

Independent Examination of the Cranbrook Local Plan

MATTERS AND QUESTIONS

RESPONSE by NATURAL ENGLAND

7 January 2020

There are no outstanding issues between the Council and Natural England as set out in a statement of common ground between the two parties.

Where the Inspector has raised specific questions relating to matters that are now resolved (as set out in the statement of common ground) these are addressed under matter 2 (Q31), matter 7 (Q115) and matter 16 (Q195, Q196 & Q198).

The Inspectors questions addressed in this document are shown in bold.

Matter 2 – Soundness of the Local Plan

Issue 4:

Is the Local Plan justified, effective and consistent with national policy in respect of the Habitats Regulations?

Q31. Has the position of Natural England re the SOCG been finalised.

The statement of common ground between Natural England and the Council has been agreed and is attached (Matter 2 – annex 1). There are no outstanding issues between the two parties.

Natural England response to Inspector's questions

Matter 2, Annex 1


THE CRANBROOK PLAN 2013-2031

EXAMINATION HEARING

STATEMENT OF COMMON GROUND BETWEEN EAST DEVON DISTRICT COUNCIL AND NATURAL ENGLAND.

1. This Statement of Common Ground (SoCG) addresses matters raised by Natural England, through representations made to the Submission draft of the Cranbrook Plan 2013-2031 relating to policies CB7 Phasing, CB15 Delivery of Suitable Alternative Natural Green Space and CB27 Landscape, Biodiversity and Drainage.
2. The purpose of this SoCG is to establish the main areas of agreement between the signed parties before the commencement of hearing sessions to be held for the Cranbrook Plan Examination. There are no matters where there is not an agreement and there are now no outstanding issues between the Council and Natural England.
3. It has been prepared between East Devon District Council and Natural England, and sets out the confirmed points of agreement with regard to the Submission draft of the Cranbrook Plan 2013-2031.
4. This Statement is provided without prejudice to other matters of detail that parties may wish to raise during the hearings.
5. The following table sets out the matters raised by Natural England, the response of the Council, and identification of where there is common ground for the purposes of this SoCG.
6. The proposed changes to policy wording are as follows.
 - Amend clause (h) of Policy CB15 to read: 'Paths that **retain a natural character**, are suitably signposted and available for use in all weathers all year round (this can include the introduction of boardwalks in wet sections);'
 - Amend clause 2 of Policy CB27 to read: 'Be prepared in conformity with landscape character, biodiversity and sustainable drainage guidance **and delivers biodiversity net gain**';
 - Amend the policies map to include the area known as Percy Wakley Wood within the SANGS designation as shown in Appendix 1.

Signed on behalf of the following organisations:

Signed on behalf of Natural England		
Name and Position	Signature	Date
Carol Reeder Lead Advisor – Planning Policy, Devon Cornwall and Isles of Scilly Team		16 Dec 2019
Signed on behalf of East Devon District Council		
Name and Position	Signature	Date

James Brown
Cranbrook New Community Manager



6 Jan 2020

Table 1: Matters Raised by Natural England in relation to the Submission draft of the Cranbrook Plan 2013-2031 and the Responses Proposed by the Council.

Document	Policy, paragraph, map or diagram	Natural England's comment or proposed change	East Devon DC Considered Response	Modification Proposed*	Natural England's Response
The Cranbrook Plan 2013-2031 Submission Draft	Paragraph 3.53	<p>Accompanying text to Policy CB7 Phasing should recognise that SANGS is required to be in place ahead of potential impacts occurring.</p> <p>At the end of the 1st sentence in para 3.53, add “: they must be in place and be of a suitable quality before recreational impacts occur”.</p>	Agreed that additional text should be added to paragraph 3.53 to support policy amendment.	<p>Amend paragraph 3.53 to read:</p> <p>‘Set out in more detail in Policy CB15 and the associated supporting text, it is critical to the phasing of development that SANGS is delivered in a timely fashion and must be in place and be of a suitable quality before first occupation of dwellings in each phase or sub phase. This approach is to ensure that adequate SANGS are in place before recreational impacts occur.</p> <p>The SANGS delivery strategy recognises that a failure to deliver SANGS appropriately would result in adverse effect on internationally protected environment sites and in so doing breach the legal duty imposed by The Conservation of Habitats and Species Regulations 2017. Proper consideration must be given to</p>	Agreed

