

Statement for the examination of the Cranbrook DPD

Response to the Inspectors Matters Issues and
Questions

Matter 2: Soundness of the Local Plan

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Issue 3: Sustainability Appraisal

Is the Plan based on a sound process of Sustainability Appraisal?

Response	Inspectors Question(s)
<p>1.1 Has the Plan followed a sound process of SA?</p>	<p>Q22 – Process of sustainability Appraisal</p>
<p>1.2 The Sustainability Appraisal (SA) report (Cran061¹) sets out the detailed steps and stages that have been followed from project inception through to the Publications stage of the Cranbrook Plan. A final SA report will accompany the adopted Cranbrook Plan. Chapter 1 of the Publication draft SA specifically summarises the stages of production of the SA and sets these alongside and in the context of the stages of Cranbrook Plan production.</p>	
<p>1.3 The Cranbrook Plan SA work also meets, and incorporates, the legal requirements of Strategic Environmental Assessment (SEA) (Environmental Assessment of Plans and Programmes Regulations 2004) see paragraph 1.29 onward of the SA report.</p>	
<p>1.4 The SA work, in order to ensure compliance with legal requirements and Government Planning Practice has, through all its stages of production, been systematic and rigorous in critique of emerging Cranbrook Plan policy, this has led onto to the assessment that accompanies the Publication draft of the plan. The SA has presented an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as identifying</p>	

¹ <https://eastdevon.gov.uk/media/2761733/sustainability-appraisal-of-publication-of-cranbrook-plan.pdf>

<p>options for mitigating any potential adverse effects that the plan might otherwise have. The SA has provided evidence that can help make sure that the proposals in the plan are appropriate given the reasonable alternatives. The SA sits alongside wider evidence underpinning the plan and helps to demonstrate how tests of soundness have been met. The SA has been applied as an iterative process and outputs were available to inform the development of the plan.</p>	
<p>1.5 Has the SA been undertaken at each stage of the Plan’s preparation to clearly justify the Council’s policy choices? Section 19(5) of the 2004 Act</p> <p>1.6 Table 1.1 of the SA report (Cran061²) sets out in summary the key stages, majoring on the consultation activity, that have been undertaken on the Cranbrook Plan production and on the SA work associated with and relevant to the plan. The SA work meets the requirements of Section 19(5) of the 2004 Act which advises: <i>“The local planning authority must also - carry out an appraisal of the sustainability of the proposals in each development plan document; prepare a report of the findings of the appraisal.”</i></p> <p>1.7 As a basic statement of compliance the SA work for the Cranbrook Plan does provide an appraisal of the proposals in the plan (the SA work actually goes much further having done the same for emerging drafts of the plan and Masterplan work) and at Publication stage of plan making the SA report (Cran061) forms a report of findings. Succinct summary comments on key stages in SA work and plan making work are set out below.</p>	<p>Q23 – SA preparation at each stage of plan</p>

² <https://eastdevon.gov.uk/media/2761733/sustainability-appraisal-of-publication-of-cranbrook-plan.pdf>

- 1.8 As advised in paragraph 2.4 (and onward) of the SA the process began in September 2015 with the production of a Scoping Letter for the Cranbrook Plan. Given the narrow scope of the Cranbrook Plan, plus the fact that a detailed SA Scoping consultation had already been undertaken for the East Devon Local Plan, there was a consultation Scoping letter instead of a full Scoping Report. Appendix 2 of the SA report reproduces the scoping letter and also includes details of comments received at public consultation. The scoping letter and the comments made were available to inform the Cranbrook Plan work in its very early stages of production. It should be noted that SA work of the adopted East Devon Local Plan has been critical to inform the SA work of the Cranbrook Plan.
- 1.9 Chapter 3 of the SA work presents an overview of the sustainability context for development at Cranbrook which includes, as required under regulations, a review of plans, policies and programmes that are relevant the plan and its relationships with surrounding areas.
- 1.10 Chapter 4 of the SA report comments on the appraisal undertaken at the Issues and Option stage of plan making. The report was available for public comment and from paragraph 4.17 of the SA comment is made on responses received.
- 1.11 Chapter 5 of the SA report addresses the Preferred Approach stage of plan making. The SA work forms an assessment of the two documents that made up the consultation. The first was the Cranbrook Masterplan (the 2017 draft); and The second was a document setting out suggested policy subject areas for inclusion in the Cranbrook Plan at Publication stage.

