

# **Statement for the examination of the Cranbrook DPD**

Response to the Inspectors Matters Issues and  
Questions

Matter 1: Legal Compliance, including the Duty to  
Co-operate

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There are no appendices to this statement

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# Issue 1: Preparation in accordance with legal requirements

**Overall, has the Plan been prepared in accordance with the relevant legal requirements?**

	Response	Inspectors Question(s)
1.1	<b>What are the relevant strategic matters in relation to the DTC? (Defined as matters having a significant impact on at least two planning areas)</b>	<b>Q1 – Duty to Cooperate</b>
1.2	Duty to Co-operate considerations are set out in the Council submission document <a href="#">Cran061</a> <sup>1</sup> .	
1.3	The Cranbrook Plan seeks to establish more detail around and to secure the implementation of policies of the adopted East Devon Local Plan. The Local Plan advises of the production of the Cranbrook Plan. The East Devon Local Plan was submitted for examination in 2013 and the first hearing sessions were held early in 2014. In response to questions raised by the Local Plan Inspector additional evidence was prepared that resulted in a consultation on the evidence and subsequent plan changes in spring 2015. Work on the Cranbrook Plan Development Plan Document (DPD) started in the summer of 2015 and the local plan was adopted in January 2016 following a main modifications consultation in autumn 2015.	
1.4	The clear intent has always been that the Cranbrook Plan would add detail to Local Plan policy but that it would, in no substantive way, seek	

<sup>1</sup> <https://eastdevon.gov.uk/media/2810819/duty-to-co-operate-and-statement-of-common-ground.pdf>

to deviate from the clear strategic steer and provision of the Local Plan. For this reason Duty to Co-operate considerations and matters have been very much restricted to those of relevance to the additional detail that the DPD seeks to add to the Local Plan policy. They do not extend into considerations that go beyond the Local Plan or re-address overarching matters that have been addressed through adopted Local Plan policy. It should be noted that the Local Plan fully met Duty to Co-operate requirements.

1.5 Pages 9 to 16 of [Cran061](#) details key strategic matters addressed through Duty to Co-operate work, with these specifically being issues relating to:

- Education;
- Transport;
- Health and Primary Care; and
- European Protected Species Mitigation.

1.6 The issues, as set out on Page 9 of [Cran061](#), are identified as the matters that are considered to have cross-boundary implications and that, bearing in mind time has moved on and circumstances have changed, would not have been addressed in full in respect of Cranbrook, during the production of the Local Plan. In commenting on these subject matters Cran061 sets out partners in co-operation as well as key issues arising and it provides links to background technical documents.

1.7 As page 16 of [Cran061](#) explains, there has been extensive and ongoing co-operation and working with key partners in respect of the key strategic considerations.

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1.8	<b>Has the Plan been prepared in accordance with the Local Development Scheme [LDS 2018]?</b>	<b>Q2 – Local Development Scheme</b>
1.9	<p>Section 19 (1) of the Planning and Compensation Act 2004 requires that local development documents are prepared in accordance with the local development scheme. Section 15(2) of the same Act requires that, prior to starting work on a DPD, it must be referenced in the LDS. The Cranbrook Plan was first included in the East Devon Local Development Scheme that came into effect in July 2015. It was considered by the Development Management Committee meeting in <a href="#">June 2015</a><sup>2</sup> along with the work programme for producing a Cranbrook Development Plan Document. The LDS described the purpose of the plan as allocating development sites and establishing policy to enable the new town of Cranbrook to expand to provide up to or around 8,000 homes.</p>	
1.10	<p>Following the adoption of the East Devon Local Plan in January 2016 the Local Development Scheme was revised in July 2016. The Cranbrook Plan was included in the LDS and its purpose was expanded to ‘allocate development sites and establish policy to enable the new town of Cranbrook to expand to provide around 8,000 homes <u>and associated social, community, employment and environmental facilities</u>’. [Strategic Planning Committee <a href="#">Agenda</a><sup>3</sup> and <a href="#">minutes</a><sup>4</sup>].</p>	
1.11	<p>The LDS was updated again in July 2017, but the scope and purpose of the Cranbrook Plan remained unchanged. [Strategic Planning Committee <a href="#">Agenda</a> and <a href="#">minutes</a>].</p>	

<sup>2</sup> <https://eastdevon.gov.uk/media/1162155/160615-combined-dmc-agenda-compressed.pdf>

<sup>3</sup> <https://democracy.eastdevon.gov.uk/Data/Strategic%20Planning%20Committee/20160721/Agenda/210716-combined-strategic-planning-committee-agenda.pdf>

<sup>4</sup> <https://democracy.eastdevon.gov.uk/Data/Strategic%20Planning%20Committee/20160721/Minutes/210716-Strategic-Planning-Committee-minutes.pdf>

- 1.12 The most recently adopted East Devon Local Development Scheme (LDS) was dated [July 2018](#)<sup>5</sup>.
- 1.13 Within the LDS it is clear that the Cranbrook Plan sits underneath the East Devon Local Plan. Paragraph 2.1 of the document advising “*Policy documents in this LDS will be written within the context of the policy of the adopted East Devon Local Plan.*”
- 1.14 The LDS reaffirms the production of the Cranbrook Plan at 4.1 is clear and continues to set out the key matters that it will address.
- 1.15 Paragraph 4.1 b) of this LDS also advises of a timetable for Cranbrook Plan production (from Publication stage onward) as set out below:
- Publication – November 2018
  - Submission – January 2018
  - Inspector’s Hearings – April 2019
  - Adoption – October 2019
- 1.16 While there has been a degree of slippage against the LDS timetable, there have been no significant changes in planning circumstances, at a national or local level that have a bearing on the Cranbrook Plan, its content or its proposed policy coverage. The plan is therefore considered to remain up to date.
- 1.17 In this context, and specifically from a strategic perspective it is specifically relevant to note that there has been slippage in the timetable for production of the Greater Exeter Strategic Plan (GESP) which is now scheduled to run to the following timelines.

