

Cranbrook Plan –

Proposed Main Modifications Consultation



17 January 2022 to 28 February 2022 closing at 5pm

For Office Ref:

Representation Form - to be used as an additional part B form

Please email the completed forms to: plancranbrook@eastdevon.gov.uk

Alternatively, you can post your completed form to: The Cranbrook Plan, Planning Policy, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Part B – Your representations continued

Please use this 'Part B only' form for the **second and subsequent** proposed Main modifications **or** documents that you wish to comment on. It must only be used in conjunction with an **accompanying combined Part A and B** form.

Name or Organisation	Hallam Land Management and Taylor Wimpey Developments (HLM/TW)
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1. To which part of the Cranbrook Plan does this representation relate?
(Please identify only one reference per Part B form)

Proposed Main Modification (PMM)	MM 9	Policies Map Schedule (PMS)	Please select from the dropdown list.	Sustainability Appraisal (SA)	Select if commenting on the SA. Ref: Click to enter text.
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2. If commenting on the PMMs, do you consider that with their incorporation, the Cranbrook Plan is:

(a) Legally compliant	Yes
If answering 'No' please provide reasons	Click to enter text.
(b) Sound	No
If answering 'No' please provide reasons	See Below

For Office Ref:	

3. Please provide full details of your comments in respect of the Modification that you have identified and be as precise and succinct as possible.

MM9 presents a comprehensive redrafting of CB6 of the Submitted Version of the Cranbrook DPD.

A Introductory Paragraph

As proposed to be modified, HLM/TW are content with the widening of the geographical extent of the policy to the Cranbrook Plan area as opposed to the Built Up area. This reflects the potential for some development to come forward outside of the Built up area yet still within the expansion areas.

On the other hand, HLM/TW do not support the proposed modification of the scope of policy CB6 from “residential development” in the submission version, to “development” in MM9. No explanation is offered for this change which at least hypothetically raises the prospect of community development, open space, employment development contributing to the infrastructure categories set out in the modified policy. Employment development contributing to secondary education emerges as a possibility along with a range of other unlikely/unreasonable/unlawful hypothetical expectations. Community buildings contributing towards community buildings?

There was no evidence base presented in support of the Submission Plan, or as part of the examination process that countenanced contributions and provision from any development, other than residential development.

B Infrastructure Delivery Plan and Viability

Much of the objection to the Submission Plan, and the subsequent extended time period of the Examination, has arisen as a result of the broadly based, and deeply held, concerns of ALL of the potential developers of the Cranbrook expansion areas. A particular focus has been the anticipated costs of the policy expectations in the DPD and, in particular, the potential section 106 contributions as set out in the various versions of the Cranbrook Infrastructure Delivery Plan (IDP).

HLM/TW welcomes the deletion, through MM9, of references in CB6 to the Cranbrook Infrastructure Delivery Plan. HLM/TW, along with other developers has been clear that, it could not sign up to the IDP – and the financial contributions set out therein –if the detail was intended as a policy commitment or expectation.

HLM/TW note that MM10 now also includes consistent terminology in relation to the IDP – with 3.46 of the Plan highlighting the function of the IDP as being “an example of the mechanics for equalisation” rather than carrying any policy weight in itself.

The revised approach also appears consistent with the Council’s explanation in para 85 of PSD45 that the revised CB6 should be regarded as a “Framework” rather than detailed policy requirement.

It is in this regard that the Council’s amendment (not a MM) of 3.42 is unfortunate in suggesting that the IDP “reflects both the requirements of policy as well as wider project delivery in the town. It plays an important role in demonstrating...”. To avoid any further misunderstanding arising from lower case text, Para 3.42 should be deleted being inconsistent with the wording and principle of the MMs 9 and 10.

HLM/TW note Main Modification 9, having (rightly) deleted reference to the IDP as a policy expectation, has sought to insert the overall headings (but not the costs, nor the expected level of provision or contribution) from the IDP into Policy CB6 of the DPD.

