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Further Representations on East Devon District Council's

Cranbrook Plan

Proposed Main Modifications (PMMs)

February 2022

On Behalf of Stuart Partners Ltd

Land to the West of Gribble Lane Grange Expansion Area

February 2022

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1. Introduction and Summary of Our Client’s Position

Background

- 1.1. McMurdo LPD Ltd (“McMurdo”) acts for *Stuart Partners Ltd* (‘client’), which controls *Land to the West of Gribble Lane* in (CB5) *the Grange Expansion Area* of the Cranbrook Plan.
- 1.2. The Council know that our client is a well-known landowner and developer with a proven track record of delivering high quality strategic development projects, including residential and commercial developments with significant elements of green infrastructure and SANGS, ultimately creating homes, jobs, wealth and prosperity for East Devon and its sub region.
- 1.3. Stuart Partners Ltd, is a local company with a diverse business portfolio based around agriculture, land, renewable energy, and employment delivery all contributing considerably more than 1,000 jobs and £100 Million Gross Value Added (GVA) into the East Devon and sub regional economies.
- 1.4. Our client has made previous representations on the Cranbrook Plan all of which should be read in conjunction with these comments.

Overarching Planning Policy Position in the Sub Region

- 1.5. The planning policy position in the sub region is important because it illustrates vividly the need for the Cranbrook Plan to be found “*sound*”, the removal of unnecessary phasing controlling tools from it, and the need for housing in East Devon. (East Devon District Council (EDDC) has more than 4,000 on its housing list.)
- 1.6. EDDC has commenced the preparation of a new Local Plan. Of relevance (please see below), as has its neighbour Exeter City Council (ECC). The East Devon Local Plan was adopted in January 2016 (more than five years ago) and its policies may be “*out of date*”.
- 1.7. Backed by detailed Sustainability Appraisal (SA) work, housing needs analysis (HNA), and other detailed technical reporting, a regional plan for the Greater Exeter area, (the “*Greater Exeter Strategic Plan*” (GESP)) comprising Exeter City, East Devon, Mid Devon, and Teignbridge, was being prepared. This plan was abandoned, and each LPA must now prepare its own Local Plan. This decision has created a policy vacuum and adverse social and economic consequences.
- 1.8. Table 1 below shows GESP area housing need (From GESP HNA).

Table 1	Annualised Housing Requirement
Overall GESP Housing Numbers	
Authority	
Exeter	625
East Devon (C 67% is designated as AONB)	928
Teignbridge	758
Mid Devon	367
TOTAL	2678

- 1.9. For GESP, a Draft Policies and Site Options Consultation Document had been prepared and was published.
- 1.10. Neither EDDC nor ECC is complying with the requirements of the “*Duty to Cooperate*” (DTC).
- 1.11. The relevant plans are:

Existing Planning Policy

- East Devon Local Plan 2013-2031
- Exeter Development Plan and other documents

Emerging Planning Policy

- East Devon Local Plan 2021 to 2040
- Exeter Local Plan 2020-2040

Interpretation

- 1.12. East Devon’s planning policies could be considered “*out of date*”, but its Local Plan is fresher than Exeter’s.
- 1.13. From its (EDDC’s) AMR we can see on total housing numbers: “*The number of completions in 2019/20 is the highest during a 12-month period in the duration of the current Local Plan so far, with an increase of 136 on the 2018/19 monitoring period and 199 on 2017/18. But with an average level of completions of 922.2 over the last five years, the actual supply is currently falling below annual average projected needs.*” (Para 2.9 of AMR) (EDDC requires at least 17,100 dwellings over an 18-year plan period, annualised at 950).
- 1.14. Exeter’s planning policies (in Exeter Local Plan First Review 1995-2011 (saved policies); and Exeter Local Development Framework Core Strategy up to 2026 (adopted 2012)) are significantly out of date and its Local Plan production is in its infancy. Its publicly released vision is to develop housing on high performing employment land which we say would neither be desirable nor viable.
- 1.15. When we submitted our planning application, it was widely accepted that East Devon could demonstrate a 5-year housing land supply and that Exeter’s 5-year land supply was critical. Exeter had failed to deliver its annual housing requirement every year in the plan period bar one year. Since then, ECC has released its first Annual Monitoring Report (Autumn 2021) for years declaring that it now has a 5-year land supply; East Devon’s 5-year land supply is, probably, borderline.
- 1.16. Under scrutiny, ECC’s AMR shows that on an annualised need of 600 dwellings per annum (so 600 dwellings per annum in a 20-year plan period means that ECC must deliver at least 12,000 houses in the 20-year plan period ending in 2026), it has underdelivered by more than 2,000 houses to date (pro rata).
- 1.17. In short, East Devon policies could be “*out of date*”, there is a policy vacuum in Exeter, there is a housing delivery crisis in both Local Planning Authority Areas, and the city, together

