

THE CRANBROOK PLAN

Examination
Matter 2: Soundness of the Local Plan

January 2020

JBB8750
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Issue 3: Is the Plan based on a sound process of Sustainability Appraisal?

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

1.1 Q22. Has the Plan followed a sound process of SA?

Q23. Has the SA been undertaken at each stage of the Plan's preparation to clearly justify the Council's policy choices?

- 1.1.1 This Cranbrook Local Plan 2013-2031 builds upon the existing East Devon Local Plan 2013 2031 and its allocation of land at Cranbrook for a modern market town of around 6,300 dwellings up to 2031. The Cranbrook Local Plan lacks a clear statement expressing the geographical differences if any between the current Cranbrook Plan Area as delineated on the West End Inset Map, and the proposed future Cranbrook Plan Area. Additionally, there is insufficient clarity as to the difference between the areas allocated for development in the current and proposed local plans. The SA ought to be making this clear as well as assessing the impact of the additional allocated land on the existing allocations as well as the impact of the additional allocated land. The proposed additional net development and its effect on existing and planned infrastructure on land already allocated needs to be clearly identified and assessed.
- 1.1.2 Another issue inadequately justified in the SA process is the introduction of an ill-defined "comprehensive development scheme" in each of the expansion areas and their relationship to the Cranbrook masterplan. The status of this masterplan is not clearly expressed in the Cranbrook Local Plan.
- 1.1.3 PHSW are currently building out dwellings at Cobden. An earlier outline application focused on land identified as W144C on the West End Inset Map was not progressed by PHSW in response to requests by the Council and whilst PHSW is keen to ensure no delay in delivery of dwellings in the medium term, PHSW are concerned at the extent to which the allocated land they very largely own/control at W144C is now being proposed to be deployed to provide additional infrastructure for newly allocated land to the south. The justification for this change in approach appears missing from the SA. It needs to be clearly provided.
- 1.1.4 This failure is capable of being rectified and PHSW invites the Examination Inspector to direct the Council to undertake this additional work. By way of example, PHSW is concerned to see assessed the need for already allocated land W144C to be taken up by SANG provision required to enable other dwellings to come forward outwith land W144C.

1.2 Q24. Does the SA process represent the only site selection methodology? Have other methods been used?

- 1.2.1 The additional land sought to be allocated has not been the subject of any SHLAA or Call for Sites assessment. It is not clear how the SA has drawn from other evidence base documents. In relation to the two proposed Gypsy and Traveller sites in terms of their initial selection PHSW cannot find any supporting evidence to substantiate the choices made at the preferred options stage, and therefore PHSW suggest the choice of site location is not justified nor has it been shown to be consistent with national policy, so it is not soundly-based.
- 1.2.2 Following the preferred approach consultation undertaken between November 2017 and January 2018, the two parcels of land originally identified in the 2017 masterplan were amended and so do not now correspond with the land parcels proposed in the Plan and which are now shown on the 2019 Masterplan. It is not clear from the supporting evidence documents, including the Sustainability Appraisal, the reasoning behind the changes now proposed. A significant change has been the increase in area (and pitch numbers) on both parcels, but also includes the relocation of the Bluehayes allocation, the reasons being based on officers' concerns with the deliverability of the site refers to the land being in *'private ownership'* and the *'owners intentions are unclear'* (EDDC Strategic Planning Committee report on Cranbrook Plan Development Plan Document, dated 20th March 2018, page 25). Similar conclusions could equally apply to the preferred site at Cobden, but this is not referred to in the Council's summary responses and therefore PHSW considers this change has not been justified and is unsound.
- 1.2.3 It is also noted that the SA has not appraised any alternative pitch provision in terms of numbers of pitches on the preferred sites, or on any alternative sites, as a basis for preferring the proposed allocation of 10 pitches at Cobden. There also appears to be no supporting site selection evidence sitting outside the SA and so it is unclear how the SA, or site selection process, has informed the final choice of pitches assigned to Cobden.
- 1.2.4 Consequently, it is unclear as to the evidential basis for why the Bluehayes site should be relocated whilst the Cobden site should remain broadly 'in-situ', nor why 10 pitches are appropriate in Cobden and not elsewhere in the Cranbrook area in other potential locations that are or will be accessible to local facilities and services.