However HLM/TW remain very concerned regarding the level of provision that may be expected within the Framework provided by the modified CB6. It isn't and cannot be clear that the wording – the framework – will ultimately accord (in the final contributions it seeks) with NPPF guidance in relation to the deliverability of development and section 106 contributions.

HLM/TW is equally concerned that the examination process has resulted in an outcome where high level policy expectations are expected and that it remains to be demonstrated that the detailed expectations or requirements of the Council and County Council (as evidenced in the IDP) are affordable or deliverable or indeed consistent with national guidance.

HLM/TW would draw attention in particular to the following matters that have arisen in the DPD examination:

- a) There remains considerable uncertainty in relation to the actual costs of some of the policy expectations (e.g. the cost of delivering CHP – even if it can be demonstrated to be effective in meeting wider sustainability Future Homes Standards requirements)
- b) There remains considerable uncertainty over a number of inputs into the high level viability assessment – especially given the protracted period over which the DPD has been examined (Build costs for one will have risen significantly)
- c) The absence of any significant changes (in the form of Main Modifications) to the policies of the Plan that have been examined through the examination. It is unclear for instance where the compromises mooted in para 22 of the Inspectors interim findings (PSD33) have been made in the proposed Main Modifications);
- d) While Hallam/Taylor Wimpey consider much progress has been made in understanding the respective positions and technical assumptions in the viability work the bigger questions beyond detailed assumptions – especially priorities and need for compromise - have had limited discussion
- e) The moving nature of some policy expectations– it is only in the proposed modifications that the requirement for 10% biodiversity net gain has been proposed – with no evidence of the additional costs of 10% net gain having been provided or taken into account (see reps on MM33);
- f) The unknown nature of a number of costs for instance in relation to the primary substation, network reinforcements and costs of Future Homes standards and CHP;
- g) the deviations that appear to have been adopted or accepted from normal development appraisal methods and assumptions – for instance in relation to rate of return and valuation of necessary SANG land.

As a consequence HLM/TW continue to lack confidence that there is a robust viability assessment, accepting that the modifications provide a framework rather than detailed policy.

In the light of the above HLM/TW reserve the right to present a viability case, employing proper valuation methods and processes, and based on the actual rather than assumed circumstances. Any such case must be capable of being raised and heard in relation to planning applications for Bluehayes (and indeed other expansion areas).

The need to reserve HLM/TWs position in this way is reinforced by the lack of an effective fallback in relation to policy CB10 affordable housing. No reduction below 15% is proposed – albeit having been mooted by all parties.

No change is made to the existing policy wording that indicates that any such reduction below 15% would need to be accompanied by a review mechanism as part of any planning application approval – a position that each of the developers have separately and collectively argued is not an acceptable position or workable solution – not least because of the accepted need to front load the purchase of the expansion areas and the inability to apportion costs between phases in any event. A review of the Plan could be acceptable but not a review of planning permissions. The arguments are set out elsewhere but are broadly based but apply with particular force in the circumstances that apply at Cranbrook – where a price for the land to be purchased to deliver the expansion areas must be agreed at the outset.

C Category 1 – 3 Expenditure

Insofar as MM9 faithfully replicates policies from CB2 and elsewhere in the DPD in relation to BNG, District heating, Carbon reduction SANGS etc and cross refers to the relevant policy then HLM/TW have no issue in those policy expectations being reproduced in CB6.

As the District Council and the Inspector are aware we have made a number of objections to those detailed policies – e.g. CHP (CB12), Carbon reduction (CB12). For the avoidance of doubt – in the absence of significant Main Modifications to CB12 and other similar policies, those objections remain.

D Category 4 Infrastructure

Hallam/TW support the identification of Category 4 Infrastructure as “Infrastructure for which contributions are necessary for the proper functioning of the Cranbrook expansion areas”

Hallam/TW also continue to support the principle of equalised contributions with on site costs of education, sports provision, London road upgrade works, being off set against the cost of Category 4 infrastructure costs – town centre costs, secondary education contributions, sustainable transport etc.