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<sup>5</sup> <https://eastdevon.gov.uk/media/2550925/lds-at-summer-2018-ver-02.pdf>

<ul style="list-style-type: none"> <li>- Site Options and Draft Policies – June 2020</li> <li>- Draft Plan – November 2020</li> <li>- Publication (Proposed Submission) – February 2022</li> <li>- Submission – July 2022</li> <li>- Examination – September 2022</li> <li>- Adoption – April 2023</li> </ul> <p>1.18 The clear expectation is that the Cranbrook Plan will be adopted before there are policy commitments in the GESP work. It should also be noted that a new LDS is scheduled to be recommended for approval by the Strategic Planning Committee of East Devon District Council in February 2020. This new LDS will show revised timelines for production of planning policy documents including the Cranbrook Plan.</p>	
<p>1.19 <b>Has the Plan been prepared in accordance with the Council’s Statement of Community Involvement [SCI] and met the minimum consultation requirements in Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) [Local Plan Regulations]?</b></p> <p>1.20 The East Devon District Council <a href="#">Statement of Community Involvement</a><sup>6</sup> (SCI) was adopted in October 2018.</p> <p>1.21 The statement sets out minimum levels and standards that will be applied in respect of engagement when it comes to plan making. It should be noted that whilst minimum levels are established in the SCI these are frequently exceeded in plan making work, this was specifically the case in respect of production of the Cranbrook Plan.</p>	<p><b>Q3 – Statement of Community involvement</b></p>

<sup>6</sup> <https://eastdevon.gov.uk/media/2692931/2018-sci-v6.pdf>

1.22 The tables in the SCI, from pages 4 to 18, establish the range of approaches to engagement and consultation that are deemed potentially appropriate in plan making. It is stressed that not all approaches to engagement are used for all stages of plan making; by deliberate design the LDS provides for a range of options so that the most appropriate approaches, for any particular plan, can be used and drawn on depending on circumstances that are relevant and appropriate for the plan in question.

1.23 Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 is headed “Submission of documents and information to the Secretary of State”. Tabled below are the requirements and also the actions taken by East Devon District Council to show compliance. Reference is made throughout to: See [Cran062](#)<sup>7</sup>

<b>Reg 22</b>	<b>Action by East Devon District Council</b>
<b>22.—(1)</b> The documents prescribed for the purposes of section 20(3) of the Act are —	<b>See below</b>
(a) the sustainability appraisal report;	The sustainability appraisal was submitted for examination <a href="#">Cran057</a> <sup>8</sup> .
(b) a submission policies map if the adoption of the local plan would result in changes to the adopted policies map;	The policies map was submitted for examination.

<sup>7</sup> <https://eastdevon.gov.uk/media/3264888/cran062-2019-eddc-consultation-statement-reg-20.pdf>

<sup>8</sup> <https://eastdevon.gov.uk/media/2761733/sustainability-appraisal-of-publication-of-cranbrook-plan.pdf>

(c) a statement setting out —	<b>See below</b>
(i) which bodies and persons the local planning authority invited to make representations under regulation 18,	See <a href="#">Cran062</a> <sup>9</sup> – Specifically Appendix 1.
(ii) how those bodies and persons were invited to make representations under regulation 18,	See <a href="#">Cran062</a> – See specifically - Consultation – Stage 1.
(iii) a summary of the main issues raised by the representations made pursuant to regulation 18,	See <a href="#">Cran062</a> – See specifically - Consultation – Stage 1.
(iv) how any representations made pursuant to regulation 18 have been taken into account	See <a href="#">Cran062</a> - See specifically - Consultation – Stage 1.
(v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and	See <a href="#">Cran062</a> - See specifically - Consultation – Stage 4.
(vi) if no representations were made in regulation 20, that no such representations were made;	Not applicable as 431 consultation responses were received.

<sup>9</sup> <https://eastdevon.gov.uk/media/3264888/cran062-2019-eddc-consultation-statement-reg-20.pdf>

<p>(d) copies of any representations made in accordance with regulation 20; and</p>	<p>Representations received can be viewed on the Councils Cranbrook Plan web pages for <a href="#">consultation responses and submission</a><sup>10</sup> and specifically the sections on <a href="#">Representations received</a><sup>11</sup> <a href="#">Schedule of people and Organisations making comment</a><sup>12</sup></p>
<p>(e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.</p>	<p>See <a href="#">section 12</a><sup>13</sup> of the Cranbrook Plan web pages</p>
<p>(2) Notwithstanding regulation 3(1), each of the documents referred to in paragraph (1) must be sent in paper form and a copy sent electronically.</p>	<p>Copies submitted as requested.</p>
<p>(3) As soon as reasonably practicable after a local planning authority submit a local plan to the Secretary of State they must -</p>	<p><b>See below</b></p>
<p>(a) make available in accordance with regulation 35 -</p>	<p><b>See below</b></p>

<sup>10</sup> <https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-consultation-responses-and-submission/>

<sup>11</sup> <https://eastdevon.gov.uk/media/3234601/cranbrook-plan-submission-version-responses.pdf>

<sup>12</sup> <https://eastdevon.gov.uk/media/3264894/i-web-schedule-people-and-organisations-making-comment.pdf>

<sup>13</sup> <https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-consultation-responses-and-submission/#article-content>

(i) a copy of the local plan;	In paper format this was available at East Devon District Council office in Honiton and on-line.
(ii) a copy of each of the documents referred to in paragraph (1)(a), (b) and (c);	In paper format these were available at East Devon District Council office in Honiton and on-line.
(iii) any of the documents referred to in paragraph (1)(d) or (e) which it is practicable to so make available, and	In paper format these were available at East Devon District Council office in Honiton and on-line.
(iv) a statement of the fact that the documents referred to in sub-paragraphs (i) to (iii) are available for inspection and of the places and times at which they can be inspected;	See the <a href="#">Council's Notice of Submission</a> <sup>14</sup> This document was sent to every person making comment at publication stage when the plan was submitted for examination.

