

# THE CRANBROOK PLAN

Examination  
Matter 16: Subject Specific Policies

Persimmon Homes South West

January 2020

JBB8750  
The Cranbrook Plan

Jan 2020

## Matter 16 – Subject Specific Policies (1)

### Issue 22: Is the policy for Self-Build Homes (CB12) 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 Q180. What is the justification for the allocation of 4% self-build homes?

- 1.1.1 There is no justification for this figure that PHSW can detect. CB12 requires 'Not less than 4%', this is a minimum requirement and so is only flexible in one direction. It is not therefore truly flexible. Notwithstanding previous representations made by PHSW, ENDCp and the Home Builders Federation on the lack of evidence to support this 4% figure, and the issues identified with it being applied as a requirement; PHSW contend that should a figure for Custom and Self Build Housing be ultimately found sound, that the uncertainty of forecasts expressly acknowledged by paragraph 2.11 of Cran013 seriously undermines the requirement for an annual review.

#### 1.2 Q181. How would a flexible figure of 4% (reviewed on an annual basis) enable smaller scale developers to commit to land? Should provision be made to enable developers to work with individuals to custom build rather than selling on to a third party?

- 1.2.1 The annual review would be undertaken by the Council and not be subject to any form of external scrutiny. As this 4% runs to and affects the viability of the plan any changes should only be introduced through the formal DPD review process and therefore the annual review outside the DPD process should be removed. It is not clear that the affect of potentially changing the figure (up or down) has been considered through the viability appraisal process.
- 1.2.2 PHSW consider that this would be wholly inconsistent with the principles of plan making as it would mean that a DPD policy would be subject to amendment without being subject to examination as required by paragraph 35 of the NPPF.
- 1.2.3 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that Local Planning Authorities consider the need to review local plans at least once every 5 years from adoption. This provides the appropriate certainty to the market to enable investment decisions to be made, while also allowing time for appropriate evidence of demand for custom and self-build homes to be collected to better inform forecasts of future demand at Cranbrook. Should evidence be forthcoming it would be within the Council's ability to update the plan informed by this evidence.

**1.3 Q183. What is the delivery mechanism for these self-build plots and how will this vary for the delivery of affordable housing self-build development?**

1.3.1 PHSW contend that the requirement for a proportion of self and custom build plots required by CB12 as currently drafted is not consistent with paragraph 64c) of the NPPF which exempts development that is proposed to be developed by people who wish to build or commission their own homes from the 10% requirement for affordable housing.

**1.4 Additional Question AQ22. Are any Main Modifications proposed in relation to Issue 22?**

1.4.1 Paragraphs 2 to 4 of CB12 should be deleted.

**Issue 22: Is the policy for Zero Carbon (CB13) justified and effective?**

**1.5 Q184. To what extent is the policy consistent with National Policy?**

1.5.1 PHSW consider CB13 to broadly consistent with National Policy, however the building-by building requirement for a minimum 19% carbon reduction improvement over Building Regulations Part L (2013) set out under 2b) of CB13 is not.

1.5.2 Paragraph 11a) of the NPPF requires plans to be sufficiently flexible to respond to be able to adapt to rapid change. PHSW contend that restricting developers to only utilising fabric energy efficiency measures and on plot renewable energy generation on a building-by-building basis is not sufficiently flexible. The pace of development of new technologies and approaches to minimising both energy demand and carbon emissions is such that even were there to be evidence to support this approach today, new and more affordable technologies for off-plot solutions may be preferable in the very near future. 2b) of CB13 as drafted would prevent such technologies from being utilised, without a departure from the policies of the CP, even if there are clear benefits, as such it is not consistent with National Policy.

1.5.3 Paragraph: 012 Reference ID: 6-012-20190315 of the PPG (updated 15/03/19) refers to the Written Ministerial Statement on Plan Making dated 25/03/19 which clarified the use of plan policies and conditions on energy performance. It notes that plan policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (approximately 20% above current Building Regulations across the build mix). Crucially, in relation to CB13, this relates to planning permissions, not individual buildings. PHSW consider the attempt by CB13 to introduce a building-by-building approach as being contrary to the PPG.

1.5.4 Finally, PHSW note that the current Government have since the December 2019 election extended the consultation on changes to Part L of the Building Regulations. Page 15 of this consultation states that the Government’s preferred option is bring a new Part L into force in mid to late 2020. Paragraph 2.28 of the same document notes the potential to amend the Planning and Energy Act 2008 to **restrict local planning authorities from setting higher energy**

**standards when the new Part L is introduced.** PHSW contend that while not yet national policy, this consultation document provides a clear indication of the direction that the Government intend to take which would render 2b) of CB13 redundant before or shortly after the CP is likely to be adopted.

