

Cranbrook Plan DPD Examination

Gypsy and Traveller Allocation Session

Introduction

1. This statement is made by Harrow Estates Plc, part of the Redrow Group and the Pyle Family in respect of the matter of gypsy and traveller allocations in the examination of the Cranbrook Plan DPD. Harrow Estates have an interest in the Treasbeare expansion area allocated in Policy CB3 and have previously participated in the stage 1 hearing sessions in January and February 2020.
2. In summary we consider that the plan is not currently sound as the allocation of gypsy and traveller provision at Treasbeare is not justified or consistent with national policy. However, through appropriate modifications, we consider the plan can be found sound, which will be considered in further detail below.

Response to Additional Questions

AQ22. Does the additional gypsy and traveller evidence paper provide reassurance that the selection of sites at Treasbeare and Cobden's are:-

- **appropriate allocations;**
- **justified by available evidence when considering reasonable alternatives and**
- **in accordance with national policy?**

In accordance with national policy?

3. The PPG states *"Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a plan during its preparation"* (our emphasis). PPG Reference ID: 11-001-20190722.
4. It can clearly be seen by the addendum to the original site assessment within the Sustainability Appraisal (SA) that the consideration of gypsy and traveller consideration has been retrospective and hasn't followed the requirement for consideration during the plan preparation. It is clear that the assessment of the sites has been undertaken in an inconsistent manner to justify the pre-determination of the location of the sites.

Appropriate allocations?

5. We consider that the proposal for gypsy and traveller provision at Treasbeare is not an appropriate allocation as the site is not suitable to accommodate this use.
6. The proposed gypsy and traveller site is located on one of the steepest gradients in the Cranbrook Plan with a fall of approximately 18 metres from the access on Parsons Lane to the

lowest part of the allocation (the northern edge). The site itself has 1 in 8 gradients and would require significant engineering and retaining to provide an appropriate platform. It is unclear to what extent the retaining structures / terraces would impact the adjoining country park however it is noted in the Council's own SA assessment, *"The site is on sloping land with clear views afforded from London Road"*. Furthermore, there would be a significant quantum of cartaway which would generate the need for heavy goods vehicle movements, which could otherwise be avoided by a more appropriate site selection.

7. The Council's SA addendum notes the following of the site (referenced site T, SW corner); *"There is direct road access to the site from the adjoining lane and subject to design, this may negate the need to drive through newly established residential areas; alternatively access may be derived from the proposed residential parcel to the west and this would be a short section of road before exiting onto London Road"*
8. The direct road access referred to is Parsons Lane, a national speed limit land with narrow width, no road markings and warning signs advising that the road is liable to flooding as shown on photos 1 and 2 below.
9. The fact that the road floods further brings into question the suitability of the site. The appropriateness of a site with gradients up to 1 in 8 that is located in between a road liable to flooding and an area of flood plain at the bottom of the hill is highly questionable when considering the alternative sites available.



Photo 1: taken from junction of Parsons Lane and London Road facing south



Photo 2: taken from the bend in Parsons Lane, 180m from London Road roundabout facing east

10. The site scores a '+' in respect of criteria 12 'Sustainable Transport' which seeks "To promote and encourage non-car based modes of transport and reduce journey lengths". However, the site is only accessible by car due to the absence of a footpath or street lighting on Parsons Lane as demonstrated by the above photos. As such, the location of the gypsy and traveller facility in this location would discourage walking and cycling and place an over reliance on the private car.
11. Such an approach also conflicts with the agenda of promoting healthy lifestyles and wellbeing within developments. The proposal is contrary to Paragraph 26 (c) of the DCLG's Planning Policy for Traveller Sites (December 2015) which requires local planning authorities to promote opportunities for healthy lifestyles.

