

CRANBROOK LOCAL PLAN EXAMINATION

REPRESENTATIONS

MATTER 2

SOUNDNESS OF THE LOCAL PLAN

PREPARED ON BEHALF OF WADDETON PARK LTD

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REPRESENTATIONS

MATTER 2

SOUNDNESS OF THE LOCAL PLAN

1. Issue 3: Is the Plan based on a sound process of Sustainability Appraisal?

1.1 Question 22

Has the Plan followed a sound process of SA?

1.1.1 In our view the Sustainability Appraisal (Cran057) has not followed a sound process (please see our comments to Matter 1, Question 7 and to Question 26 below).

1.1.2 The SA process has failed to recognise the (as has the HRA assessment, Cran020) the divergence of the provisions of CB15 to the provisions of Strategies 10 and 47, in particular the abandonment of the strategic approach, the abandonment of CIL underwriting, the abandonment of monitoring and review, and the introduction of phasing and further flexibility in accessibility criteria and delivery standards.

1.1.3 The assessment of alternatives with regard to SANGS is too high level to be useful. It contains no detailed assessment of the Council's emerging approach to SANG delivery (for example it does not consider the phased approach to delivery set out in CB15/Cran021, but does consider the provision of remote SANG [that would fail to accord with the provisions of the EDLP that are not to be varied by this plan]).

1.1.4 In our view therefore, Cran057 is so limited in its assessment (in respect to SANGS) that it renders the document ineffective in understanding the impacts of the development proposed. We also note the lack of discussion regarding the reasons for the omission of sites post publication of the Preferred Approach (including our client's site south of London Road). This is particularly concerning given the spatial implications of its removal (i.e. less coherency in development along London Road) as discussed in our representations to the Publication Draft (paragraphs 3.20-3.30) which, in our view, ought to have been considered as part of Cran057, particularly given that the Council's landscape and visual impact evidence demonstrated that there would be no visual coalescence.

Question 23

Has the SA been undertaken at each stage of the Plan's preparation to clearly justify the Council's policy choices?

1.1.5 Whilst an SA has been undertaken at each stage of the Plan's preparation we have concerns regarding the scope and detail of the SAs that have been prepared, and in particular, the SA to the Publication Draft (which we note has not been updated post public consultation on that draft). Please see our comments in response to Question 26 below.

1.2 Question 26

Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?

1.2.1 Cran057 is fundamentally flawed due to the confusion inherent in the 'developer led' approach that plan is taking to SANGS delivery (contrary to that enshrined in the EDLP).

1.2.2 Cran057 confirms that proposals within the Cranbrook Plan (Cran001) should be in conformity with the EDLP and, with particular regard to development at the West End, states that:

"The Local Plan policies also set out criteria that will apply to all new development at the West End of the District, including at Cranbrook - Strategy 10: Green Infrastructure in East Devon's West End and Strategy 11: Integrated Transport and Infrastructure Provision at East Devon's West End. Proposals within the Cranbrook Plan should be in conformity with these and other strategic Local Plan policies, as well as the general development management policies in the Local Plan."
(paragraph 3.40)

1.2.3 Despite this acknowledgement (and reference to the Council's commitment to the delivery of the CVRP and implementation of the SEDESMS, Cran019) Cran057 fails to undertake any robust assessment of the SANGS strategy proposed in the Cranbrook Plan (Cran001) against the provisions of the EDLP (in particular Strategies 10 and 47). As a result, Cran057 fails to recognise two critical things; that the Council has failed to deliver SANGS to date and that the SANGS delivery strategy proposed in Cran001 is fundamentally different to that embodied in the EDLP (see our response to Questions 4 and 8, Matter 1).

1.2.4 Cran057 does not therefore properly engage with the necessary subject matter and, critically, fails to consider the implications that a lack of certainty in this regard would have on the

effectiveness of the plan in delivering housing in a timely manner without adverse impacts on FCS of the Natura 2000 sites.

- 1.2.5 If it is to be incumbent upon developers to suggest and deliver SANGS then it must follow that an additional assessment criteria needs to be introduced – the ability to delivery good quality SANG in a timely manner – since without this ability harm to the FCS of the Natura 2000 sites will (on the Council’s own evidence) occur.
- 1.2.6 If the Council are struggling to deliver the SANG suitable element of the CVRP then those development sites that are able to deliver areas of land that have already been allocated for their SANG suitability (via Strategy 10) must be reflected in the appraisal process.
- 1.2.7 The Council’s assessment of alternatives with regard to SANGS is incredibly high level and limited to essentially two options; SANGS located close to Cranbrook and SANGS located remote from Cranbrook. Cran057 appears to contain no detailed assessment of the Council’s own approach to SANG delivery and neither does it appear to consider the proposal put forward on behalf of our client (i.e. for additional land for SANGS to be allocated to the east of Rockbeare – see our Preferred Approach Consultation Response, dated 5th January 2018 [appended to our representations to the Publication Draft]).
- 1.2.8 In our view, Cran057 is so limited in its assessment in this respect that it renders the document ineffective in understanding the impacts of the development proposed. In our view, Cran057 cannot therefore be considered as being robustly prepared.

1.3 Question 27

Are the reasonable alternatives sufficiently distinct such that meaningful comparisons can be made of the different sustainability implications?

- 1.3.1 In our view, whilst there has been an attempt to assess alternatives, the detail of the assessment in this regard is so limited as to render the document ineffective in understanding the impacts of the development proposed, particularly in respect of Cran057’s assessment of SANGS provision. See response to Question 26 above.

1.4 Question 28

Does it represent an appropriate strategy in the circumstances?

- 1.4.1 In light of our comments in respect of SANGS delivery and the deficiencies in the evidence base (see our response to Questions

4 and 8) (including that identified above) it is our opinion that the plan does not represent an appropriate strategy in the circumstances.

1.4.2 Cran001 fails to incorporate sufficient land for development to the south of London Road that would facilitate a mix of uses/streetscene/foot and cycle connectivity as well as green infrastructure linkages between the west and east of Cranbrook.

1.5 Question 29

Does the final report set out the reasons for rejecting earlier options?

1.5.1 We note the content of Chapter 10 (Alternative Site and Land Development Options) of Cran057 and the site by site assessment of land at and around Cranbrook identified as having scope for development (Table 10.1).

1.5.2 Whilst there is commentary in respect of each site against the SA objectives there is no detailed discussion regarding the reasons for the omission of sites post publication of the Preferred Approach, including our client's site south of London Road. This is particularly concerning given the spatial implications of its removal (i.e. less coherency in development along London Road) as discussed in our representations to the Publication Draft (paragraphs 3.20-3.30) which, in our view, ought to have been considered as part of Cran057, particularly given that the Council's landscape and visual impact evidence demonstrated that there would be no visual coalescence.

2. Issue 4: Is the Local Plan justified, effective and consistent with national policy in respect of the Habitats Regulations?

2.1 Question 30

Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment [AA]?

2.1.1 In our opinion the Local Plan is not compliant with respect to the Habitat Regulations. Please see our response to Matter 1, Issue 1, Question 8.