

Date: 12 May 2020
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Our ref: Cranbrook Plan DPD



Mrs J Wilson
c/o Ian Kemp
Programme Officer
PO Box 241,
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Dear Mrs Wilson

Cranbrook Plan – Examination update

We write with an update to the examination of the Cranbrook plan and the hearing sessions that took place between the 21st January and 12th February 2020. We must thank you for the letter that you provided on the 25th February subsequent to these sessions in respect of viability which is very helpful.

We are aware that since late February over two months have elapsed and therefore it is appropriate to update both yourself and other interested parties on the progress since that time.

As is recognised by your letter, the main outstanding issue that has not been subject of a detailed hearing session is that of viability. Since the postponement of the relevant session, the Council have explored the possibility of mediation with other interested parties and have sent out a brief, initially to three and then at the request of two parties, a fourth mediator to tender for the work. Each mediator has responded and these responses have been circulated to relevant parties for perusal and evaluation.

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Unfortunately there appears to be a fundamental split between the main parties as to who should be appointed to undertake the mediation. Two are insisting on one mediator who has a strong background in valuation and property consultancy but has not set out that they have any formal mediation training or experience, while the Council and a third party seek to appoint a member of the RICS dispute resolution service and who has previous planning experience, but is themselves not a professional valuer. Unfortunately a fourth party has not been able to provide an evaluation of the tender documents yet as a result of the personal circumstances of a member of their team.

The Council considers that it is skills and experience in mediation that are of greatest importance in appointing someone to assist in this case. We acknowledge that they need to understand the issues being discussed, but are concerned that the appointment of a further valuer is only going to replicate the expertise that have already been engaged in discussions, and bring a further opinion on them to the table. It appears to us that what is needed is the skill set to facilitate a productive discussion to build consensus among the parties, but agreement cannot be reached on a mediator that we believe is capable of achieving this.

The Council still support the concept of mediation but based on this summary we do not consider that in this instance, the parties are going to be able to make meaningful progress by following this route. Based on your three step process set out within your letter of the 25th it now appears incumbent upon us to complete our viability assessment work based on an updated land budget (the latter is already complete) and then to seek to consult on this along with the updated Sustainability Appraisal Work and draft Main Mods as soon as possible. As part of this work the Council will prepare a paper which addresses the questions raised within your letter.

Unless you indicate otherwise or have other suggestions for potentially unlocking the viability impasse that we appear to have reached, we will prepare a draft timetable for the completion of the above work and subsequent public consultation and send this across to you by the middle of next week. We are aware that this timetable has taken longer to prepare than was originally envisaged but this has been partly as a result of difficulties that have occurred in respect of the proposed mediation as well as the challenges associated with Covid -19 – which none of us foresaw.

We are sorry to have to write with such disappointing news. We trust however that we can still make meaningful progress towards the holding of the postponed hearing session on viability as well as the session on the SA work for the Gypsy and Traveller allocation against the backdrop of these unprecedented times. We

remain committed to taking this plan forward and to working as constructively as possible with yourself and all developers. As such if there are other avenues that you wish us to explore please do advise.

Yours sincerely

A handwritten signature in black ink that reads "James Brown". The signature is written in a cursive style with a long horizontal stroke at the end.

James Brown
New Community Officer - Cranbrook