1.3 Q25. How has the SA tested against reasonable alternative sites?

- 1.3.1 In relation to the two identified Gypsy and Traveller sites the SA did not include any appraisal of individual sites as 'reasonable alternatives' for Gypsy and Traveller use to the two 'preferred' sites identified at this point. This is an error in the SA process that is supposed to inform the selection of preferred options which undermines the selection process in relation to the approach to selecting the gypsy and traveller allocations
- 1.3.2 In relation to the two high-voltage over-head power cables it is not clear that the SA has assessed the implications of the requirement that the Plan seeks to impose by requiring the western of the two lines to be placed underground. Nor has there been any testing of reasonable alternatives (i.e. no undergrounding and undergrounding part of the western most line). The implications and delivery of undergrounding across both CB4 and CB5 has not been assessed.

1.4 Q26. Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?

- 1.4.1 No, see response to Q25 above in relation to gypsy and traveller sites.
- 1.4.2 In relation to the two high-voltage over-head power cables it is not clear that the SA has assessed all reasonable alternatives. Paragraph 6.82 of Cran057 notes that the options of partially undergrounding one of the cables and not undergrounding the cable have been assessed. It also notes that no other reasonable alternative options are identified.
- 1.4.3 PHSW have a number of concerns with regards to how the undergrounding of the pylons has been assessed in terms of the SA. Firstly, it is not clear from the SA which pylon has been assessed to be partially undergrounded nor is it clear what the extent of this undergrounding is. For instance, is the proposal to underground the pylon across both CB4 and CB5, or just one of the two areas?; and is it the eastern or western pylon that is being assessed? Equally, no justification has been provided for not considering the option of undergrounding of both pylons. While it may be the case that the Council considers this to not be a reasonable alternative, it is not clear from the SA that this is the case.
- 1.4.4 PHSW consider that these issues can be rectified and invite the Inspector to direct the Council to undertake this additional work.

1.5 Q27. Are the reasonable alternatives sufficiently distinct such that meaningful comparisons can be made of the different sustainability implications?

- 1.5.1 For Gypsy and Traveller sites the SA (Cran057, para 5.87) did consider options for meeting the need for additional pitches, but this was based on site 'typologies' i.e. single large; small number of (say two) medium sized sites; and large number of very small sites.

1.6 Q28. Does it represent an appropriate strategy in the circumstances?

- 1.6.1 With regards to the proposed Gypsy and Traveller sites PHSW do not consider the strategy to be appropriate.
- 1.6.2 PHSW do consider the partial undergrounding of the western most pylon to be the most appropriate strategy, but as noted above in response to Q26 have concerns that this has not been adequately justified.
- 1.6.3 As per our response to Matter 3 Q38 PHSW do not consider the requirement for a comprehensive development scheme in policy CB4 to be an appropriate strategy. This is further the case given the presence of the masterplan.

1.7 Q29. Does the final report set out the reasons for rejecting earlier options?

- 1.7.1 Not with regard to the proposed gypsy and traveller sites and the undergrounding of the overhead cables.

1.8 Additional Question: AQ3. Are any Main Modifications proposed in relation to Issue 3?

- 1.8.1 PHSW expect that Main Modifications will be required to reflect the additional SA work that we invite the Inspector to direct the Council to undertake.

Issue 4: Is the Local Plan justified, effective and consistent with national policy in respect of the Habitats Regulations?**1.9 Q30. Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment [AA]?**

- 1.9.1 PHSW note that CB15 requires 100ha of land to be safeguarded for SANGS. PHSW do not consider this to be justified, given that only 78ha is required based on the number of houses to be allocated.

Issue 5: Is the Local Plan justified, effective and consistent with national policy in relation to Climate Change?**1.10 Q33. Taken as a whole, will the Plan policies be effective in mitigating and adapting to climate change, including supporting the transition to a low carbon future?**

- 1.10.1 PHSW consider the Plan in general to be effective in mitigating and adapting to climate change, including supporting the transition to a low carbon future. However, as set out in the response to Matter 16 PHSW do not agree with some detailed aspects of policy CB13.