<p>1.12 The reports were consulted on and the feedback received is summarised in the tables at Page 57 onward in the Publication SA report.</p> <p>1.13 Chapter 6 of the SA work forms an assessment of the 2019 draft of the Masterplan and Chapter 7 of the Masterplan design principles. This then leads on to Chapters 8 through to 10 that form the appraisal of the Publication draft of the Cranbrook Plan.</p>	
<p>1.14 Does the SA process represent the only site selection methodology? Have other methods been used?</p> <p>1.15 Chapter 10 of the SA forms an assessment of the suitability of alternative site options that were promoted for development by agents and land owners through various stages of preparation of the Cranbrook plan and as submitted through earlier Strategic Housing Land Availability Assessment work undertaken by the Council.</p> <p>1.16 The Map on Page 205 of the SA shows the sites that were tested and assessed as part of the overall work. Sites shown in red were first tested in the SA report at the Preferred Approach stage of plan making, these were then augmented by additional sites added at Publication stage of assessment, shown in blue. It should also be noted that work that preceded these stages of plan making also considered and evaluated broader spatial options for development.</p> <p>1.17 The SA work, throughout plan production, has formed an objective evidence base that was available to inform plan production and specific site selection choices. It has not, however, been the only resource that</p>	<p>Q24 – Site selection methodology</p>

<p>has been drawn on to determine appropriate land areas for development at Cranbrook.</p> <p>1.18 Of critical importance to inform final land allocations in the Cranbrook Plan (in/on the Policies map) was the work undertaken on the Cranbrook Masterplan. The Masterplan, in its various iterations, was informed by an extensive evidence base and supporting documents and this led on to both written policy and also allocations and designations as shown on the policies map.</p>	
<p>1.19 How has the SA tested against reasonable alternative sites?</p> <p>1.20 Throughout the process of plan production the SA work has highlighted reasonable alternative policy options and compared these against SA objectives as set out in the SA report. The SA objectives are shown on page 13 of the SA report³ though they are replicated throughout the work and consistently used for testing purposes, specifically including for and in respect of alternative sites options.</p> <p>1.21 Before the SA work got to the process of assessing individual possible site development options there was higher level work looking at broad spatial strategy options, including in very broad terms general approaches to the distribution of development. This broader assessment work ultimately fed through into the more detailed site option assessment, as contained in Chapter 10 of the SA of the Cranbrook Plan.</p>	<p>Q25 – Testing against alternative sites</p>

³ <https://eastdevon.gov.uk/media/2761733/sustainability-appraisal-of-publication-of-cranbrook-plan.pdf>

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| <p>1.22 In selecting sites for assessment (see for example text at paragraph 10.7 and 10.8 of the SA report) every effort was made to identify and include all reasonable alternative options for development. As the map on page 205 of the SA shows this included all parcels or areas of land to the east, south and west of existing/permitted development at Cranbrook. Land to the north of Cranbrook (bar site F) was not considered as a reasonable alternative as most of it is owned by the National Trust and has an inalienable status and much of it falls in a floodplain and this was seen as at or very close to an absolute constraint on development.</p> <p>1.24 Floodplains elsewhere also formed reasons for dismissing land areas as offering development potential and where land was in an active use or allocated for such a use it was also dismissed (for example the redevelopment of Exeter Airport for housing use was not deemed to be a reasonable alternative choice). Perhaps more importantly, however, is the fact that where land owners had promoted land for development it has been subject to assessment.</p> <p>1.25 The only caveat that should be added to the above is that land options were only taken into account and appraised if or where they could be seen to be at or close to Cranbrook and as such could potentially and reasonably form part of its expansion. For this reason the SA work did not, for example, assess sites that were clearly extensions to Rockbeare or Whimble villages or were clearly in open countryside locations. The potential and suitability for development at such types of locations was considered through adopted East Devon Local Plan and adopted Villages Plan work.</p> <p>1.26 Following the map on page 205 of the SA, showing the reasonable alternative sites assessed, the tables on pages 206 through to 228 form</p> | |
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<p>a detailed assessment, comparing against each SA objective, of each site with associated commentary.</p>	
<p>1.28 Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?</p> <p>1.29 The SA has gone into considerable detail evaluating and comparing alternative options. At the early stages of plan making the SA work considered broad brush options, reflecting the fact that early stages of plan making work started off by considering broad options, and not matters of detail.</p> <p>1.30 As policy refinement and more detail came into later stages of plan making the alternative options assessed became more detailed and specific. In this respect the SA drilled down into more detail as plan production progressed towards the Publication draft.</p> <p>1.31 As part of the SA work the assessment undertaken was subject to consultation and there was the option for respondents to identify alternative options that should be assessed. Paragraph 6.92 highlights that the East Devon New Community partners had commented that a further alternative should be appraised in respect of gypsy and traveller site provision. On account of their submission an additional option of off-site provision was included in the assessment of gypsy site location options. The assessment process was undertaken on the basis of equality of judgement against identified alternatives.</p>	<p>Q26 – Assessment of reasonable alternatives</p>