				this requirement in bringing forward housing development’.	
The Cranbrook Plan 2013-2031 Submission Draft	Paragraph 3.53	Para 3.17 of the HRA which recommends that estimated timescales are given for SANGS phasing should be addressed within the chapter on phasing.	Policy CB7 requires a phasing strategy and that this must be approved in writing by the LPA before planning permission is approved for the development of the relevant expansion area or part thereof in line with the HRA.	No change	Accepted – subject to revision of text regarding the need for quarterly monitoring (with reference to the table at para 5.2 in the Plan) as set out below.
The Cranbrook Plan 2013-2031 Submission Draft	Policy CB15: Delivery of Suitable Alternative Natural Green Space Clause H	It is important that paths within SANGS retain a natural character and that over-engineered paths are not provided as a standard feature. We advise that “retain a natural character” is inserted after “Paths that” in clause (h).	Agreed that additional text should be added to clause (h).	Amend clause (h) of Policy CB15 to read: ‘Paths that retain a natural character are suitably signposted and available for use in all weathers all year round (this can include the introduction of boardwalks in wet sections);’	Welcomed.
The Cranbrook Plan 2013-2031 Submission Draft	Policy CB15: Delivery of Suitable Alternative Natural Green Space	2.3km falls short of the recognised length of 2.5km length walks identified in the HRA	Guidelines publically available including advice from Natural England to other Councils on the creation of Suitable	No change	Accepted. Guidelines published by other planning authorities state that it should be possible to complete a suitable walk of 2.3 –

	Clause J		<p>Accessible Natural Green Space (SANG) state that it should be possible to complete a circular walk of 2.3-2.5km around the SANGS.</p> <p>The SANGS that will be delivered as part of the expansion areas around Cranbrook will be no shorter than the minimum requirement and with the use of adjacent green corridors can in some cases exceed the 2.5km requirement.</p>		2.5 km around the SANG.
The Cranbrook Plan 2013-2031 Submission Draft	Policy CB27 Landscape, Biodiversity and Drainage	Advise that 'net gain for biodiversity' be included as a specific component to be included within each Landscape, Biodiversity and Drainage Strategy (LBDS). We suggest the following wording is added to clause 2 "and delivers biodiversity net gain	Agreed biodiversity plays an important role within the development of Cranbrook as it helps to improve air quality, provides resilience to climate change, adds amenity value and supports wellbeing.	Amend clause 2 of Policy CB27 to read: 'Be prepared in conformity with landscape character, biodiversity and sustainable drainage guidance and delivers biodiversity net gain ';	Welcomed. Inclusion of a reference to the requirement for net gain now ensures policy reflects the National Planning Policy Framework para 170(d).

The Cranbrook Plan 2013-2031 Submission Draft	Paragraph 4.87	Accompanying text to Policy CB27 should specific recognise 'net gain for biodiversity'	Agreed that additional text should be added to paragraph 4.87 to support policy amendment.	Amend paragraph 4.87 to read: 'The landscape areas within the expansion areas will be multifunctional, providing space for sport and informal recreation and an attractive landscape that complements the development and gives a strong sense of place and not only enhances but delivers a net gain in biodiversity. As a result it will be important and a key commitment of each LBDS that the level of biodiversity is enhanced, habitat connectivity within the site and adjacent habitats is promoted, and that long term nature conservation values of the site are secured.	Welcomed. The revised text now reflects the requirement for net gain set out in the NPPF para 170(d).
The Cranbrook Plan 2013-2031 Submission Draft	Monitoring	Para 3.17 of the HRA which recommends that estimated timescales are given for SANGS phasing should be addressed within the chapter on phasing. (This issue is also raised above)	CB7 already requires that development of individual expansion areas should be carried out in accordance with an approved phasing strategy. However more specific monitoring of housing completions against	Amend the last 'indicator and target' relating to SANGS to include: 'Quarterly monitoring of housing completions in each expansion area will be assessed against the delivery of SANGS provision' .	Agreed. It is accepted that Plan policy (CB7) already requires that an approved phasing strategy is required for each expansion area to ensure timely and coordinated delivery of development. A commitment to quarterly monitoring

