

Cabinet Member for Housing and Jobs

Agenda

Date: Monday, 9th March, 2015
Time: 10.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Knutsford Neighbourhood Area Application** (Pages 1 - 6)

To approve and designate Knutsford Parish as Knutsford Neighbourhood Area.

For requests for further information

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CHESHIRE EAST COUNCIL**Portfolio Holder**

Date of Meeting: 02.03.15
Report of: Head of Strategic and Economic Planning
Subject/Title: Knutsford Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

- 1.1 The report requests designation of the Knutsford Neighbourhood Area. An application to designate this neighbourhood area was submitted by Knutsford Town Council in December 2014. Discussions on the extent of the neighbourhood area have been held; the extent of the neighbourhood area is proposed to reflect the extent of the Parish boundary for Knutsford.

2.0 Recommendations

- 2.1 Approve and designate Knutsford Parish as Knutsford Neighbourhood Area, for the purposes of preparing Knutsford Neighbourhood Plan, as per the map attached at Appendix 1.

3.0 Reasons for Recommendations

- 3.1 No circumstances exist where the exclusion of land from the proposed neighbourhood area were considered necessary; it is considered that the Knutsford neighbourhood area application has been prepared in accordance with existing regulations and guidance and is desirable to designate for these reasons:
- The application submitted meets the requirements as presented at Part 2 (5) of the Neighbourhood Planning (General) Regulations 2012 and in accordance with National Planning Practice Guidance on Neighbourhood Planning
 - Knutsford Town Council is the relevant body to undertake Neighbourhood Planning in this location
 - The Neighbourhood Plan Area follows the existing political and administrative boundary for the Parish of Knutsford and does not include land in any adjoining Parish
 - No other applications have been made for Neighbourhood Areas covering all or part of the area
 - One proposed housing site (Site CS18, North West Knutsford), identified in the emerging Local Plan Strategy for Cheshire East, does lie within both Knutsford Parish and the neighbouring Tabley Superior Parish. Co-operation between Knutsford Town Council, Tabley Superior Parish Council and Cheshire East Borough Council will enable any issues arising here to be addressed.
 - A consultation was held on the proposed Knutsford Neighbourhood Area. 6 comments were received, 3 of which objected to the proposed neighbourhood area, 2 of which were comments only and 1 of which supported the neighbourhood area. The response submitted in support of the neighbourhood area was a joint response undersigned by 6 community groups within Knutsford: Knutsford Conservation and Heritage Group (KCHG), Nether Ward Community

Group, North Knutsford Community Group, South Knutsford Residents Group, South East Knutsford Residents Association and Knutsford Community Spirit.

- The objections received cited the potential formation of a Knutsford Business Improvement District (BID) as a reason to delay the decision on designating the Knutsford Neighbourhood Area. There is no conflict between the designation of Knutsford Neighbourhood Area and the potential future designation of a BID for Knutsford. The designation of a BID is not prevented by the designation of Neighbourhood Area for Knutsford and in areas where a town or parish council exist, the town or parish council must be the body responsible for neighbourhood planning. The town or parish council should seek to work with other members of the community who are interested, in or affected by a future neighbourhood plan.
- A second objection was cited on the basis that the Cheshire East Local Plan is not yet adopted. Neighbourhood Plans must conform to the strategic policies established in the Development Plan of the host local authority. This issues has been tested and resolved at the High Court in the Tattenhall Case concluding that Neighbourhood plans can be prepared in the absence of an adopted Local Plan.
- Given the above points, the proposed area is considered appropriate and desirable for the purposes of preparing a neighbourhood plan.

4.0 Wards Affected

4.1 Knutsford

5.0 Local Ward Members

5.1 Councillor Stewart Gardiner; Councillor Olivia Hunter; Councillor Peter Raynes

6.0 Policy Implications

6.1 The designation of Knutsford Parish as a neighbourhood area will allow Knutsford Town Council to prepare a neighbourhood plan with formal statutory powers. Once completed, the plan will be adopted by Cheshire East Borough Council and form part of the Development Plan for the Borough. Once adopted, the policies eventually held in the Knutsford Neighbourhood Plan will be used for decision making purposes within the parish of Knutsford alongside those other relevant policies from the Cheshire East Development Plan.

7.0 Implications for Rural Communities

7.1 A neighbourhood plan enables rural communities in Knutsford to participate in the plan making process and develop policies to address those planning matters that affect their interests and well being. The neighbourhood planning process generally allows greater engagement of rural communities and for such communities to take ownership of planning policy which directly affects their lives.