<p>1.32 Are the reasonable alternatives sufficiently distinct such that meaningful comparisons can be made of the different sustainability implications?</p>	<p>Q27 – Distinction between alternatives</p>
<p>1.33 In defining alternative options to appraise against there was considerable effort placed on seeking to define options that were distinctly different so that meaningful comparisons could be made. Thereby conclusions could be reached on either a selected approach or a mixture drawn from two or more options.</p>	
<p>1.34 Alternative approaches defined at the early stages of plan making were broader ranging in nature and as plan making progressed the general policy approach became more focussed and sharply defined, as a consequence the options appraised become more focused and less broad ranging. This approach of focussing-in as SA work progresses follows good practice in SA work.</p>	
<p>1.35 In defining alternative options it is recognised that a key role of the Cranbrook Plan is to set out more detail on, but not in any substantive way deviate from, adopted East Devon Local Plan policy. Therefore alternative options that are not or were not compatible with objectives and policy in the Local Plan would not be appropriate for consideration in the SA work.</p>	
<p>1.36 Does it represent an appropriate strategy in the circumstances?</p>	
<p>1.37 In appraising and reporting on the emerging Cranbrook Plan work the SA has been available to inform plan preparation and help ensure that</p>	

<p>the Cranbrook Plan is able to provide a robust and coherent strategy to guide the future development of Cranbrook.</p>	
<p>1.38 Does the final report set out the reasons for rejecting earlier options?</p> <p>1.39 Through its production and at various draft stages the SA work provided reasons and commentary relevant to rejecting certain options and progressing with others. For example at the Issues and options stage of plan making the SA report commented on four growth scenarios explored through Master Planning work noting, see paragraph 4.16, advantages of Scenario 4 amongst a total of four alternative distributions strategies.</p> <p>1.40 In Chapter 5 the SA report advises on assessment work looking at evidence documents and alternative approaches arising from or related to these. For example at paragraph 5.1, in respect of Culture and Community, the SA advises:</p> <p><i>“The SA at Preferred Approach stage of plan making clearly endorsed an approach of provision of facilities, with provision of a substantial number performing better than lower levels, albeit noting cost considerations and potential for over-provision.”</i></p> <p>1.41 This thematic approach continues through Chapter 5 of the appraisal and thereafter in to later stages of work.</p>	<p>Q29 – Reasons for rejection of early options</p>
<p>1.42 Additional Question: Are any Main Modifications proposed in relation to Issue 3?</p>	<p>AQ3 – Main modifications</p>

1.43 At this stage of the Examination, in respect of matters arising in the above questions, no Main Modifications are proposed.	
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Issue 4: Habitats Regulations

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

Response	Inspectors Question(s)
<p>2.1 Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment [AA]?</p> <p>2.2 Habitat Regulations Assessments (HRA) are a requirement of the Conservation of Habitats and Species Regulations 2010 (as amended 2011). The reports assess the impacts of the Local Plan policies on sites designated under the European Directive (92/43/EEC The Habitats Directive). For the development of the Local Plan, the assessment was carried out in an iterative process as the HRA is, and in turn used to inform the development of planning policies.</p> <p>2.3 A screening assessment on the Cranbrook Plan was carried out under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).</p> <p>Submitted evidence: Cran020 - Habitats Regulations Assessment⁴:</p>	<p>Q30 – Legal compliance</p>