Justified by available evidence when considering reasonable alternatives

12. It has been demonstrated above that the allocation of gypsy and traveller use at Treasbeare is not appropriate, and below we identify more reasonable alternatives at Cranbrook.
13. There are numerous sites which perform better than Site T (SW) within the SA which would be appropriate to accommodate gypsy and traveller provision. However, it is site V which we consider to be the most logical and suitable site and we consider that a modification to the plan to move the allocation to this site would be a significant step towards the plan being sound.
14. We have also provided comments on sites C and X which we consider are more justified and appropriate.
15. The below table shows how T (SW) was assessed:

SA Objectives are on the top row – Site Areas are shown below with a summary commentary on site location	1 Housing	2 Community services	3 Education and skills	4 Health	5 Crime	6 Noise	7 Leisure and recreation	8 Historic environment	9 Landscape character	10 Amenity	11 Biodiversity	12 Sustainable transport	13 Air, soil and water	14 Greenhouse gas emissions	15 Flood risk	16 Energy efficiency	17 Waste	18 Employment	19 Town Vitality & viability	20 Inward investment
Site T – South west corner only	+	+	+	+	0	0	0	0	-?	0	0	+	0	+	0	0	-	0	0	0

Site C:

SA Objectives are on the top row – Site Areas are shown below with a summary commentary on site location	1 Housing	2 Community services	3 Education and skills	4 Health	5 Crime	6 Noise	7 Leisure and recreation	8 Historic environment	9 Landscape character	10 Amenity	11 Biodiversity	12 Sustainable transport	13 Air, soil and water	14 Greenhouse gas emissions	15 Flood risk	16 Energy efficiency	17 Waste	18 Employment	19 Town Vitality & viability	20 Inward investment
Site C	+	+	+	+	0	-	+	0	0	0	0	++	-	++	0	0	-	+	+	+

16. Site C performs better than T (SW) in six categories and would represent a more appropriate location for gypsy and traveller provision. The site is well located in respect of London Road and has the potential to connect to the proposed facilities at Bluehayes. The site is level and well screened by existing trees and future occupiers would be affordable sufficient privacy. Furthermore, the site is currently vacant and boarded up.



Photo 3: Entrance to Site C, taken from Station Road

Site X:

SA Objectives are on the top row – Site Areas are shown below with a summary commentary on site location	1 Housing	2 Community services	3 Education and skills	4 Health	5 Crime	6 Noise	7 Leisure and recreation	8 Historic environment	9 Landscape character	10 Amenity	11 Biodiversity	12 Sustainable transport	13 Air, soil and water	14 Greenhouse gas emissions	15 Flood risk	16 Energy efficiency	17 Waste	18 Employment	19 Town Vitality & viability	20 Inward investment
Site X	+	+	+	+	0	-	+	0	-	0	0	+	0	+	0	0	-	0	0	0

17. The commentary on this site identifies that it is not allocated for development in the plan, which in itself should be irrelevant as the assessment should have been undertaken at the plan making stage. This further highlights the retrospective consideration of the site assessment. Site X is assessed as double negative for landscape character which is disputed. The site is large and whilst some of the areas may have a higher landscape sensitivity, the part of the site closest to London Road would lend itself to a gypsy and traveller facility and has no landscape sensitivity.

18. The below photo 3 is taken part way into the site and shows an excessively large area of hard standing which serves as the car park for the adjoining restaurant. To the rear of the site are ancillary shed and storage buildings, beyond which is further suitable land for consideration.



Photo 4: Large car park for Golden Pond restaurant, facing south

Site V:

SA Objectives are on the top row – Site Areas are shown below with a summary commentary on site location	1 Housing	2 Community services	3 Education and skills	4 Health	5 Crime	6 Noise	7 Leisure and recreation	8 Historic environment	9 Landscape character	10 Amenity	11 Biodiversity	12 Sustainable transport	13 Air, soil and water	14 Greenhouse gas emissions	15 Flood risk	16 Energy efficiency	17 Waste	18 Employment	19 Town Vitality & viability	20 Inward investment
Site V	+	+	+	+	0	+	+	0	0	0	0	+	0	+	0	0	-	0	0	0

19. Site V represents the most appropriate location for gypsy and traveller provision in the Cranbrook Plan area. The below extract is the Council’s own assessment:-