**1.6 Q187. Can all dwellings within The Grange (and other expansion areas) be within 400m of the basic facilities listed? Would Policy CB13 be effective in relation to the Grange expansion area?**

- 1.6.1 PHSW contend that the policy wording does not require all new dwellings to be within 400m of the basic facilities listed, but instead requires that in terms of layout Cranbrook should be designed around the principle of 400m walkable zones that enables basic services and facilities to be within walking distance, albeit that walking distances for some of the basic services and facilities may be more than 400m away.
- 1.6.2 To illustrate this point PHSW note that the Department for Education’s (DfE) Home to School Travel and Transport Guidance (July 2014) sets statutory walking distances of 2 miles below the age of 8, and 3 miles if aged between 8 and 16. If schools are beyond these distances free transport provision is required. This indicates that the DfE consider up to 2 miles and 3 miles to be walkable for the corresponding age groups.
- 1.6.3 PHSW contend that as noted in paragraph 1.22 of Cran057 that the masterplan demonstrates how the development of Cranbrook could proceed in a manner that would be compatible with the policies of the Cranbrook Plan and that this includes new homes being located more than 400m from some of the basic services and facilities.

**1.7 Q188. Is the requirement for an energy standard above Building Regulations justified?**

- 1.7.1 Paragraph 3 on page i of Cran029, which is the only the evidence before this examination on low carbon, notes that:  
*“The analysis shows that it is more cost effective to achieve carbon reduction if offsite “allowable solutions” are allowed”*  
Paragraph 2 on page ii of Cran029, also notes that:  
*“without regulation requiring reduced carbon emissions there needs to be an economic case in favour of low carbon concentrated development. This case can be made because concentrated development of hundreds or thousands of homes enable a site wide approach to energy provision.”*  
The final paragraph of page iv also notes that:  
*“There is no standardised approach to adapting new development to climate change, and as such it has not been possible to ascertain the cost uplift to developers of achieving this.”*
- 1.7.2 PHSW contend that Cran029 demonstrates that CB13, as drafted, is not justified by the available evidence provided in support of the policy nor consistent with emerging government policy.

Paragraph 3.87 acknowledges that the energy hierarchy proposed by Cran029 has been simplified, however PHSW contend that this simplification fails to recognise that the hierarchy is a set of interlinked measures. While greater priority is given to matters such as site master planning optimise the use of natural light and heat, crucially the hierarchy is a collective package of measures. PHSW acknowledge that fabric first approaches are preferable, but they are not always practical when their costs are considered. As such the policy is not justified in its interpretation of the available evidence.

- 1.7.3 PHSW also note that paragraph 3.90 of the CP acknowledges that it may not be feasible or viable to maximise the proportion of energy from renewable or low carbon sources solely through on-plot installations. This further supports PHSW’s view that the strict building-by-building requirement of 2b) of CB13 is not justified.

**1.8 Q191. How might this policy hinder the delivery of otherwise policy compliant development in advance of infrastructure delivery?**

- 1.8.1 PHSW consider the building-by-building element of this policy could prevent otherwise policy compliant development coming forwards. As well as the need to take a holistic view in terms of the overall approach to delivering the zero-carbon goal in terms of approaches taken there is also the need to be flexible with regards to the funding and therefore phasing of infrastructure delivery. When new development is required to come forwards in advance of infrastructure delivery for reasons related to funding and capacity of infrastructure Section 106 agreements can and should be utilised to address this issue.

**1.9 Additional Question AQ23. Are any Main Modifications proposed in relation to Issue 23?**

- 1.9.1 Revise 2b) to:  
*“Achieving a minimum 19% carbon reduction improvement over Building Regulations Part L (2013) ~~on a building-by-building basis~~ through fabric energy efficiency measures and on-plot renewable energy generation where feasible and viable, with preference being for the “fabric first” approach;”*

**Issue 25: Is the policy for Suitable Alternative Natural Green Space (SANGS) CB15 justified and effective?**

**1.10 Q194. Is the SANG funding for maintenance justified and effective, given other green space does not attract funding?**

- 1.10.1 PHSW do not consider the requirement for SANG funding to be either justified or effective as the majority of SANGs are low maintenance. In terms of infrastructure required CB15, as drafted, the policy requires adequate car parking and limited and sympathetic visitor infrastructure such as benches and dog bins. These items of infrastructure are commonly associated with other green space, which does not require specific funding in Cranbrook. No specific justification is provided

for why SANGS require funding. Instead the maintenance of other green spaces is funded by a precept on Council Tax which is passed onto Cranbrook Town Council who maintain other green spaces and PHSW proposed that this mechanism should also apply to SANGS.

