

Cranbrook Plan –

Proposed Main Modifications Consultation



17 January 2022 to 28 February 2022 closing at 5pm

The Cranbrook Plan DPD is a plan for the town of Cranbrook and its surrounding area that when adopted, will allocate sites for housing and employment development. In addition it will provide a set of planning policies to guide future development in the area over the plan period 2013 - 2031. As part of the journey towards adoption, the Plan was submitted for examination in August 2019.

In conjunction with the independent Planning Inspector who is examining the Plan, and following a direction from her, East Devon District Council has now prepared a Schedule of Proposed Main Modifications (PMMs) to the submitted Cranbrook Plan for consultation. A Main Modification is classed as any modification which needs to be made to the policies or other content in order to make the plan legally compliant and/or sound.

This consultation is focussed on the proposed Main Modifications. It is not an opportunity to raise matters that either were, or could have been, part of the earlier representations or hearings on the submitted plan. Comments should address whether the proposed Main Modifications comply with legal requirements and are considered necessary to make the plan sound.

The Council has also prepared the following documents which form part of the consultation:

- A schedule of proposed modifications to the Policies Map
- A revised Policies Map

Updated/additional documents which support the plan making process are also available:

- A Sustainability Appraisal which considers the proposed main modifications
- A full version of the Cranbrook plan incorporating the PMMs together with minor Council proposed modifications, set out as tracked changes.

Comments can be made on the consultation documents and where they relate to the Proposed Main modifications will be considered by the Inspector. **Please note that comments are only permitted in relation to the Main Modifications.** Comments made should not introduce new concerns or repeat comments made at earlier stages of the examination. Comments made in respect of each of the PMMs, Policies map and schedule or other documents, should all be separately referenced and clearly distinguished from one another.

Comments received will be collated, and submitted to the Secretary of State for consideration as part of the examination by the Planning Inspector.

Please note that copies of all comments will be made available for the public to view (including your name, but will not include any personal contact details or signatures), and therefore cannot be treated as confidential. Data will be processed and held in accordance with the General Data Protection Regulations 2018 and Data Protection Act 2018.

The consultation period will run from **Monday 17 January 2022 to Monday 28 February 2022 closing at 5pm.** Representations made must be received by this time.

Representation Form

For Office Ref:	

Consultation period Monday 17 January 2022 to Monday 28 February 2022 (5pm)

Please read the guidance notes at the end of this document before completing your representation form. There are two parts to complete:

Part A – Personal Details – to be completed once

Part B – Your representation(s). Please use the attached **Part B form** for the first main modification or other document that you wish to comment on and **additional part B forms** (available separately) for each subsequent Main modification or document that you are commenting on.

Completed forms should be returned by email to: plancranbrook@eastdevon.gov.uk

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

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

Part A – Personal Details (complete only once)

Personal Details		Agent's Details (if applicable)*	
Title	Click to enter text.	Title	Mr
First Name	Click to enter text.	First Name	Jacob
Last Name	Click to enter text.	Last Name	Bonehill
Job Title (where relevant)	Click to enter text.	Job Title (where relevant)	Associate Director - Planning
Organisation (where relevant)	Persimmon Homes South West	Organisation (where relevant)	RPS Group
Address	Click to enter text.	Address	321 Bradford Street, Birmingham, West Midlands
Postcode	Click to enter text.	Postcode	B5 6ET
Tel. No.	Click to enter text.	Tel. No.	██████████
Email Address	Click to enter text.	Email Address	████████████████████

* Please note that where an agent is used, the agent will be the point of contact for correspondence.

Please indicate whether you wish to be notified of the following:

The adoption of the Cranbrook Plan	<input checked="" type="checkbox"/>
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Part B – Your representation

For Office Ref:	

Please use this 'Part B' form for the **first** proposed Main modification **or** document that you wish to comment on and **additional** part B forms for each subsequent Main modification or document that you are commenting on.

Name or Organisation	RPS Group on behalf of Persimmon Homes South West
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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 6	Policies Map Schedule (PMS)	Please select from the dropdown list.	Sustainability Appraisal (SA)	Select if commenting on the SA. Ref. Click to enter text.

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	Unjustified, ineffective, not consistent with national policy

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.