⁴ <https://eastdevon.gov.uk/media/2760803/habitat-regulations-assessment.pdf>

2.4	<p>This document identifies the designated sites and their interest features which may be affected by the Cranbrook Plan, and the type of impact that is addressed through an Appropriate Assessment. It also identifies other plans and projects which could, in combination have a significant effect on these designated sites.</p>	
2.5	<p>The HRA conclusion is that the South-East Devon Mitigation Strategy provides the necessary framework for mitigating any potential recreation pressure, but that there should be some strengthening of policy, supporting text and the Cranbrook SANGS delivery document to give greater confidence in securing the necessary measures.</p> <p>Submitted evidence: Cran019 - South East Devon European Site Mitigation Strategy⁵:</p>	
2.6	<p>The Council has liaised with Natural England to agree strengthened policy wording and supporting text around SANGS to ensure that they are delivered and are in place before recreation impacts occur.</p>	
2.7	<p>The Council are therefore content that the Plan is legally compliant with the Habitat regulations.</p>	
2.8	<p>Has the position of Natural England re the SOCG been finalised?</p>	<p>Q31 – Natural England SOCG</p>
2.9	<p>The SOCG has been finalised and there are no outstanding matters or issues where there is not an agreement between the Council and Natural England. The agreement recognises that modifications should</p>	

⁵ <https://eastdevon.gov.uk/media/2760800/south-east-devon-european-site-mitigation-strategy.pdf>

<p>be made to two policies, together with a revision to the Policies plan (to show the whole of Percy Wakley woods as being suitable for SANGS) and enhanced monitoring. Details on the two policy changes agreed are set out under question AQ4 below.</p>	
<p>2.10 Can the Council comment on the recommended changes to policy wordings from table 2 of the HRA?</p> <p>2.11 The Plan submitted for examination has included where appropriate the recommendations of the HRA to both policy wording and supporting text. In particular the need for contribution towards the South East Devon Mitigation Strategy has been included in all the expansion area policies and the residential development in the town centre (Policies CB2, CB3, CB4, CB5, CB23).</p> <p>2.12 The Plan seeks to avoid repetition and as the SANGS calculation is based on the overall housing target it was deemed not appropriate to include a similar reference in policies CB11 Affordable Housing or CB12 Custom and Self-build housing.</p> <p>2.13 It is acknowledged that a future check for project level HRA requirements will be undertaken at the application stage of any project proposal as they come forward. This specifically applies to policies CB14 Safeguarding energy, CB18 Digital connectivity, CB19 Co-ordinated sustainable travel, CB22 Cranbrook town centre, CB24 London Road commercial and retail, CB25 London Road improvements, CB29 Tillhouse Farm redevelopment.</p>	<p>Q32 – HRA Recommended changes to Policy</p>

2.14	Are any Main Modifications proposed in relation to Issue 4?	AQ4 – Main modifications
2.15	1. 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);’	
2.16	With supporting text at paragraph 3.53 amended to read: ‘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. 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.	
2.17	2. 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 ’;	
2.18	With supporting text at paragraph 4.87 amended 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

Issue 5: Climate Change

Is the Local Plan justified, effective and consistent with national policy in relation to Climate Change?

Response	Inspectors Question(s)
<p>3.1 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?</p> <p>3.2 The production of the DPD has been informed by a comprehensive study of flood risk:</p> <p>Cran016 - Flood Risk Review and Surface Water Drainage Strategy (September 2017) ⁶</p> <p>Cran017 - Flood Risk Review and Surface Water Drainage Strategy (February 2019)⁷</p> <p>3.4 This will ensure that development is resilient and prepared for the impact of climate change. More widely the production of the DPD has also benefited from research that has been commissioned to inform the development of the Greater Exeter Strategic Plan.</p>	<p>Q33 – Mitigation and adaptation for Climate change</p>

⁶ <https://eastdevon.gov.uk/media/2272406/cranbrook-drainage-strategy-draft.pdf>

⁷ https://eastdevon.gov.uk/media/2763279/18110001601_flood-risk-review-and-sw-drainage-strategy_b0_12-feb-2019.pdf

- 3.5 The Low Carbon and Climate Change Study identifies a prioritised hierarchy of measures through which the carbon and energy impacts of strategic developments can be considered.

[Cran029 - Low Carbon and Climate Change Study](#)⁸ – GESP March 2018

- 3.6 The first of these relates to development location and the ability to reduce the need to travel and to promote sustainable modes of travel. The original policy requirements for a new community in the Exeter area as set out in Devon Structure Plan included a criterion for the development to be able to access the Exeter-Waterloo rail line through the provision of a new station. Cranbrook station opened in 2015 and today over 100,000 journeys a year start from the station. The second measure relates to site masterplanning.
- 3.7 The early delivery of education infrastructure in the first phases of Cranbrook has helped to internalise trips. The requirement in policy CB13 to design neighbourhoods around 400m walkable zones will ensure that the benefits of this approach are rolled out to the expansion areas.

⁸ <https://eastdevon.gov.uk/media/2760812/low-carbon-study-gesp.pdf>.