- 1.10.2 PHSW also consider that the requirement for car parking to be unjustified, given that the SANGS are to be provided as mitigation so that new residents of Cranbrook do not have a significant impact on the Pebblebed Heaths and Exe Estuary. The principle of SANGS is that they are to be provided to attract people away from the sensitive sites as set out in paragraph 1.5 of Cran021. By being located immediately adjacent to the locations in which new housing is to be provided, it is expected that the majority of residents of Cranbrook will, if able, seek to walk or cycle in the first instance to access their nearest area of SANGS. As such there may be areas of SANGS associated with new development parcels that will generate negligible, if any, requirement for car parking.

**1.11 Q198. To what extent is there justification for the SANG to be in place prior to first occupation of the dwellings?**

- 1.11.1 PHSW support the principle of phased provision of SANGS, however the requirement to be in place prior to first occupation is neither justified or proportionate. As identified in paragraph 3.5 of Cran020 the Habitats Regulations require appropriate assessment to enable a competent authority to give effect to a plan after having ascertained that it will not adversely affect the integrity of the European Site. This does not in itself justify the provision of SANGS in advance of new dwellings being occupied, as the new residents that the SANGS are intended to attract away from the sensitive sites as per paragraph 1.5 of Cran021 cannot have an adverse impact on the integrity of these sites if they are not living there.

- 1.11.2 However, PHSW do acknowledge that the SANGS provision must be usable in terms of providing suitable walks and car parking where it is required and that this may require a larger area of SANGS provision to be brought forwards to ensure that it is usable. In such a circumstance however PHSW contend that later phases should benefit from this early overprovision and not be required to provide further SANGS provision until the capacity of this existing provision has been met. It will be important to ensure that the developer providing this overprovision is suitably compensated should a different developer require this overprovision of SANGS to mitigate the impacts of their development.

**1.12 Q200. To what extent should the level of SANGS contribution for a site (for example Farlands) be based on existing use value of the alternative land on which it will be provided together with an amount sufficient to accommodate any necessary modification and maintenance thereafter?**

- 1.12.1 PHSW contend that basing the level of SANGS contribution on existing use value of the alternative land does not treat the landowner fairly. Some of the land identified as SANGS within the control of PHSW is developable but is proposed to be safeguarded to ensure that SANGS can be provided for development parcels outside of the ownership of PHSW. As such should this land need to be utilised for SANGS provision then the lost development value to the landowner should be recognised and appropriately compensated for.

**1.13 Q201. To what extent should the reliance on other areas for SANG provision be avoided unless a mechanism of compensation/payment exists?**

- 1.13.1 In an ideal world this situation would be avoided but PHSW recognise the evidence base may justify it. Here we consider the SA has not yet shown this to be the position but if it did PHSW would not resist subject to a mechanism needed, to support lost development land from CB4.
- 1.13.2 PHSW, as identified in figure 1 of Cran021, control land able to provide both the SANGS provision required to meet the needs of the development they will bring forwards and potential additional surplus land that is both identified for SANGS and suitable to be used as SANGS with appropriate modification. PHSW reliance on other areas for SANGS provision can only take place where an appropriate mechanism of compensation/payment exists. Subject to phasing, this may also need to include compensation for holding costs in relation to the acquisition of SANGS land that may be required by option agreements where land is acquired that will ultimately be utilised as SANGS land to meet the needs of other development parcels.

**1.14 Q202. Should the wider green infrastructure strategy to which EDDC is committed be provided prior to the implementation of the expansion areas in the plan?**

- 1.14.1 PHSW consider that the wider green infrastructure strategy is not necessary. The CP, the masterplan and the various technical documents and strategies required to support the revised outline planning application that PHSW will be submitting for circa 90% of the Cobdens expansion area are more than sufficient to ensure the that green infrastructure will be both comprehensive and interact suitably with surrounding development.
- 1.14.2 Notably section 4.3 of Cran018, which is a draft of the wider green infrastructure strategy, identifies green infrastructure opportunities for each expansion area individually. As such it is already clear from the document itself that the scale of each of the expansion area is such that green infrastructure provision is best considered for each expansion area individually.
- 1.14.3 Furthermore, PHSW contend that to delay the implementation of the expansion areas until after the production of the unneeded wider green infrastructure strategy is unjustified and would only seek to delay the delivery of much needed new homes and infrastructure.

**1.15 Additional Question AQ25. Are any Main Modifications proposed in relation to Issue 25?**

- 1.15.1 Remove “and made available for use prior to the first occupation of the residential dwellings in each respective phase” from third paragraph of CB15.
- 1.15.2 Remove last two bullet points that follow “The management component shall demonstrate”
- 1.15.3 Remove penultimate paragraph.
- 1.15.4 Add the following to the end of the final paragraph “This will be secured by an appropriate legally binding mechanism that suitably compensates the owners of the land on which the off-site delivery or off-site financial contribution will be spent.”