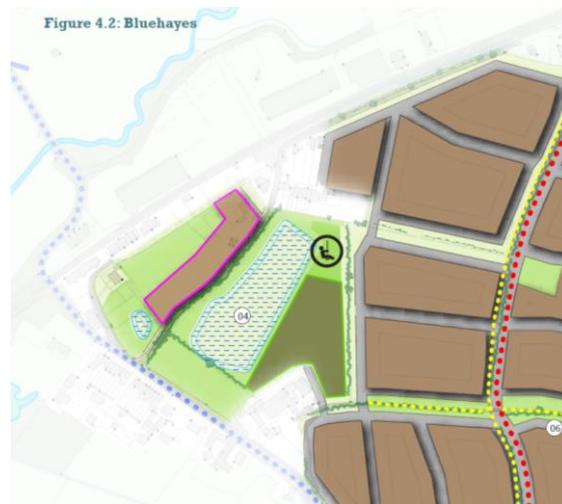
“Site V has a boundary with Station Road and on this account the site has the potential to accommodate vehicle access potential which is to its advantage. However, the road is narrow in places and additional use by large vehicles would not be preferential. The site is identified for built development in the Plan and it is close to some existing facilities at Broadclyst Station and it will be close to Bluehayes facilities. Although the site is in a fringe location of Cranbrook, the surrounding existing built development is to its disadvantage”.

20. Station Road is a 30mph road with road markings for the majority of its length and footpaths within the vicinity of the site. Although the SA synopsis refers to a narrow access road, it should be noted that it will form part of the Bluehayes allocation and suitable access can be ensured through the emerging proposals. Accordingly the site is considered suitable in terms of access.

21. The site is located on the fringe of the Cranbrook Plan area and adjoins an employment area, with good accessibility to the existing station and facilities in the town as well as proposed facilities at Bluehayes including a nearby play area and allotments. Given the proximity to the employment area, the above ranking of ‘0’ is not considered to be justified and it should be graded ‘++’.

22. The below extract from the Cranbrook Masterplan shows the relationship between Site V and the surrounding proposed uses. Site V is proposed for an element of custom and self-build units with a park. The residential element has an area of 0.522 hectares as listed in the Land Budget Technical Notes (PSD22) under parcel reference BH-01. It is considered that the 20 dwellings allocated in this parcel is not well related to the remainder of the Bluehayes

allocation and would be better accommodated elsewhere and could be achieved without a reduction in units.



23. It can therefore be seen that the allocation of gypsy and traveller provision in the proposed location at Treasbeare is not appropriate and the Council has failed to demonstrate the allocation is justified with regards to other more suitable options. Furthermore, shortcomings in the preparation of the SA raise serious questions about the degree to which the plan is in accordance with national policy.

AQ23. Does the final report [PSD27] justify the level of provision (15 pitches) across the two sites at Cranbrook?

24. It is necessary in the first instance to have regard to the adopted Local Plan to understand the basis for these allocations.
25. Policy H7 sets the requirement of 37 gypsy and traveller pitches and 3 travelling showpeople plots for the district up to 2034. The policy also sets out the requirements to be met for the locations of the pitches / plots to be acceptable. These include, inter alia, that where proposals are outside of built up area boundaries, the need cannot be met elsewhere. The proposed allocation at Treasbeare is outside of the built up area boundary and as such, is not policy compliant, on the basis that there are suitable sites within the built up area boundary as demonstrated earlier in this statement.
26. Strategy 12 of the adopted Local Plan concerns Development at Cranbrook up to 2031 and requires provision to be made *“for new gypsy and traveller sites to accommodate up to 30 pitches on land allocated for Cranbrook development”*. It can therefore be seen that the allocation of gypsy and traveller provision at Treasbeare is not a requirement for Strategy 12 of the Local Plan to be met, as it would still be met by the provision of 10 plots.
27. In the event that the Council is unable to accommodate additional gypsy and traveller plots at Cranbrook (for instance through land controlled by the East Devon New Community Partnership), it must consider alternative means for accommodating the identified need across the district. Such consideration is already evident in the Council’s Local Development

Scheme dated July 2018 (attached as Appendix 1), where at section 4.1 (c), reference is made to the emerging Gypsy and Traveller Development Plan where it is concluded, *“This plan will not be produced if sufficient and appropriate gypsy and traveller sites come forward through other plans or are otherwise provided or developed”*. Given therefore, that appropriate sites have not come forward, the Council should seek to meet the identified need through its separate emerging DPD.