<sup>14</sup> <https://eastdevon.gov.uk/media/3286952/cran004-council-submission-statement.pdf>

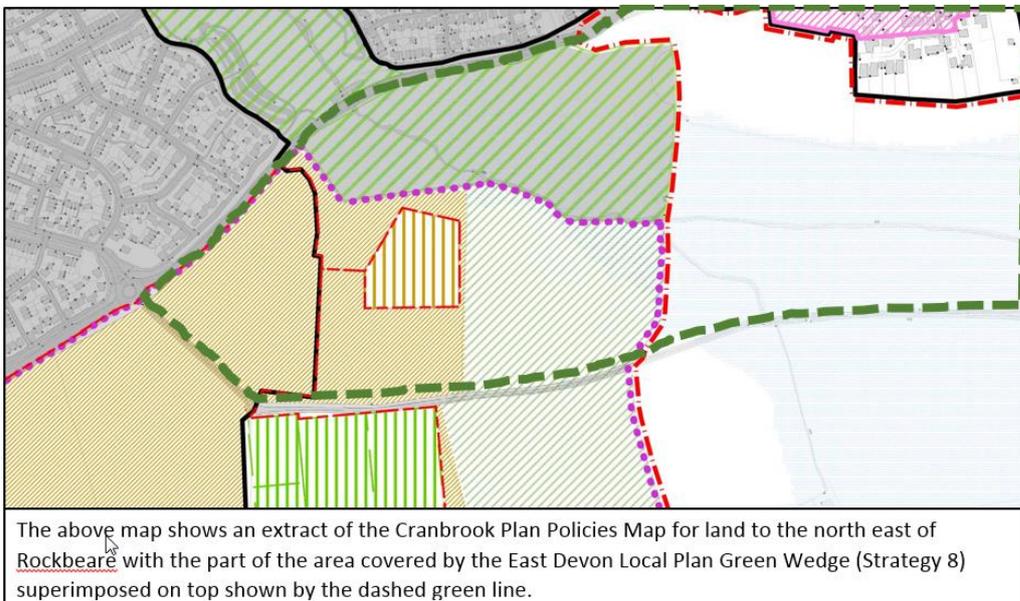
<p>(b) send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18(1), notification that the documents referred to in paragraphs (a)(i) to (iii) are available for inspection and of the places and times at which they can be inspected; and</p>	<p>See the <a href="#">Council's Notice of Submission</a><sup>15</sup>                  This document was sent to every person making comment at publication stage when the plan was submitted for examination.</p>	
<p>(c) give notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been so submitted.</p>	<p>See the <a href="#">Council's Notice of Submission</a><sup>16</sup>                  This document was sent to every person making comment at publication stage when the plan was submitted for examination.</p>	
<p>1.24 <b>Is the plan compliant in relation to the East Devon Local Plan 2016 (EDLP)?</b></p> <p>1.23 The Cranbrook Plan has been explicitly drafted in order to provide more detail on the implementation of the policy of the East Devon Local Plan.</p>	<p><b>Q4 – East Devon Local Plan compliance</b></p>	

<sup>15</sup> <https://eastdevon.gov.uk/media/3286952/cran004-council-submission-statement.pdf>

<sup>16</sup> <https://eastdevon.gov.uk/media/3286952/cran004-council-submission-statement.pdf>

<p>Compliance with the Local Plan policy was built in with clear intent into the plan making process.</p> <p>1.24 Appendix 1 to the Cranbrook Plan, which shows the policies of the East Devon Local Plan that the Cranbrook plan supersedes, provides an overview of compliance matters. From Appendix 1 it can be clearly seen that the bulk of adopted East Devon Local Plan policies remain in place and ‘sweep over’ the Cranbrook Plan area, though it is recognised that many of the Local Plan policies would be rarely if ever used or applicable at Cranbrook.</p> <p>1.25 Where Cranbrook Plan policy supersedes that of the Local Plan Appendix 1 explains how and in what way the superseding will occur. In so doing it, and more specifically the given policy in the Cranbrook Plan, establishes compliance between the Local Plan and the Cranbrook Plan.</p>	
<p>1.26 <b>What would be the implications for the plan delivery of the continued protection of the green wedges identified in the EDLP?</b></p> <p>1.27 Strategy 8 of the adopted East Devon Local Plan establishes a number of Green Wedges in the district. Strategy 8 advises:  <i>“Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.”</i></p> <p>1.28 Paragraph 6.24, item f), of the Local Plan advises these include <i>“Land separating the villages of Rockbeare and Whimble from the new community site.”</i></p>	<p><b>Q5 – Implications of protection of green wedge</b></p>

1.29 The Green Wedge at Rockbeare lies to the north, north east and north west of the village and for the most part runs up to London Road. To the north and north east of the village there is no development planned through the Cranbrook Plan, indeed land in the Green Wedge falls outside of the Cranbrook Plan Area boundary. In respect of the Green Wedge as a whole the only area that is shown for development in the Cranbrook Plan policies map lies on the eastern fringes of the Green Wedge area and within Clyst Honiton Parish, as shown on the map below the page. The Green Wedge area is shown by the dashed green line.