<p>While we are supportive of the general approach to introduce the concept of parameters plans and to the clarity being provided regarding multiple developers, we consider that the policy would be ineffective as it lacks clarity with regards to the position where a particular use is identified on the policies map as being located upon land not under the control of the lead developer. In this case the sports pitches on the land at Farlands.</p> <p>The Procedure Guide for Local Plan Examinations sets out at paragraph 6.1 that main modifications should be necessary to make the plan sound and legally compliant. By inference therefore main modifications should not be used to incorporate new requirements that are not necessary to make a plan sound or legally compliant. On this basis we suggest that the amendment to limb 2 of policy CB4 proposed by this policy does not meet this test.</p>

While we acknowledge that the policy should be updated to reflect the change in the use classes order to ensure consistency with national policy, the proposed wording through introducing the phrase “*This must include... and also include...*” has the effect of requiring applications to provide all of the uses specified. This is a change in approach from the previous formulation of the policy which required an element of A1 use class development and then support for other compatible uses. This change in approach is **not justified** and would instead, in conjunction with MM5 and MM8 lead to the unjustified requirement for hotels to be provided within three of the four expansion areas. We suggest that this is commercially unrealistic and so ineffective. We also note that MM3 uses a different construction which retains the spirit of the earlier policy and suggests that the mixed use area can include a range of other uses without implying that the uses referred to must all be provided.

We do not consider the introduction of a retail impact assessment to be justified and it is not necessary to make the plan sound. This is not consistent with national policy or guidance. As set out at Paragraph: 015 Reference ID: 2b-015-20190722 of the PPG in setting a local threshold the following should be considered:

- scale of proposals relative to town centres
- the existing viability and vitality of town centres
- cumulative effects of recent developments
- whether local town centres are vulnerable
- likely effects of development on any town centre strategy
- impact on any other planned investment

No evidence on the above has been provided to the examination and so this approach is unjustified.

On a similar point we consider the far more restrictive approach to hot food takeaways to also not be necessary for soundness. While we note that again the policy needs to be updated to refer to the new use class order, this should not be an opportunity for the Council to rewrite the policy and introduce new policy requirements which have not been tested through the examination and are **not necessary to make the plan sound**.

Furthermore, while the Council rely upon the Public Health England guidance as the rationale for introducing the 400m exclusion zone for hot food takeaways pages 11 and 12 of that guidance makes clear that evidence is required to justify the introduction of such restrictive policies. No evidence has been presented or considered by participants in support of this new approach on for example local obesity levels that might support taking such approach. As such the proposed new approach is also **not justified**.

With regards to new point 11 we support the clarification that contributions will be sought to London Road improvements being incorporated within this policy, but note that this does not allow for capital works to be undertaken by the developer and so is **ineffective**.

For Office Ref:

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.

Proposed modifications set out below following the same labelling conventions as the Council. Underlined text shows additional amendments we consider necessary to make the Cranbrook Plan legally compliant or sound.

“~~A~~ **Detailed parameter plans prepared by the lead developer or jointly by constituent developers shall address comprehensive development scheme addressing all parts of the Cobdens expansion area within their control and provide for all of the uses, requirements and infrastructure set out within this policy and in accordance with the policies map. in its entirety and recognising and where possible enhancing existing biodiversity assets and green infrastructure, shall set out provision for all of the following uses, requirements and infrastructure”**

This modification is effective in providing clarity with regards to what should be included within the parameters plans while addressing the lack of clarity in MM6 as proposed in relation to uses that are identified in specific locations on the policies map.

“Other uses compatible with and to support the mixed use area **such as including uses from Class F1 (Learning and Non Residential), Class F2 (Local Community Uses), Class C1 (Hotels) and Class C3 (Dwellings Houses). Compatible sui generis uses may also be considered appropriate**”

This modification is consistent with the previous approach that additional uses are supported but not all expressly required.

We recommend not making the amendments proposed by the Council with regards to the paragraph that currently starts with “Any business or other use that is permitted within this area...” as they are not required to make the plan sound.

We recommend removal of the Council’s proposed new text in relation to hot food takeaways and making the following modification which is required to ensure consistency with national policy:

Floor space for A use classes **hot food takeaways** will only be permitted where no more than 1 unit of A5 (Hot food takeaway) use class is proposed for every 3 units of other A E use classes within the neighbourhood centre. This will be a cumulative calculation, taking into account any existing premises.

11. Contributions towards London Road Improvements where appropriate capital works are not being undertaken.

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

Signature	Jacob Bonehill
Date	28/02/2022

If filling in the form electronically you can write an 'electronic signature' by typing in your name in the box. If you provide a handwritten signature, we will ensure that it is not published on-line but it will be visible on the paper copies available at our offices and sent to the Inspector.

Please save and then email the completed form 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

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/government/uploads/system/uploads/attachment_data/file/444444/Procedure-Guide-for-Local-Plan-Examinations-2018.pdf). 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: [eddcc-privacy-notice.pdf \(eastdevon.gov.uk\)](http://eastdevon.gov.uk/eddcc-privacy-notice.pdf) 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/government/uploads/system/uploads/attachment_data/file/444444/Procedure-Guide-for-Local-Plan-Examinations-2018.pdf).