<p>3.8 Has sufficient provision been made in the plan to address Climate Change in accordance with Section 19(1A) of the 2004 Act?</p>	<p>Q34 – Provisions to address climate change</p>
<p>3.9 The vision for Cranbrook is for it to develop as a zero carbon town. Fundamentally this means addressing carbon emission at source. Significant strides have already been made towards achieving this objective including the roll out of the largest district heating network on a greenfield sites in the UK and the opening of Cranbrook Railway station in 2016. Thus Cranbrook has serious and demonstrable credentials in terms of mitigating climate change and supporting the transition to a low carbon future.</p>	
<p>3.10 What provision has been made for carbon offsetting?</p>	<p>Q35 – Provision for carbon off setting</p>
<p>3.11 No provision for carbon offsetting has been made within the DPD. This is because the approach focuses on addressing carbon emissions at source rather than attempting to offset these elsewhere. There are opportunities to go beyond a zero carbon approach and to actually off set emissions from elsewhere. For example this could include in relation to decentralised energy generation and the opportunity to be energy positive (i.e. where the generation of energy exceeds local demand) with a zero carbon energy source.</p>	
<p>3.12 Already the private wire arrangement between the Energy Centre at Sympark and the Lidl Distribution Centre highlights the potential in this respect which could extend to supporting the electrification of transport in the future. Bringing forward the nearby Clyst Valley Regional Park proposals will provide further opportunities for offsetting including large scale tree planting.</p>	

<p>3.13 The roll out of district heating was a deliberate strategy for Cranbrook and Skypark to underpin the achievement of zero carbon development. In 2008 the Element Energy⁹ study which formed a core documents for Local Plan examination and is attached as an appendix to this statement, demonstrated, against a backdrop of the Code for Sustainable Homes and the introduction of more stringent standards through to net zero code level 6 in 2016, that it was much more cost effective to pursue a decentralised energy network approach rather than to rely purely on house by house measures. This reflected the long term nature of the build out of Cranbrook and the overall scale of development.</p>	
<p>3.14 How much of the Cranbrook extension will be served by the CHP plant? Reference is made to Cranbrook and the west end of East Devon; what is the total capacity re the number of homes that could be serviced?</p>	<p>Q36 – Extent possible CHP network</p>
<p>3.15 The district heating network is owned and operated by Eon and was negotiated as an 80 year concession with the main development consortium. The relevant contracts were negotiated during the period 2008 – 2010. This was in the context of the original outline planning application for Cranbrook for 2,900 homes.</p>	
<p>3.16 The Energy Centre was scaled to support this level of development. Equally the requirements in relation to meeting the zero carbon standard (a solid biomass Combined Heat and Power facility that was capable of</p>	

⁹ <https://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter8.4-environment/env039-energystrategy.pdf>

delivering of 2 MW electric and 2.4 MW thermal output) were negotiated in to the s106 agreement for the Energy Centre. Again these figures were based on the expected heat and hot water demands of 2,900 homes.

- 3.17 The simple answer to question 36 is therefore that none of the expansion areas were originally expected to be served from this CHP facility. Nevertheless the increased scale of development and the fact that there is yet to be robust technology solution for the electrical and thermal outputs specified above has afforded the opportunity to revisit this area.
- 3.18 This is the subject of the current Department for Business, Energy and Industrial Strategy funded techno-economic feasibility study the brief for which is set out as appendix 2 to this statement. A key output from this study will be to define a clear pathway for achieving zero carbon development for the full extent (i.e. circa 8,000 homes) of Cranbrook.
- 3.19 It should be remembered that district heating is agnostic in terms of the technology employed to generate the heat. The energy source could range from biomass to solar thermal for example. The purpose of the current feasibility study is to find the renewable energy source or mix of sources that is capable of meeting the zero carbon standard in a reliable, timely and feasible manner.
- 3.20 Equally it should also be remembered that, once the energy source is in place, zero carbon heat and hot water will be delivered to all of the homes that are connected to the network – be it the first house that was built in 2011 or the final house in 2031. This has the significant advantage of not having to find retrofit solutions for gas boilers in individual homes.
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3.21 Are any Main Modifications proposed in relation to Issue 5?	AQ5 – Main modifications
3.22 At this stage of the Examination, in respect of matters arising in the above questions, no Main Modifications are proposed.	

Appendices

Appendix 1: 2008 Element energy document

Appendix 2: Cranbrook Heat Network Detailed Feasibility Study