1.30 The map shows the relevant part of the Cranbrook Plan allocated land (purple dots) and the overlap that exists between that and the green dashed (green wedge area). In noting the scale of built form that would occur within the Green wedge the presence of the proposed Built-up Area Boundary (as shown by the black line on the map) is important. Beyond the boundary, Local Plan Policy Strategy 7 – Development in the Countryside applies, and this would place significant limitations on

development potential. In practice it would be likely to be limited to open space recreational uses with only minor potential for buildings.

- 1.31 The gypsy and traveller site, as denoted by the striped brown vertical lines does though fall within this Green Wedge area. However, it will provide for limited single storey development, caravans and day rooms and so will not have the visual prominence of two storey (plus a roof) dwellings or other higher built developments.
- 1.32 In respect of Whimble, the Cranbrook Plan Built-up Area Boundary falls for some length along the same alignment as the Green Wedge boundary and for other parts the Built-up Area Boundary is outside and to the west of it. The Cranbrook Plan does not therefore propose built development inside the Green Wedge at Whimble, though it does show land with potential for recreation uses inside the Green Wedge. Such uses would be compatible with Green Wedge policy.
- 1.33 In respect of the Green Wedge to the west of Rockbeare it is critical to review the actual Local Plan policy wording. The policy does not prohibit development, rather it resists development that would add to existing sporadic or isolated development or damage the individual identity of a settlement. The slight expansion of Cranbrook into this part of the Green Wedge would not result in these outcomes. The Cranbrook Plan is proposing development that is comparatively remote from Rockbeare, is not visually prominent and is in an area of development that will form a coherent built part of Cranbrook. Such development would not therefore be sporadic or isolated. The Green Wedge policy continues by advising that development should not lead to or encourage settlement coalescence. The new BuAB is at a location that is remote from Rockbeare, being separated from Cranbrook by over 1,000 metres of

1.34 open countryside. As a consequence settlement coalescence would not occur.

1.35 Notwithstanding issues of principle around the acceptability of Cranbrook proposals, if there were to be no development in the Green Wedge it would remove from the land budget an allocated land area, inside the BuAB, of around 3.5 hectares. If this land were used for housing development only and built out at 35 dwellings per hectare it would reduce residential capacity by around 122 dwellings. It would also remove from the plan the allocated gypsy and traveller site. Loss of these developments, and possible loss of potential for open spaces use in the Green Wedge, could have impacts on overall plan delivery.

1.36 **Is the Plan legally compliant with national policy, the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA] and the Local Plan Regulations for the preparation of the plan?**

**Q6 – National Policy and Statutory Instruments**

1.37 The Planning and Compulsory Purchase Act 2004 sets out the overarching legislative framework for local planning authorities and the Cranbrook Plan has been produced with the context of the overall provisions. The Local Plan Regulations expand on regulatory requirements for plan preparation and these also have been complied with.

1.38 For ease of reference the legal requirements set out in the 2012 Regulations are shown in the table below together with links to the evidence that shows how they have been complied with.

Reg Ref	Requirement Summary	Evidence
5 (1)(b)	Map to show how adopted policies map would be amended.	Cranbrook policies <a href="#">map</a> <sup>17</sup>
8 (2)	Reasoned justification for policies.	A reasoned justifications follows each policy in the <a href="#">plan</a> <sup>18</sup> .
9 (1)	OS based maps with key to illustrate geographically application of policies.	Cranbrook policies <a href="#">map</a>
10 (1)	Additional matters to have regard to including policies of a local transport authority, preventing major accidents, maintaining safe distances between major transport routes and certain other uses, protecting areas of natural sensitivity and the national waste management plan.	All relevant matters were considered through consultation with the appropriate bodies.
18 (1)	Notification to any specific and general consultation bodies the LPA consider may be interested together with residents or businesses from the area.	First section of <a href="#">Consultation Statement</a> <sup>19</sup> [Cran 062].
18 (3)	Take account of any representations when preparing plan.	These are set out throughout the

<sup>17</sup> [https://eastdevon.gov.uk/media/2760831/190211\\_CB\\_POLICIES-PLAN-FLAT.jpg](https://eastdevon.gov.uk/media/2760831/190211_CB_POLICIES-PLAN-FLAT.jpg)

<sup>18</sup> <https://eastdevon.gov.uk/media/2810797/cranbrook-plan-dpd-submission-draft.pdf>

<sup>19</sup> <https://eastdevon.gov.uk/media/3264888/cran062-2019-eddc-consultation-statement-reg-20.pdf>

		<a href="#">Consultation Statement</a> [Cran 062].
19 (a)	Make a copy of proposed submission documents and statement of representation procedure available in accordance with Regulation 35.	Stage 4 of <a href="#">Consultation Statement</a> <sup>20</sup> [Cran 062].
19 (b)	Send statement of representation procedure and statement of fact to each general or specific body invited to make representations under Regulation 18(1).	Paragraph 6.4 of <a href="#">Consultation Statement</a> <sup>20</sup> [Cran 062].
22	Send all the prescribed documents to the Secretary of State.	Documents submitted shown on <a href="#">web site</a> <sup>21</sup>
24 (1)(a)	Make name of Inspector, date, time and place of hearing available in accordance with Regulation 35.	Statement available at main Council Office receptions in Honiton and on <a href="#">web site</a> <sup>21</sup>
24 (1)(b)	Advise any 'Regulation 20' representor of name of Inspector, date, time and place of hearing.	Representors were sent an email or letter advising of these matters on 5 August 2019.

