

THE CRANBROOK PLAN

Examination
Matter 8: Phasing

January 2020

JBB8750
The Cranbrook Plan

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Issue 11: Is the Phasing programme within policy CB7 positively prepared justified and effective?

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 **Q118. Is the proposed phasing justified and effective? How will the Council ensure that strategies from each expansion area achieve a co-ordinated approach to delivery and a measured release of sites over the plan period?**

1.1.1 The mechanism and responsibility for a “comprehensive phasing strategy for each expansion area” is unidentified both in the plan and its evidence base. The relationship between phasing and the Masterplan is unexplained and clearly the ability of the former to input the latter is not acknowledged.

1.2 **Q119. Does the policy rely on multiple landowners reaching agreement? How might uncertainty for owners particularly for smaller land holdings be avoided?**

1.2.1 For Cobdens PHSW control 90% of the land including sufficient land to deliver the infrastructure identified in CB4, excluding the extension to the sports hub at Ingrams. As such for the Cobdens area agreement is not required with other landowners to deliver the bulk of the allocation or the associated infrastructure required by CB4. As such PHSW will, through the planning application process, prepare a suitable phasing strategy for Cobdens. However, it should be noted that this should be approved as part of the planning application, not separately or prior to a planning application being determined as implied by the current policy.

1.2.2 PHSW understand that in the case where an expansion area is being brought forward by multiple smaller land owners the approval of a phasing strategy in advance of planning applications may be important to ensure coordination.

1.2.3 PHSW also consider that where a landowner is dependent on another landowner for infrastructure provision, such as is the case with Farlands and SANGS provision as shown in Figure 1 of Cran021, that a legal agreement will be necessary to ensure that the developer who requires the off-site infrastructure is obligated to fund the infrastructure (including the land value at a suitable market rate) that they cannot directly deliver themselves.

1.2.4 Should also the Council forward fund delivery of infrastructure (for example a school) on site then the Council will need to collect proportionate contributions via a s106. If the developer forward funds for example a school which serves a wider need and delivers a compliant level of affordable housing, then payment of the shortfall by the Council at that point needs to occur and then the Council would need to collect appropriate contributions from developers later in the process. The policy/supporting text needs to explain this position.

1.2.5 PHSW note that this general approach to delivery of infrastructure only works on the basis of the equalization process as required by CB6 and set out in detail in Cran030. Without this process some sites, such as Cobdens, would be required to deliver an acknowledged disproportionate level of infrastructure provision. This would make these sites unviable and undermine the delivery of the Plan as it does not require sites such as the Grange to provide the full range of infrastructure (for example primary education provision) necessary to meet their needs. This would mean sites coming forwards without the necessary infrastructure being provided off-site. It is essential that policy insists upon equalisation to give the first/lead developer the comfort that it will be repaid.

1.3 Q120. Can improved clarity be given to those instances where delivery means making serviced land available and where it means providing buildings?

1.3.1 Policy or supporting text clarification should be provided.

1.4 Q121. How have the occupation restrictions been validated and how might interim solutions enable the release of funds to deliver the infrastructure?

1.4.1 PHSW are concerned that the occupation restrictions have not been suitably evidenced or justified. PHSW understand the demand for school places from the initial phases of Cranbrook to be lower than was anticipated and as such for there to still be capacity available.

1.4.2 PHSW note that the Department for Education have recently published a guidance document entitled 'Securing developer contributions for education. Paragraph 39 of this document advises that local education authorities may need to use basic need funding or local authority borrowing to forward-fund school provision within new settlements. There is no evidence to explain what consideration if any has been given to these issues either by the plan making or education authority much less the various land owners/developers.

1.5 Q122. In respect of Paras 3.6 and 3.14; there is an inconsistency in that the plan refers to both Bluehayes and Treasbeare as the first phase. Please can the Council clarify the rationale for the phasing of the expansion areas CB2 to CB5 and the mechanism for securing that programme?

1.5.1 PHSW understand these paragraphs to relate to the anticipated phasing of Bluehayes and Treasbeare. Excluding this point, there is no phasing in the evidence base between different expansion areas either anticipated or implied by the policies. To hold back the delivery of one expansion area while another delivers would be counterproductive and only serve to reduce the delivery of new homes.

1.6 Q123. How will SANGS be delivered ahead of new housing?

1.6.1 PHSW support the principle of phased provision of SANGS and where a developer is in control of the land required to deliver the appropriate quantum of SANGS, such as with the land under PHSWs control, consider this to be deliverable.

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1.6.2 However, PHSW note that there are parcels of land under the control of others not able to provide their own SANGS as set out in figure 1.1 of Cran021. In these circumstances it will be necessary for off-site provision of SANGS to be secured prior to the delivery of new housing. In principle this should be achievable, but consideration will be required to ensure that appropriate access can be provided between the development parcel and the off-site SANGS provision. This may require the developer seeking the off-site SANGS provision to also cover the costs of providing the necessary access.

1.7 Are any Main Modifications proposed?

1.7.1 Consistent with the observations set out within this Matter Statement, Main Modifications are considered appropriate in relation to the following:

- Greater clarity and explanation regarding the policy for the funding and equalisation arrangements for all forms of the infrastructure provision; and
- Evidence produced to establish appropriate occupation restrictions within policy.