with the western part of East Devon (including Cranbrook extensions), is the area considered to be the economic driver for the sub region, and its growth cannot be constrained for social and economic reasons.

- 1.18. Housing delivery on our client's site (like others nearby) should be allowed to supplement larger sites at Cranbrook (and elsewhere, in fact), and the removal of unnecessary phasing controlling tools from a "sound" plan would ensure that multiple sites could attempt to deliver the housing numbers required in East Devon, and beyond.

Cranbrook Masterplan

- 1.19. Recapping, our client:

- Supports the proposed allocation of their land within the Grange Expansion Area (CB5) comprising residential development and associated open space and green infrastructure, including the provision of Suitable Alternative Natural Green Space (SANGS), and is fully committed to making their land available for the proposed uses in short timescales; importantly they can deliver the objectives of The Cranbrook Plan and the land uses identified in the papers without reliance on third parties.
- Supports the relevant policy wording which states that an equalisation of costs (as far as possible) needs to be achieved across the parcels to make sure that development can proceed at market pace.
- Endorses transparent and pliable approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure (because such approaches support viability and deliverability).
- Supports the overarching framework for the principles of development, which means that applications which comply with it should be approved without delay.
- Supports the proposed zero CIL rate and 15% affordable housing requirements.
- Respectfully suggests that the Cranbrook Masterplan built up area boundary (BUAB) should be indicative only to, for example, accommodate the significantly better option as proposed in submitted application East Devon District Council Reference 19/1798/MOUT (fixing a BUAB in policy in a new town context is onerously restrictive and results in poor strategic development solutions, largely because detailed study work follows the higher tier work that lies behind a strategic allocation).
- Respectfully suggests that words attempting to strictly control phasing should be removed from the policies in the Plan (because they undermine viability and deliverability).

2. Response to Main Modifications

Introduction

- 2.1. Our client is thankful for the opportunity to comment.
- 2.2. Respectfully, our client would like to see Main Modifications including confirmation that the:
 - Cranbrook Masterplan is indicative only; and, logically, therefore, that the built-up area boundary (BUAB) is indicative only,

all as agreed by the Council at the EiP in January 2019 (and as e.g., MM 40 of the previous consultation appeared to confirm).

CB1 Health and Well- being at Cranbrook Main Modification 2 ([MM 2])

- 2.3. Because, without examination, the Clyst Valley Regional Park Masterplan (CVRP M) attempts to control land uses beyond the land originally identified (and examined and adopted) within the Local Plan, our client objects to MM 2. The objection can be removed if the Council relates MM 2 only to the land affected as per adopted Local Plan Policy (Strategy 10). The need for, and intention of the production of the CVRP Masterplan stems from the original Local Plan Policy Strategy 10. The CVRP M goes far beyond the scope of Strategy 10 especially in terms of area coverage.
- 2.4. The Council has acknowledged this (Minutes of Item 134 – Clyst Valley Regional Park Masterplan Strategic Planning Committee April 2021 refer) by resolving that “*the Clyst Valley Regional Park Masterplan as a guidance document to inform the future delivery of the Regional Park and to support decision making on planning applications **within the policy boundary of the Regional Park** [the Regional Park does not extend beyond the land as outlined in Strategy 10 of the Local Plan] be approved.*”