8.0 Financial Implications

8.1 The designation of a neighbourhood area for Knutsford Parish will not incur direct costs to the Council in itself, however this application, and future applications, will require input and time from officers both in the Spatial Planning team and from other services. A package of technical support will be made available to Knutsford Town Council toward preparing a neighbourhood plan. This support is being made available within existing budgets. There are also other grants available from Cheshire East council that may be awarded and from external bodies such as Locality.

- 8.2 At a later stage direct costs will be incurred as the Council is required to hold an independent examination of the proposed neighbourhood plan and a referendum on the plan. Under the Neighbourhood Planning (General) Regulations 2012, the costs of this examination and referendum are required to be met by the Council. Such costs will be met through existing budgets and through grant funding from central government (£30,000 in total, payable to the authority from central government in recognition of the costs of examination and referendums; payable at three stages within the process: £5k at designation of the neighbourhood area, £5k at submission to examination and £20k at successful completion of the examination)
- 8.3 The Community Infrastructure Levy (CIL) is a charge levied on new development. Where an adopted CIL is in place, 15% of all CIL payments must be allocated to the local council which hosts development. Where such a local council has an adopted neighbourhood plan, this figure rises to 25% of CIL charges. As per the Community Infrastructure (Amended) Regulations 2013, Section 59A, local councils have discretion in spending these funds.

9.0 Legal Implications

- 9.1 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, and these Regulations ("the Regulations") , which came into force on 6 April 2012.
- 9.2 Neighbourhood area applications must be made in accordance with Regulation 5 of the Regulations. Any qualifying body (including a parish council) is entitled to initiate the process. Applications must be publicised in compliance with Regulation 6 of those regulations. Section 61G of the 1990 Act sets out the requirements for determining applications for an area to be designated a neighbourhood area. In determining an application, the authority must have regard to the desirability of designating the whole area of a parish council as a neighbourhood area and the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.
- 9.3 Neighbourhood Development Plans and Orders, which may follow the making of a Neighbourhood Area, are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Regulations.

10.0 Risk Management

- 10.1 Neighbourhood plans will, once formally adopted ('made') by the Council, form part of the Development Plan for Cheshire East. The content of the Knutsford Neighbourhood Plan is as yet unknown and will only be determined by the community through the process of plan making. The content may include site allocations for development or policies that relate to the development of land. Neighbourhood plans are increasingly scrutinised by the development industry and are becoming the subject of legal challenge. As any future neighbourhood plan would form part of the Development Plan for Cheshire East, if legally challenged, it is the responsibility of Cheshire East Council to respond.
- 10.2 Managing this risk means carefully following the relevant guidance on process established in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 and any further updated guidance.