<sup>20</sup> <https://eastdevon.gov.uk/media/3264888/cran062-2019-eddc-consultation-statement-reg-20.pdf>

<sup>21</sup> <https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-consultation-responses-and-submission/>

<p>1.39 <b>Is the Local Plan legally compliant with respect to Sustainability Appraisal [SA]?</b></p> <p>1.40 The plan is legally compliant in respect of the Sustainability Appraisal requirements. Issue 3 hearing questions cover a number of matters around the process of sustainability appraisal and answers provide more detail on work undertaken, including showing legal compliance.</p>	<p><b>Q7 – Sustainability Appraisal</b></p>
<p>1.41 <b>Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment [AA]?</b></p> <p>1.42 Yes - Habitat Regulations Assessments (HRA) are a requirement of the Conservation of Habitats and Species Regulations 2010 (as amended 2011). The reports assess the impacts of the Local Plan policies on sites designated under the European Directive (92/43/EEC The Habitats Directive). For the development of the Local Plan, the assessment is carried out in an iterative process as the HRA is, in turn used to inform the development of planning policies.</p> <p>1.43 A screening assessment on the Cranbrook Plan was carried out under the Conservation (Natural Habitats, &amp;c.) Regulations 1994 (as amended).</p> <p>Submitted evidence: Cran020 - <a href="https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf">Habitats Regulations Assessment</a><sup>22</sup>:</p>	<p><b>Q8 – Habitats Regulations and Appropriate Assessment</b></p>

<sup>22</sup> <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

1.44	<p>This document identifies the designated sites and their interest features which may be affected by the Cranbrook Plan, and the type of impact that is addressed through an Appropriate Assessment. It also identifies other plans and projects which could, in combination have a significant effect on these designated sites.</p>	
1.45	<p>The HRA conclusion is that the South-East Devon Mitigation Strategy provides the necessary framework for mitigating for recreation pressure, but that there should be some strengthening of policy, supporting text and the Cranbrook SANGS delivery document to give greater confidence in securing the necessary measures.</p> <p>Submitted evidence: Cran019 - <a href="#">South East Devon European Site Mitigation Strategy</a>:<sup>23</sup></p>	
1.46	<p>The Council has liaised with Natural England to agree strengthened policy wording and supporting text around SANGS to ensure that they are delivered and are in place before recreation impacts occur.</p>	
1.47	<p>The Council are content that the Plan is legally compliant with the Habitat regulations.</p>	
1.48	<p><b>Does the Plan make it clear, as required by Part 4, paragraph 8(5) of the Local Plan Regulations, which parts of the existing development plan it will supersede?</b></p>	<p><b>Q9 – Superseding of existing Local Plan Policy</b></p>
1.49	<p>The <a href="#">Town and Country Planning (Local Planning) (England)</a></p>	

<sup>23</sup> <https://eastdevon.gov.uk/media/2760800/south-east-devon-european-site-mitigation-strategy.pdf>

[Regulations](#)<sup>24</sup>, advise that “(5) *Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.*”

1.50 This requirement is addressed through Appendix 1 of the [Cranbrook Plan](#)<sup>25</sup>,

Pages of the Cranbrook Plan, 111 through to 120, clearly set out in tabular form the policies of the adopted East Devon Local Plan (1<sup>st</sup> column), whether the Local plan policy is superseded by policy of the Cranbrook plan (2<sup>nd</sup> column) and where superseded reference is made to the policy or the Cranbrook Plan that supersedes the Local Plan (3<sup>rd</sup> column). Where relevant (policies are superseded) the 2<sup>nd</sup> and 3<sup>rd</sup> columns provide appropriate commentary.

1.51 Some of the Cranbrook Pan policies, superseding Local Plan policies, will apply to all of the land within the Cranbrook Plan area whilst others will apply only to specifically designated, allocated or identified locations or sites in this overall area. In a limited number of cases (e.g. Strategy 41 of the Local Plan) planning guidance or circumstances have changed and it is, in effect, Government policy that has superseded the Local Plan (rather than Cranbrook Plan policy). Where this is the case it is noted in Appendix 1.

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<sup>24</sup> [http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

<sup>25</sup> <https://eastdevon.gov.uk/media/2810797/cranbrook-plan-dpd-submission-draft.pdf>

<p>1.52 <b>In what way are the expansion areas CB2 to CB5 strategic policies in the context of paragraphs 20 to 23 and 28 of the National Planning Policy Framework (The Framework) and the Planning Practice Guidance (PPG)?</b></p>	<p><b>Q10 – Identification of strategic policies</b></p>
<p>1.53 Paragraph 23 of the National Planning Policy Framework is key in providing the logic and justifications for expansion area Policies CB2 to CB5 being strategic policies.</p>	
<p>1.54 Paragraph 23 advises <i>“Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area .....</i>”</p>	
<p>1.55 Policies CB2 to CB5 allocate land on the Policies Map for development and they are fundamental to the Cranbrook Plan. These allocations are a critical part, the most important part, in ensuring that Cranbrook will have sufficient and appropriately located land to allow for expansion (when taken in conjunction with existing planning permissions) to provide for adopted East Devon Local Plan compliant levels of development.</p>	
<p>1.56 The adopted East Devon Local Plan has established the District wide objectively assessed housing need for East Devon and it provides overarching policy for Cranbrook, which plays a key part in meeting this need. The Cranbrook Plan in policies CB2 to CB5 gives confidence and</p>	

certainty to delivery of the objective need for housing. Policy is worded so that all sites can come forward concurrently with one another, hence giving confidence for overall development delivery, especially for housing, but policy provision will also ensure that parts of sites are appropriately phased to ensure delivery of infrastructure and facilities alongside new homes. Policies CB2 to CB5 will provide for appropriate sustainable development at Cranbrook; they are, therefore critical sites that will deliver the strategic priorities of the area.