CB5 Grange Expansion Area and Main Modification 8 ([MM 8])

- 2.5. We may be misunderstanding what the Council is proposing here (we welcome words like “*reduce the reliance on developers on each other where more than one lie within the extent of the expansion area*” as justification for MM 8) and we apologise if that’s the case. However, our client continues to object to policies which aim to strictly control phasing in favour of those parties controlling larger tranches of land making up the allocation, stifling the delivery of very important sites (like our client’s) which could contribute to the Council’s 5-year housing land supply if unhindered.
- 2.6. We respectfully reiterate that words attempting to strictly control phasing should be removed from the policies in the Plan (because they undermine viability and deliverability).
- 2.7. Moreover, we also reiterate that our client fully endorses transparent and pliable approaches to planning obligations and the delivery of the expansion area and of allocation wide infrastructure (because such approaches support viability and deliverability).
- 2.8. A principal reason for such approaches is to ensure that land can come forward and pay its fair share of infrastructure costs, without reliance on other landowners. i.e., in a strategic allocation

context, it ensures that landowners and those with an interest in land cannot control other parties in the allocation.

- 2.9. MM8 does not seem to overcome this objection. Instead, it appears to continue to allow a “*lead developer*” to control the area and development tempo in it (it is unrealistic to assume that another party would prepare “*parameters plans*” for CB5 or any other area) when there is no need for it to do so (in CB 5).
- 2.10. Consequently, and reluctantly, our client maintains an objection to CB5 and MM8.

CB6 Cranbrook Infrastructure Delivery and Main Modifications 9 and 10 ([MM 9 and MM 10])

- 2.11. Again, we may be misunderstanding what the Council is proposing here and again apologise if that’s the case. Going back, we were told that The Cranbrook IDP was the basis for the justification of the infrastructure required for the expanded Cranbrook allocation, but at a relatively late stage of plan making, the Council tried to decouple the IDP from the policy making. That raised questions on the actual infrastructure required, and deeper, perhaps more harmful related questions (to the “*soundness*” of the plan), on viability (because the infrastructure required affects viability (and e.g., affordable housing percentages)).
- 2.12. There are still, at this late stage in plan making, questions over how infrastructure is going to be delivered and when and by whom. These are basic questions not yet answered by the Council or its advisors.
- 2.13. MM9 does not seem to overcome our client’s basic objection. It seems to be a move away from a “*roof-tax*” approach towards a “*hybrid*” approach to infrastructure delivery which may or may not be required.
- 2.14. If we imagine, and “*making it real*” for our client, our understanding (and we apologise if this is wrong) is that under the policy even though our client could deliver Category 1,2 and 4 infrastructure, simply because it couldn’t deliver Category 3 infrastructure (because it’s not on their land (a Community Building)) then it could not deliver C200 required houses by contributing to Category 3 infrastructure. Assuming our interpretation of the policy is right, why would that scenario be reasonable?
- 2.15. Consequently, and reluctantly, our client maintains an objection to CB6 and MM 9 and MM 10 (though fully supports some elements of CB6 and MM 9 and MM10).

CB7 Phasing and Main Modifications 11 and 12 ([MM 11 and MM 12])

- 2.16. We reiterate that words attempting to strictly control phasing should be removed from the Plan and replaced with words encouraging transparent and pliable approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure. This is because the main purpose of transparent and pliable approaches on strategic allocations is to allow sites which have no site wide and/or expansion area infrastructure on them to come forward to deliver housing whilst contributing to such infrastructure in a fair and open way, improving development cash flows at the macro scale, and overall viability, throughout the development cycle.

- 2.17. Consequently, and reluctantly, our client maintains an objection to CB7 and MM 11 and MM 12 (though supports many of the changes in relation to MM 11 and MM 12, especially to do with education delivery).