11.0 Background and Options

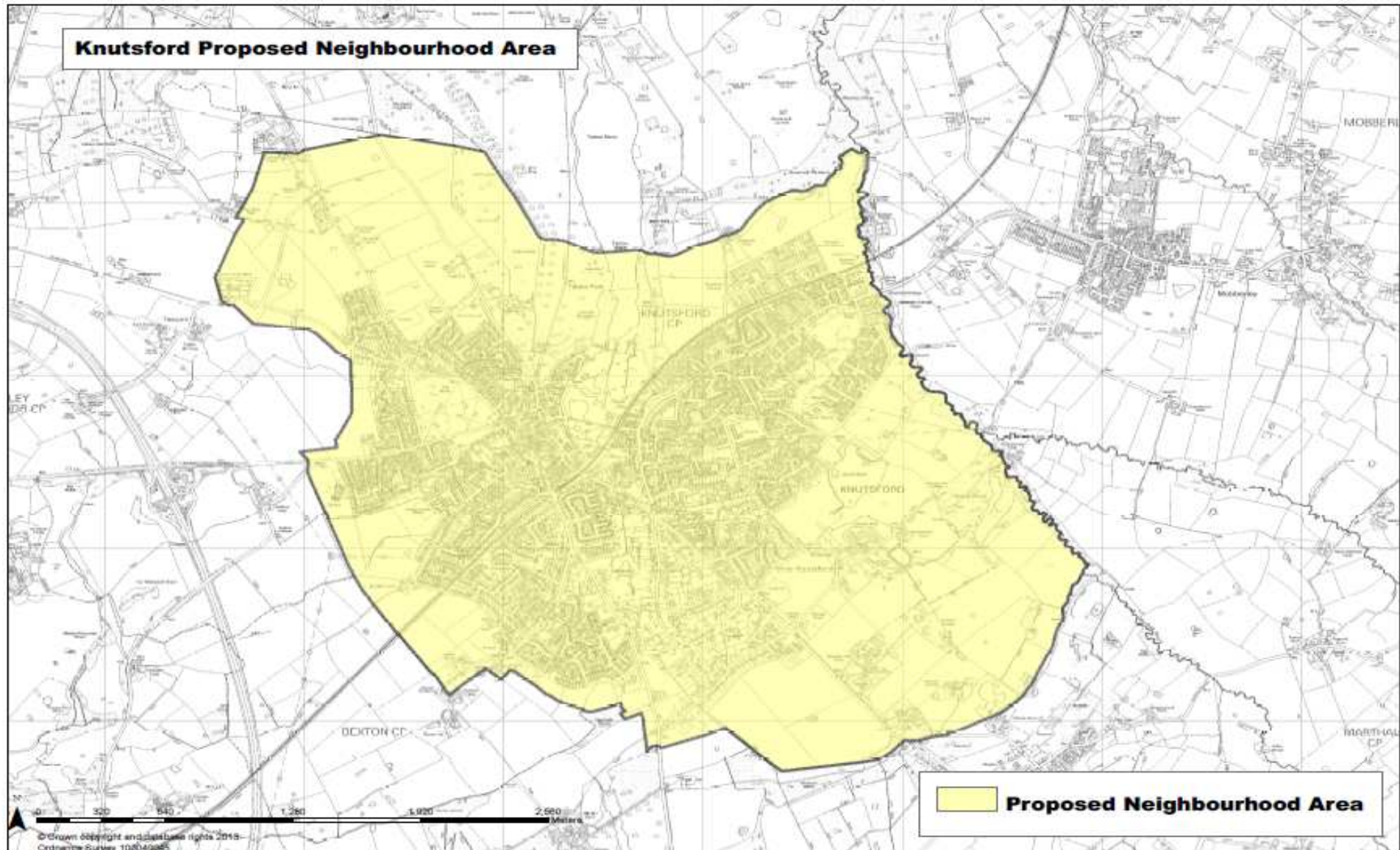
- 11.1 The Localism Act 2011 introduced new legal rights that enable communities to prepare local development plans (neighbourhood plans) with equal weight to the Local Plan for decision making purposes on development proposals.
- 11.2 Such plans have the power to allocate land for development purposes and establish local policies applicable to the development of land. Any future neighbourhood plan must be prepared in accordance with the National Planning Policy Framework (NPPF) and the strategic policies held within the Development Plan of the host local authority.
- 11.3 The first stage in establishing a neighbourhood plan is the designation of a neighbourhood area (the geographic extent within which future policies and land designations will apply).
- 11.4 Knutsford Town Council has applied to designate the full extent of Knutsford Parish as the Knutsford Neighbourhood Area.
- 11.5 In considering this application Cheshire East Council must give regard to whether the application has been prepared in accordance with existing regulations and guidance and whether such a designation is desirable and appropriate for future planning in Knutsford and its surrounding locality. It is considered that, for the reasons set out at 3.0, this has been achieved.
- 11.6 The Emerging Local Plan Strategy for Cheshire East identifies Knutsford as a Key Service Centre providing a range of services and facilities to residents and surrounding communities. Knutsford is a large market town serving a significant rural population set within the Green Belt. There are heritage and archaeological interests located within the Parish, and within the town, alongside natural conservation interests, notably at Tatton Mere.
- 11.7 There are strategic interests located in the Parish as identified by the emerging Local Plan Strategy. The Local Plan Strategy, is currently under review following comments received by the Inspector during the Examination in Public. Work on issues raised by the inspector, including approach to economic strategy, housing requirements, distribution of development and the approach to Green Belt in the Borough is under way. There is an interdependency within these separate areas of work and information in regard to these issues that may affect neighbourhood planning (particularly on housing need and distribution of development) will be available in the coming months. The emerging Local Plan Strategy currently seeks to deliver some 650 new homes at identified sites that adjoin Knutsford town and a further 108 new homes through the next stage of the Local Plan process, via site allocations. These figures may be revised pending the results of on-going work with the Local Plan Strategy and stakeholders will be kept inform of developments here, and the implications for their neighbourhood plans.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Appendix 1: Proposed Knutsford Neighbourhood Area



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