- 1.57 With regards to Policies CB2 (Bluehayes) and CB4 (Cobdens) there are existing East Devon Local Plan policies that cover much of the Cranbrook Plan allocated land. However it is appropriate for these policies to be included in the Cranbrook Plan as strategic policies as: They refine actual site boundaries; and more importantly They provide a considerable amount of extra policy wording to ensure phased, coordinated sustainable development on the allocated land.
- 1.58 Paragraph 20 of the National Planning Policy Framework refers further to the relevance of strategic policies setting out overall plan strategy subject matters, which Policies CB2 to CB5 achieve. Furthermore the policies address most of the matters listed under a) to d) of paragraph 20 namely;
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
  - b) infrastructure for transport, telecommunications, etc;
  - c) community facilities; and
  - d) conservation and enhancement of the natural, built and historic environment etc.
- 1.59 In respect of Paragraph 21 of the National Planning Policy Framework Policies CB2 to CB5 are clearly set out in the Cranbrook Plan as being

<p>strategic. Matters relevant to paragraph 22 are addressed in response to Question 11 and Paragraphs 28 is not applicable, the allocations should not be considered non-strategic.</p>	
<p>1.60 <b>Given the date range of the plan; how do the strategic policies look ahead a minimum of 15-years from adoption, to anticipate and respond to long term requirements and opportunities as required by paragraph 22 of the Framework?</b></p> <p>1.61 It is recognised that the National Planning Policy Framework, at Paragraph 22, does advise that <i>“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.”</i></p> <p>1.62 However, given that the Cranbrook Plan is explicitly designed to assist with implementation of the policy of the adopted East Devon Local Plan this is one exceptional case where it is not appropriate for Paragraph 22 to apply a minimum 15 year period from adoption.</p> <p>1.63 In answering Question 12, below, more is said on the justification for the time period for the Cranbrook Plan.</p>	<p><b>Q11 – Date range of the plan</b></p>
<p>1.64 <b>Is the Plan period 2013 - 2031 justified; and how has it been arrived at?</b></p> <p>1.65 The Cranbrook Plan is clearly designed to set out more detail on and in respect of implementation of the East Devon Local Plan. The Local Plan has an operational time span of 2013 to 2031 and therefore it is entirely</p>	<p><b>Q12 – Justification for Plan period</b></p>

appropriate that the Cranbrook Plan operates to the same time frame. In this context it is also worth noting that an East Devon Villages Plan was produced and adopted after the East Devon Local Plan was adopted. The Villages Plan fulfilled a similar role to the Cranbrook Plan, in providing further and greater policy detail, though in its case in respect of East Devon village development policy. The Villages Plan also covers the period of 2013 to 2031.

1.66 To seek to run the Cranbrook Plan to differing dates (specifically to end after 2031) would introduce some fundamental and potential unresolvable problems. Not the least these would include establishing possible overall housing numbers at Cranbrook for the plan to provide. By running from 2013 to 2031 the scale of residential development is clear in that numbers are set out, as part of the objectively assessed housing need, in adopted Local Plan policy. Running to this time period, and not later, also ensures that a policy vacuum is not created by Local Plan policies, many of which apply across Cranbrook, ceasing to exist at 2031 whilst Cranbrook Plan policies remain operational.

1.67 It is, of course, recognised that discussion on subtleties of plan end dates are hypothetical insofar as the East Devon Local Plan and the Cranbrook Plan will be superseded by new plans that are produced well before 2031. The importance is that by planning for 2031 the Cranbrook Plan has a sound and robust housing number to provide for, as tested through production and adoption of the East Devon Local Plan, and that the Cranbrook Plan sets out a coherent, logical and planned basis for Cranbrook to expand into and be part of.

<p>1.68 <b>Additional Question:</b> <b>Are any Main Modifications proposed in relation to Issue 1?</b></p>	<p><b>AQ1 – Main Modification</b></p>
<p>1.69 At this stage of the Examination, in respect of matters arising in the above questions, no Main Modifications are proposed.</p>	

## Issue 2: Duty to co-operate

**Is the Plan’s preparation compliant with the Duty to Co-operate [DTC] imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA]?**

Response	Inspectors Question(s)
<p>2.1 <b>DTC statement says that it is not intended to address or affect any needs arising as a result of growth beyond East Devon. That planned at Cranbrook is said to be ‘self-contained’ in the plan area? However, to what extent could/should Cranbrook be accommodating unmet need from adjacent districts? Is any element of the housing number intended to provide for any housing need from beyond EDD (particularly given that Exeter do not have a 5-year supply and transport accessibility into Exeter from Cranbrook by rail is accessible)?</b></p>	<p><b>Q13 – Potential to address unmet need from adjacent Districts</b></p>
<p>2.2 The level of housing development proposed through the Cranbrook Plan is directly informed by the East Devon Local Plan. Given that the key role of the Cranbrook Plan is to set out more policy on the implementation on East Devon Local Plan policy it is appropriate that it does not seek to deviate from the Local Plan and the plan making process does not/should not consider housing demand and supply issues in adjacent or near by local planning authority areas. The self-containment reference in the Duty to Co-operate statement, <a href="#">Cran061</a><sup>26</sup>, refers to the policies of the Cranbrook Plan all falling within the defined Cranbrook Plan area.</p>	