			delivery would provide a useful record of progress. The table at paragraph 5.2 sets out a list of key monitoring indicators including the delivery of SANGS however the Council agree this can be more specific.		of housing completions against SANG delivery is welcomed as it will provide a regular record of progress and in particular regarding the sequence of development/SANG delivery.
The Cranbrook Plan 2013-2031 Submission Draft	Policies Map The Grange SANGS	Natural England questions whether the SANG provision south of Grange offers a satisfactory space for a peripheral walk of at least 2.5 km as this is a relatively narrow and 'indented' area.	Discussions have taken place with the Woodland Trust who own Percy Wakley Woods which are the areas of woodland lying to the immediate south of the allocated Grange area. The trust are happy in principle to include the entire woodland site within the area identified as and available for potential SANGS. This would widen the area of SANG provision.	Amend the policies map to include the site within the SANGS designation.	Welcomed. Natural England note that a walk around the periphery (and following the outer boundary) of the proposed SANG would provide a peripheral walk of some 3km. However the inclusion of the additional area proposed gives the option of a more satisfactory circular walk and would enhance the existing provision. This would therefore offer, overall, a more suitable and attractive SANG.

The Cranbrook Plan 2013-2031 Submission Draft	Policies Map Cobdens SANGS	Request confirmation of status of area of 'white land' within the western section of Cobdens SANG provision as shown on the Cranbrook Plan policies map.	This is privately owned piece of land that the Council has no control over. The land sits outside the defined development boundary of Cranbrook as shown on the Policies map.	No change	Noted
GI & SANGS Strategy Consultation Draft	Figure 13 Figure 14	Green Infrastructure and SANG strategy consultation draft This document (e.g. figs 13 & 14) shows the SANG provision as set out at the preferred options stage rather than reflecting the provision set out in the SANG delivery strategy. However it is included within the evidence base documents for the submission draft plan. This needs to be corrected.	The document is part of the evidence base for the plan and figures 13 and 14 both show 'potential' open space/SANGS. The policies map for the Cranbrook Plan shows the finalised location of the potential SANGS recognising availability of land.	No change	Noted. The comment was provided for information only.
Delivery Strategy Habitat Mitigation – SANGS	Figure 1	This should set out the land available, by area, for individual parcels	Figure 1 sets out the amount by area of land requirement for	Amend Figure 1 to include Woodland Trust land (Percy Wakley Wood)	

2013-2031		of SANG land and include a more detailed table and map splitting land parcels to enable monitoring of delivery.	SANGS in each of the four expansion areas and is shown on the map in Appendix 1. This needs to be updated to take account of potential use of Woodland Trust land.		
Delivery Strategy Habitat Mitigation – SANGS 2013-2031	Paragraph 2.12	Para 2.12 states that management must ensure that the SANGs can perform their function and be properly maintained as such for a period of at least 80 years. We suggest that “(80 years being taken as a proxy for ‘in perpetuity’)” be added at the end of the sentence to reflect the commonly accepted requirement for mitigation to be provided “in perpetuity’.	Agree that the 80 year period specified in the Strategy is a proxy for in perpetuity and the wording of CB15 of the Cranbrook Plan includes that wording. In order to achieve consistency between documents the Strategy document should be amended.	Amend paragraph 2.12 to read: ‘Once established it is likely that all SANGS will be transferred to a managing organisation rather than be retained by the developer. Such management must ensure that the SANGS can perform their function and be properly maintained in perpetuity as such for (comprising a minimum a period of at least 80 years). This comes with a cost and to ensure the proper future management of the sites, financial provision must be made by the respective developer sufficient for the full 80 year period.	Agreed.

*additional text show in **bold** and deleted text shown as ~~struck through~~.