3. Conclusion

3.1 Our client welcomes many of the changes that the Council proposes and can support CB5, 6 and 7 and the MMs referred to above if the Council:

1. Confirms that the Cranbrook Masterplan is indicative only; and, logically, therefore, that the built-up area boundary (BUAB) is indicative.
2. Removes references to e.g., “*Lead Developers*” and “*Parameters Plans*” and all unnecessary phasing controls from CB5 and CB6 and CB7 in so far as they relate to CB5.
3. Drafts the policies to allow our client to proceed without reliance on other landowners (as the policies are written, even though our client could deliver Category 1,2 and 4 infrastructure, simply because it couldn’t deliver Category 3 infrastructure (because it’s not on their land (a Community Building)) then it could not deliver C200 required houses by making a financial contribution to Category 3 infrastructure).

3.2 Our client is thankful for the opportunity to comment again.

James McMurdo MRTPI MRICS

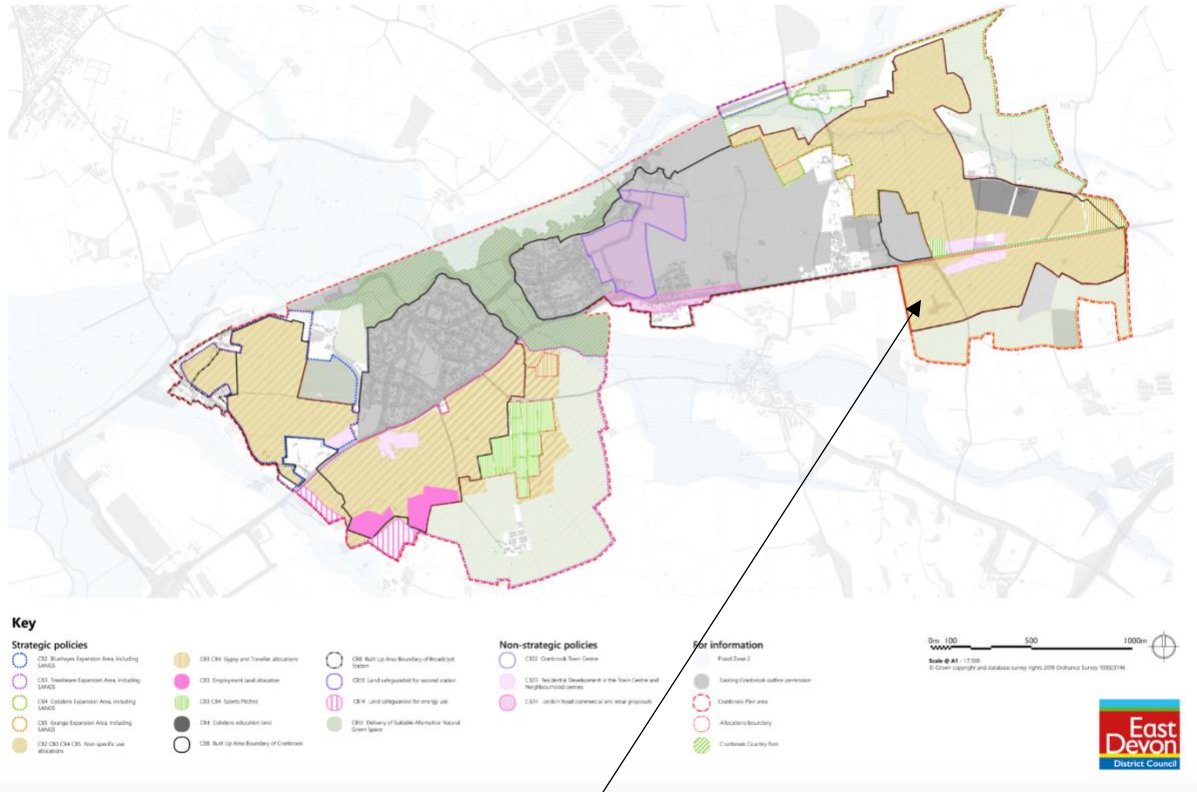
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Cranbrook Plan - Policies Map



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