proposed disposition of POS process.

### **Conclusion**

To conclude the Council received a total of 185 responses from the public in respect of the public open space process for disposing of the land in question. The majority of responses contained objections to the proposed disposal including some factors that are not material to the question of the proposed disposal.

Copies of the responses received are provided in an appendix to this document.