Hallam/TW is also concerned with the proposed wording of that part of the introduction to the equalisation of Category 4 costs which as drafted is as follows: “To deliver infrastructure within this category components must be funded by all developers across the Cranbrook Plan area”. That all developers at Cranbrook should contribute to Category 4 costs is accepted by Hallam/TW.

Reference to “funded” is however capable of misapplication. It is not the proposition of the Plan that all of the facilities listed should be funded in their entirety by the Cranbrook expansion areas. As is plain in the policy text contributions (not full funding) are said to be necessary. Equally the example presented by the Cranbrook IDP is also clear that many of the infrastructure components listed as Category 4 infrastructure can at best be part funded by the expansion areas. This must be clear:

Throughout the Examination process, Hallam/TW, and other parties, have made the case that various components listed as Category 4 infrastructure do not comply with the tests of section 106 contributions, nor are affordable. After such a long examination the case is not repeated here but, for the avoidance of doubt, Hallam/TW do not consider that it is justified or effective to include financial contributions towards a fire station, extra care delivery, leisure centre or HWB contributions within the list of necessary infrastructure for the expansion areas to contribute towards.

4. Please set out what modification(s) you consider necessary to make the “Cranbrook Plan Modifications” legally compliant or sound, having regard to the reference you have identified at Q1 above where this relates to soundness. You will need to say why this modification will make the Cranbrook Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons set out in section 3 above the following suggested amendments to the Proposed Modifications are proposed.

Para 1 be amended as follows: “**Residential** development that is proposed within the Cranbrook Plan Area must demonstrate that it will meet the likely demands of future occupiers by delivering, either in full or in part, the identified infrastructure from the 4 categories identified. This...”.

To avoid any further misunderstanding arising from lower case text, Para 3.42 should be deleted being inconsistent with the wording and principle of the MMs 9 and 10.

Amendment of introduction to Category 4 “To support the delivery of infrastructure within this category contributions must be provided by all developers across the Cranbrook Plan area.

To amend text of Category 4 A as follows:

To help support the delivery of the town centre and meet health needs of the town ...contributions will be made towards one or more of :

childrens centre;

;

health and well being hub contributions

..;

Library fit out.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification.

Representations by both post and email must be received by 5pm Monday 28 February 2022

Notes to accompany Representation Form

General notes

The representation form and this accompanying guidance note is designed to help you comment on the Cranbrook Plan – Proposed main modifications.

Please return this representation form to East Devon District Council by 5pm Monday 28th February 2022. Representations received after this time will not be accepted. We cannot accept anonymous responses. If you wish to submit documentation in support of your representation it should be submitted in electronic format and be no larger than 5 MB in size to allow it to be uploaded to the Council's web site. Representations will be published on the council's website, including your name but contact details and signatures will be redacted.

Procedural guidance

A supporting procedural guide has been produced by the Planning Inspectorate to provide practical advice on aspects of the examination of local plans. This can be found on their website at: [Procedure Guide for Local Plan Examinations - GOV.UK \(www.gov.uk\)](http://www.gov.uk). It explains the different stages of examination, the roles of the various parties and specifically for this part of the process, the purpose of proposed main modifications (section 6).

Data protection

Any personal information which you provide will be held and used by East Devon District Council in its continued progress of the Cranbrook Plan and may inform other planning policy work. All duly made representations will be forwarded to the Planning Inspectorate and specifically the appointed Inspector who is conducting the independent examination of the Cranbrook Plan. Your information may also be shared within East Devon District Council for the purpose of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed at: [eddc-privacy-notice.pdf \(eastdevon.gov.uk\)](http://eastdevon.gov.uk) Further detail about data protection more generally can be seen on our website: <http://eastdevon.gov.uk/privacy/>. The Planning Inspectorate with whom data is shared with for the purpose of this examination have issued their own Customer Privacy Notice which can be access at: [Customer Privacy Notice - GOV.UK \(www.gov.uk\)](http://www.gov.uk).