

# THE CRANBROOK PLAN

Examination

Matter 1: Legal Compliance, including the Duty to Cooperate

January 2020

JBB8750  
The Cranbrook Plan

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## Matter 1 – Legal Compliance, including the Duty to Cooperate

This Matter Statement is provided on behalf of Persimmon Homes South West (PHSW) who has a controlling land interest at the Cobdens Expansion Area.

### Issue 1 – Overall, has the Plan been prepared in accordance with the relevant legal requirements?

#### 1.1 Q4. Is the Plan compliant in relation to the East Devon Local Plan 2016 (EDLP)?

1.1.1 PHSW note that Appendix 1 of the Plan sets out which policies of the EDLP will be superseded by the Plan and whether this is in part or in full. Having regard to this PHSW consider the Plan to be broadly compliant with the EDLP.

1.1.2 However, PHSW has concerns regarding compliance with the EDLP in relation to specific aspects of the Plan. They are summarised below and are addressed in more detail in the corresponding Matters Statements submitted by PHSW on the relevant topics.

1.1.3 As set out in response to Matter 10 Q134 and Q135, PHSW do not consider that defining Built Up Area Boundaries (BUABs) to be consistent with the Sustainability Appraisal or justified at this time. However, PHSW do acknowledge that the identification of BUABs at an appropriate point in the future following the delivery of development will be necessary to ensure compliance with Strategy 6 and 7 of the EDLP.

1.1.4 Regarding compliance with EDLP Policy H7 Sites for Gypsies and Travellers, PHSW note that the Council intend to retain H7 for Cranbrook. PHSW note that should their position on BUABs discussed above be accepted that there would be a conflict between point 6 of H7 and the Plan, although PHSW acknowledge this could be resolved through the undertaking of additional Sustainability Appraisal work which PHSW invite the Inspector to direct the Council to undertake as set out in response to Matter 2 Q22. Further commentary on the relationship between H7 and the Plan is set out in response to Matter 3 Q46.

#### 1.2 Q7. Is the Local Plan legally compliant with respect to the Sustainability Appraisal (SA)?

1.2.1 No, although PHSW consider that this can be rectified and invite the Inspector to direct the Council to undertake this additional work. PHSW's position is set out in detail in the response to Matter 2.

**1.3 Q10 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)?**

1.3.1 Notwithstanding concerns raised regarding detailed points in relation to CB4 set out in response to Matter 6 PHSW consider that CB2 to CB5 meet the requirements of paragraph 20 of the Framework.

1.3.2 PHSW note that paragraphs 2.8 and 2.9 of the Plan identifies policies CB1 to CB15 as strategic policies, with paragraph 2.10 identifying policies CB16 to CB29 as non-strategic policies. As such this addresses the requirement of paragraph 21 of the Framework.

1.3.3 However, PHSW also note that paragraph 22 of the Framework states that strategic policies should look ahead over a minimum period of 15 years from adoption, except in relation to town centre development. It is not clear that CB2 to CB5 as drafted address this sufficiently.

1.3.4 With regards to paragraph 23 of the Framework, PHSW consider that policies CB2 to CB5 broadly meet this, although PHSW have concerns with regards to detailed points regarding CB4 as set out in response to Matter 6.

1.3.5 PHSW note that in relation to paragraph 28 of the framework there is a degree of overlap between what should be included in strategic policies and what can be contained in non-strategic policies. Notwithstanding the specific points discussed in detail in response to Matter 6 on CB4, PHSW consider that it is appropriate that CB2 to CB5 are strategic policies.