Suggested Modifications

28. To summarise, we believe that subject to a modification to Policy CB3 to delete bullet point 10, the policy can be considered sound. The allocation of 10 gypsy and traveller plots within the Cranbrook Plan would be in compliance with Strategy 12 and Policy H7 of the adopted Local Plan. Any shortfall in provision against the requirement can then be dealt with through the emerging Gypsy and Traveller Development Plan.

**Harrow Estates Plc
September 2020**



East Devon Local Development Scheme

Future Work Programme for Planning Policy
Production – July 2018

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1 Introduction

- 1.1 This East Devon District Council - Local Development Scheme (LDS) sets out a programme and timetable for production of future planning policy documents.
- 1.2 East Devon District Council has resolved that this new LDS should take effect from 2 July 2018. This LDS covers the time period from mid-2018 through to 2021, it is envisaged, however, that it will be revised and superseded before this end date.
- 1.3 For full details of consultation arrangements for both Planning Policy work and Development Management (specifically in respect of processing and determination of planning applications) please see the Council's Statement of Community Involvement (SCI):
<http://eastdevon.gov.uk/planning/planning-policy/policy-work-whats-new/work-programme-and-consultations/statement-of-community-involvement/#article-content>
It should be noted that this SCI refers to policy documents that cover parts or all of East Devon only.
- 1.4 A separate SCI, shared by East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council, and which therefore goes beyond the Council's boundaries, has also to be approved, it is specifically concerned with production of the Greater Exeter Strategic Plan (GESP) - see:
<https://www.gesp.org.uk/>

2 The Adopted and Future East Devon Local Plan

- 2.1 The current East Devon Local Plan, covering most policy matters across the District, was adopted on the 28 January 2016. It runs for the 18 year period from 1 April 2013 to 31 March 2031, it will though be progressively and completely superseded by new policy documents before this end date. Policy documents in this LDS will be written within the context of the policy of the adopted East Devon Local Plan though specifically noting that there is the intent to produce the GESP.

- 2.2 Once the GESP has made more progress, probably after a draft plan has been issued for consultation (scheduled for July 2019), supporting and evidence documents will be produced and published in respect of review of a new local plan. Dates for production of a new local plan are not set out in this LDS but in the coming months a programme for future work will be defined.

3 The Stages in Development Plan Document Preparation

- 3.1 Development Plan Documents (DPDs) sit at the top of the hierarchy of District Council planning policy documents, on adoption they form part of what is defined as the Development Plan. The term 'local plan' is often used interchangeably with DPD; although the Council has an adopted plan (which is a DPD) called the 'East Devon Local Plan' the use of the wording 'local plan' should generally also be taken to include all other DPDs as well.
- 3.2 DPDs are of fundamental importance in respect of informing prospective developers of the types of development and locations for development that are likely to be appropriate and they are the key policy documents used in determining planning applications. There are specific legally defined procedural steps that need to be complied with in order to produce a DPD, some of these are referred to in this LDS, however for a more complete picture see: The Town and Country Planning (Local Planning) (England) Regulations 2012, at:
http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf
Noting that there may be additional current or future amendments to procedures and legislation made by government.
- 3.3 In this LDS we set out dates for undertaking key stages in production of DPDs; the stages we report on are summarised below:

Issues Consultation – this is the starting point where comments on general issues and plan scope are sought.

Draft plan – this is where a draft version of the plan or some other consultation document or documents are produced and feedback is sought. Although we use this draft plan terminology (and typically we will produce and consult on a draft of the proposed plan) there are different approaches to this stage of work that we could undertake. In this LDS we highlight the date at which a draft of the plan is envisaged to be consulted on.

Publication – this is the plan that the Council (or in respect of GESP the Councils) intends to submit for examination. The plan is made publically available and formal objections and other responses are sought from the public at this stage.

Submission – the plan, the evidence supporting the plan and the formal responses to the publication plan are submitted to the government who appoint an independent inspector to consider the soundness of the plan.

Inspector's Hearings – sitting days of the examination are typically held at which the Inspector leads discussions on the contents of the plan, and this helps the Inspector prepare his or her report.

Adoption – the Council receive a report from the inspector and can then, assuming earlier tasks do not need to be revisited, adopt the plan.