<sup>26</sup> <https://eastdevon.gov.uk/media/2810819/duty-to-co-operate-and-statement-of-common-ground.pdf>

2.3 It would, therefore, be inappropriate for the Cranbrook Plan to seek to accommodate housing arising from areas outside of the plan area. There was no representation from Exeter City Council or any other local planning authority seeking to accommodate any of their possible needs and in any case such matters were considered at the appropriate point of plan making; the making of the adopted East Devon Local Plan. It is also advised that given the clarity provided by the policy of the adopted East Devon Local Plan it was not relevant for East Devon District Council, through or in relation to Cranbrook Plan work, to seek to make requests or enquiries about any other planning authority accommodating East Devon needs.

2.4 It can be confirmed, therefore, that the Cranbrook Plan does not seek, to accommodate needs from beyond East Devon, nor would this be appropriate. Going forward, of course, the Greater Exeter Strategic Plan will provide a basis to examine issues of cross-boundary distribution but will come forward in a new strategic plan in due course.

2.5 **What, if any, is the synergy between this plan and the Greater Exeter Strategic Plan (GESP)**

2.6 Given that the Greater Exeter Strategic Plan (GESP) is at a very early stage of production, and the Cranbrook Plan now nears adoption, there is no direct synergy between the two plans. In drafting the Cranbrook Plan there was an obvious awareness that the GESP was being produced but there was nothing, bar sharing of limited emerging evidence, coming from the GESP work that was directly relevant to or had a bearing on the Cranbrook Plan. Most explicitly there was and is

**Q14 – Synergy with GESP**

2.7 currently no emerging GESP planning policy of Cranbrook Plan relevance.

Of far greater importance is that GESP, when it does get to start to explore policy options, will be informed by Cranbrook and the Cranbrook Plan.

2.8 **Who did the Council co-operate with? What has been the nature and timing of co-operation with others and on which issues?**

**Q15 - Cooperation**

2.9 The cooperation undertaken by the Council is set out in Cran061 - [Duty to Co-operate and Statement of Common Ground](#).<sup>27</sup>

2.10 **Have the viability toolkit questions been disclosed, if not has this compromised the Duty to Co-operate?**

**Q16 – Viability Toolkit**

2.11 The viability assessment was based on a series of values (numerical data) that was input into the viability model and they were all published and put on public record. Furthermore values were discussed and tested through an industry workshop and were published at and through consultation where they were available for people to challenge.

2.12 It is advised, however, that the actual toolkit itself, essentially the formulas that do the work and generate outputs, are not published and they are not in the public domain. They are owned by the Consultants and were not purchased by the Council and are not available to or accessible by the Council. However, there are many viability toolkits

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<sup>27</sup> <https://eastdevon.gov.uk/media/2810819/duty-to-co-operate-and-statement-of-common-ground.pdf>

2.13	<p>that exist and are available to purchase/use that will do a similar job/generate viability outputs. Furthermore a dedicated enthusiast of viability assessment should be able to undertake assessment, feeding variables into formulas they can also generate or produce, that replicate the model and its outputs, without having the actual bespoke model available to use.</p> <p>There is no issue of compromise of the Duty to Co-operate in respect to how viability work has been undertaken.</p>	
2.14 2.15	<p><b>Are there any failures in the DTC?</b></p> <p>Given the Duty to Co-operate work undertaken, and the clear restrictive role of the Cranbrook Plan, explicitly that it provides more detail on adopted Local Plan policy, there are no failures.</p>	<p><b>Q17 – Failures in the Duty to cooperate?</b></p>
2.16 2.17 2.18	<p><b>What consideration has been given to the Cranbrook settlement having the capacity to fulfil unmet need elsewhere?</b></p> <p>It would not be appropriate, specifically given its role in adding detail to the adopted East Devon Local Plan, for the Cranbrook Plan to accommodate needs from elsewhere. However, what has been undertaken is a systematic and objective assessment of potential land options in, at and around Cranbrook to accommodate appropriate and sustainable development at the new town and this assessment has informed plan policy.</p> <p>What the objective assessment has shown is that the most suitable and appropriate sites and land areas for development are allocated in the</p>	<p><b>Q18 – Ability for the plan to fulfil unmet need</b></p>

<p>Cranbrook Plan. What is allocated, the land that is appropriate for development, meets the housing requirements for Cranbrook as established through adopted East Devon Local Plan policy. Inappropriate land for development, for example because of proximity to the airport, in landscape sensitive areas or remote from planned services and facilities is not allocated.</p>	
<p>2.19 <b>Were any standing arrangements/protocols/memorandums of understanding in place in relation to the housing figure?</b></p> <p>2.20 No – the housing figures that have been derived for and through the Cranbrook Plan are based on objectively assessed housing need that is directly attributable to the 2016 adopted Local Plan.</p>	<p><b>Q19 – Derivation of the housing figure</b></p>
<p>2.21 <b>How has any co-operation with neighbouring councils influenced the preparation of the Cranbrook Local Plan?</b></p> <p>2.22 East Devon District Council works closely with neighbouring authorities on a range of issues and key joint work areas and work arrangements are set out in <a href="#">Cran061</a><sup>28</sup>. Of great importance is the collaborative work that this Council does in the context of working as part of the Exeter and East Devon Growth Point. Outputs from collaborative working has fed into Cranbrook Plan production.</p> <p>2.23</p>	<p><b>Q20 – Influence of neighbouring Councils</b></p>