- 3.4 It is stressed that the above stages are a much simplified version of plan making, they do though form key milestones that are reported on in this LDS to give an overview of plan preparation timelines. Government plan making regulations and legislation (and other guidance) should be reviewed for a complete picture of legislative processes that are followed and variations that can occur on the above.

4 Future Development Plan Documents in East Devon

- 4.1 This LDS sets out that there will, from 2018 to 2021, be four extra DPDs that may be produced, summary details of these documents with dates set against key stages, are set out below. It should be noted that the dates (months) provided are based on what we currently know or best estimates.
- a) **Villages Plan** – this plan will be specifically concerned with development issues and boundaries in and around larger villages of East Devon and the town of Colyton, it will also address Greendale and Hill Barton Business Parks. For more information see: <http://eastdevon.gov.uk/planning/planning-policy/villages-plan/>
The inspectors report on the villages plan has now been received and as noted below adopted is envisaged in July 2018.
 - Issues Consultation – this stage has already been completed.
 - Draft plan – this stage has already been completed.
 - Publication – this stage has already been completed.
 - Submission – this stage has already been completed.
 - Inspector’s Hearings – this stage has already been completed (it is assumed further hearing sessions will not be needed).
 - Adoption – July 2018.

 - b) **Cranbrook Development Plan** – this plan will allocate development sites and establish policy to enable the new town of Cranbrook to expand to provide around 8,000 homes and associated social, community, employment and environmental facilities. For more information see: <http://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/>
 - Issues Consultation – this stage has already been completed.
 - Draft plan – this stage has already been completed.
 - Publication – November 2018
 - Submission – January 2018
 - Inspector’s Hearings – April 2019
 - Adoption – October 2019

 - c) **Gypsy and Traveller Development Plan** – there is an outstanding need to provide sites for gypsy and travellers and the approach currently being pursued is to seek to secure sites without the need

for a specific DPD. However, if it does not prove possible or viable to secure sites without a DPD then this Gypsy and Traveller plan will identify the permanent and transit housing needs of the gypsy and traveller community, allocate sites to meet this need and provide policy guidance on site development. This plan will not be produced if sufficient and appropriate gypsy and traveller sites come forward through other plans or are otherwise provided or developed. For more information on the plan see:

<http://eastdevon.gov.uk/planning/planning-policy/gypsy-and-traveller-plan/>

- Issues Consultation – September 2018
- Draft plan – July 2019
- Publication – December 2019
- Submission – April 2020
- Inspector’s Hearings – June 2020
- Adoption – October 2020

d) **Greater Exeter Strategic Plan** – the following planning authorities:

- East Devon District Council;
- Exeter City Council;
- Mid Devon District Council; and
- Teignbridge District Council.

have agreed to produce a strategic level plan for the greater Exeter area and Devon County Council are a partner in the work. GESP, amongst other matters, is expected to set out over-arching policy for the scale and distribution of development and will include large scale strategic allocations. Greater detail on more localised policy will be set out in separate, East Devon specific, planning policy documents. In due course, but not detailed in this LDS, is the expectation of a new District wide local plan that will follow on after GESP production. The GESP timetable is:

- Issues Consultation – February 2017
- Draft plan – June 2019
- Publication – September 2020
- Submission – March 2021
- Inspector’s Hearings – May 2021
- Adoption – December 2021

- 4.2 It should be noted that for any given DPD (or other policy document) the Council may produce more detailed and bespoke individual plan making timetables.

5 Other Policy Documents Identified for Production

- 5.1 In addition to DPDs the Council also produce a number of extra policy documents. Of greatest importance in respect of determining planning applications are Supplementary Planning Documents (SPDs). SPDs are intended to provide more detail on the use and implementation on policies in DPDs. Procedures for producing SPDs are set out in legislation and regulations and the Council has a protocol for SPD production, see: <http://eastdevon.gov.uk/media/2443645/spd-protocol-adopted-by-spc-20-march-18.pdf>.
- 5.2 SPDs need to go through two stages of consultation but they are not subject to examination and therefore their preparation is shorter and simpler than DPDs; but they do not carry the same weight in decision making.
- 5.3 Whilst it's not intended to be a definitive list of all SPDS that may come forward we do plan to produce (or make substantive progress on) SPDs addressing the issues identified below in 2018 and running into 2019:
- 1) **Green Infrastructure Strategy for East Devon Towns** – this SPD (or more likely series of SPDs for each town) will set out how we will support and encourage provision and use of links into and through green spaces in and around our towns. It should be noted that production for this or these SPDs is a long term project.
 - 2) **Beer Quarry Bats Guidance** – this SPD will outline our approach to dealing with planning applications that could adversely impact on the protected bat colony at Beer and related habitats, it is being produced jointly with the East Devon AONB team.

- 3) **East Devon Design Guide** – this SPD will set out the processes that should be followed by applicants and developers to ensure that the proposals they submit will be of a high design standard and quality.
- 4) **Site Specific Design Guidance and Development Briefs** – where sensitive, complex or challenging sites are identified for development we will consider producing specific SPDs to guide appropriate forms of and approaches to development.
- 5) **Self-Build** - this SPD will guide, inform and support policy for self and custom build development in East Devon.
- 6) **Affordable Housing SPD** – this SPD will elaborate on policy to secure affordable housing provision in East Devon.

5.4 The Planning Policy team of the Council may produce further guidance and advice to support and promote development. Such guidance will not have the formal status of an SPD but we will often look to follow similar processes in document production.

5.5 The additional guidance that the planning policy team, partnering with other services, may produce in 2018 and running into 2019 includes:

- i. **East Devon Heritage Strategy** – this strategy will set out our approach to protecting and enhancing our built heritage assets.
- ii. **East Devon Local List** – this guidance will set out processes we will follow to establish, working with local communities, lists of buildings and features that although not of national importance are of recognised value and are worthy of protection.
- iii. **Landscape Character Assessment update** – consultants are already undertaking update work for the Council that involves reviewing and where appropriate amending past landscape assessment work.
- iv. **Conservation Area Review** – this work will involve setting up procedures and approaches for undertaking Conservation Area

reviews and thereafter we will put into place actual designated area reviews and potentially new area designations.

- v. **Areas of Special Control for Advertisement Reviews** – this work will review and redefine areas in East Devon where particular constraints apply in respect of size and form of adverts.
- vi. **Coastal Change Management Area policy development** – this work, drawing on existing Shoreline Management Plans and coastal erosion assessment, will define areas and zones where limitations on scope for development will be defined to reflect potential losses of land to the sea.

6 Community Infrastructure Levy Charging Schedule

- 6.1 In East Devon a financial charge, called a Community Infrastructure Levy (CIL), is placed on certain types of new development (most notably new housing) and monies raised are used to help pay for infrastructure that is needed to support development.
- 6.2 In order to be able to charge the CIL the Council had to produce a charging schedule that was supported by financial viability assessment evidence, undertake consultation and take the work to Examination by an independent inspector. In this respect production of the CIL charging schedule follows a similar path to that for DPDs (but under separate legislation). The current charging schedule was adopted in 2016 and is now identified as appropriate for review. We already have consultants in place undertaking viability work for the Council and through 2018 and into 2019 we will produce a new charging schedule.

7 Neighbourhood Plans

- 7.1 Neighbourhood Plan are produced by local communities, in East Devon they are typically produced at the parish level. Neighbourhood Plans set out policies and proposal for development; in this respect they are similar to

DPDs and they follow reasonably similar stages in production (but under separate legislation). Once completed (the technical terms is that they are Made) they also form part of the Development Plan for the District and will be used alongside DPD, SPDs and other policy documents in the determination of planning applications.

- 7.2 For more information on Neighbourhood Plans see:
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/>

8 Waste and Minerals Planning and Devon County Council Work

- 8.1 The responsibility for waste planning and minerals planning in East Devon rests with Devon County Council; they have legal responsibility for producing plans and determining planning applications. The County Council adopted a new Devon Waste Plan in 2014:
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>
and adopted a new minerals Plan in 2017:
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan>
- 8.2 The adopted waste plan and minerals plan are also part of the Development Plan for East Devon.
- 8.3 It should be noted that Devon County Council also produce some planning policy guidance documents and determine a limited number of planning applications.