<sup>28</sup> <https://eastdevon.gov.uk/media/2810819/duty-to-co-operate-and-statement-of-common-ground.pdf>

<p>There has also been the opportunity for other authorities to comment on plan making activities and representatives of Councils to attend Cranbrook workshops and engagements events.</p>	
<p>2.24 <b>To what extent is the Plan consistent with made Neighbourhood Plans in the area, including the Rockbeare and Broadclyst Station Neighbourhood Plans?</b></p> <p>2.25 Information on Neighbourhood Plans in East Devon can be found on the Council <a href="#">web site</a><sup>29</sup></p> <p>2.26 There is not a Cranbrook Neighbourhood Plan (Cranbrook is not a designated area). For the designated areas surrounding Cranbrook there is only one, Rockbeare, that has a Made plan. It should be noted that the whole of Broadclyst Parish was designated as a Neighbourhood Plan Area in 20 July 2017 and the designated area includes the Broadclyst Station area. There is not, therefore, a specific Broadclyst Station Neighbourhood Plan.</p> <p>2.27 Whilst legislation, reflecting the passage of time, allows for one plan to supersede another there are only limited degrees and ways in which the Cranbrook Plan, as currently drafted, supersedes the Rockbeare Neighbourhood Plan.</p> <p>2.28 The Made <a href="#">Rockbeare Neighbourhood Plan</a><sup>30</sup> can be viewed on the Council's website.</p>	<p><b>Q21 – Consistency with made neighbourhood plans</b></p>

<sup>29</sup> <https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/>

<sup>30</sup> <https://eastdevon.gov.uk/media/2653631/rockbeare-neighbourhood-plan-referendum-version-july18.pdf>

2.29 Page 4 of the Neighbourhood Plan shows the area, the Parish of Rockbeare, that it covers. If superimposed on top of the Cranbrook Plan it is discernible that there are a relatively few parts of the Neighbourhood Plan coverage that overlay Cranbrook Plan coverage. The most significant overlaps occurs along London Road.

The Rockbeare Plan contains a number of aims and objectives, these are translated into planning policies and it is these policies that the rest of this response specifically comments on

2.30

<b>Rock-beare Policy</b>	<b>Policy objectives</b>	<b>Commentary on Neighbourhood Plan and Cranbrook Plan Consistency</b>
Rock01	Policy seeks to resist the loss of the loss of or damage to trees, woodland or hedgerows.	There is no identified inconsistency in policy coverage. Cranbrook Plan policy seeks to resist such losses and to promote more planting.
Rock02	Policy seeks to protect Devon Banks	Whilst not having a directly compatible policy the Cranbrook Plan seeks to protect natural features.
Rock03	Policy promotes improvement and enhancement of public rights of way and bridleways	Whilst not having a directly compatible policy the Cranbrook Plan seeks also to promote green links.
Rock04	Policy seeks to improve river management and	Whilst not having a directly compatible policy objectives to improve river management would be applied at

	construct new defences.	Cranbrook - though avoidance of needing to construct defences would be more likely to underpin Cranbrook thinking.
Rock05	Policy seeks to protect identified rural views.	In Cranbrook Plan production, through landscape assessment work, great care was taken to avoid adverse landscape impacts. The actual protected viewpoints in the Rockbeare Plan (Map 4) are not actually towards Cranbrook, but nonetheless possible adverse visual impacts on Rockbeare and inter-visibility between the two settlements was a key consideration in determining suitability of areas for development.
Rock06	Policy seeks to resist potential for development in Green Wedge areas.	The Cranbrook Plan does not propose any development within the Rockbeare Green Wedge area so there are no policy incompatibilities.
Rock07	Policy provides for development in a defined Rockbeare village settlement area	This defined area is outside of and some distance from Cranbrook and there are no compatibility issues.
Rock08	Policy provides for development in garden areas.	The gardens that fall in both the Rockbeare Neighbourhood Plan and the Cranbrook Plan areas all fall inside the Cranbrook Built-up Area. There may be subtle variations in how the

		two sets of policies may address planning applications but at most these would be marginal.
Rock09	Policy promotes SUDs	Policy is compliant with Cranbrook planning approach.
Rock10	Policy seek to improve or extend the existing local community facilities.	The Cranbrook Plan also seeks to promote provision of community facilities.
Rock11	Policy seek to provide allotments.	The Cranbrook Plan also seeks to promote provision of allotments.
Rock11	Policy seek to provide Outdoor Recreation Space.	The Cranbrook Plan also seeks to promote provision outdoor space.
Rock11	Policy seek to improve and extend existing cycle routes.	The Cranbrook Plan also seeks to improve and extend existing cycle routes and to provide new ones.
Rock11	Policy seek to provide wider and safer footpaths and shared pedestrian and cycle links	The Cranbrook Plan also seeks to provide better and safer footpaths and cycle links.
Rock12	Policy seek to facilitate traffic management	The Cranbrook Plan also seeks to promote improved traffic management.

	schemes in the interest of increasing safety for all road users	
Rock12	Policy seek to promote home working.	Home working is compatible with Cranbrook Plan objectives and policy.
Rock12	Policy seek to promote super-fast communication infrastructure.	High quality digital connectivity is compatible with Cranbrook Plan objectives and policy.

2.31 **Are any Main Modifications proposed in relation to Issue 2?**

2.32 At this stage of the Examination, in respect of matters arising in the above questions, no Main Modifications are proposed.

**AQ2 – Main modification**

# Appendices

**There are no appendices to this statement**