



Report to East Devon District Council

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an Inspector appointed by the Secretary of State
Date: 11 August 2022

Planning and Compulsory Purchase Act 2004 (as amended)
Section 20

Report on the Examination of the Cranbrook Local Plan

The Plan was submitted for examination on 2 August 2019

**The examination hearings were held between 21 January 2020 and
20 November 2020**

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Abbreviations used in this report

2004 Act	Planning and Compulsory Purchase Act 2004
AA	Appropriate Assessment
BNG	Biodiversity Net Gain
CIL	Community Infrastructure Levy
DtC	Duty to Co-operate
EDDC	East Devon District Council
EDLP	East Devon Local Plan
EEDGP	Exeter and East Devon Growth Point
Framework	The National Planning Policy Framework (2021)
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
MM	Main Modification
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RAMSAR	The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SANGS	Suitable Alternative Natural Green Space
SEDMS	South-East Devon Mitigation Strategy
SOCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
The Plan	The Cranbrook Plan
UCO	Use Classes Order 2021
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Cranbrook Plan (The Plan) provides an appropriate basis for the planning of the expansion of the Cranbrook settlement, alongside the existing East Devon Local Plan (EDLP), provided that a number of main modifications **[MMs]** are made to it. East Devon District Council (EDDC) has specifically requested¹ that I recommend any **MMs** necessary to enable the Plan to be adopted.

Following the hearings, EDDC prepared schedules of the proposed modifications and, where necessary carried out a sustainability appraisal (SA). The **MMs** were subject to public consultation over a six-week period between 17 January 2022 and 28 February 2022. I have recommended their inclusion in the Plan after considering the SA and the representations made in response to consultation on the **MMs**.

The main modifications can be summarised as follows:

- Modify and update references to the National Planning Policy Framework (the Framework), introduce a glossary and update policy numbering;
- Modify the content of expansion area Policies CB2, CB3, CB4 and CB5 to make sure that they are effective;
- Delete the requirement to underground the 132kv power line in two expansion areas (Policies CB4 and CB5);
- Clarify the requirements for public transport enhancement and amalgamate Policies CB9 and CB10 to eliminate duplication;
- Clarify the requirements for affordable housing within the Plan area but outside of the delineated expansion areas;
- Amend Policy CB14 and its supporting text to ensure the provision, protection and safeguarding of Suitable Alternative Natural Green Space (SANGS) is strengthened;
- Modify Policy CB15 refining the requirements for Design Codes and Place Making to reflect changes in national policy;
- Modify town centre Policy CB21 to ensure the plan reflects a justified approach for the town centre, strengthens the requirements around the market square and incorporates statutory changes to the Use Classes Order 2021 (UCO);
- Modify other aspects of the plan to ensure consistency, update references to the Framework and other updated legislation in order to ensure the Plan is justified, accurate, effective, and consistent with national policy.

¹ Document PSD1 23/8/2019

Introduction

1. This report contains my assessment of the Plan in terms of Section 20(5) of The Planning & Compulsory Purchase Act 2004 (as amended) (2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The Framework (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that EDDC has submitted what it considers to be a sound plan. The Plan submitted in August 2019 is the basis for my examination. It is the same document as that published for consultation in March 2019.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act EDDC requested that I should recommend any **MMs** necessary to rectify matters that make the Plan unsound or legally noncompliant and thus incapable of being adopted. My report explains why the recommended **MMs**, all of which relate to matters that were discussed at the examination hearings, are necessary. The **MMs** are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix 1. In a number of instances, the **MMs** have resulted in the updating of policy numbers. For the avoidance of doubt, where references have been superseded, the references within this report refer to the policy references as submitted in the Plan. The **MM** schedule refers to both.
4. Following the examination hearings, EDDC prepared a schedule of proposed **MMs** and where necessary carried out sustainability appraisal of them. The **MM** schedule was subject to public consultation for six weeks in January and February 2022. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made amendments to the detailed wording of the **MMs** and added consequential modifications where these are necessary for consistency or clarity. Where necessary I have highlighted those amendments in the report. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and the sustainability appraisal that has been undertaken.

Policies Map

5. EDDC must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted plan. When submitting a local plan for examination, EDDC is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the policies map is identified as the Cranbrook Plan Policies Map which accompanied the submission draft.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it.
7. Changes to the policies map were published for consultation alongside the **MMs**.

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, EDDC will need to update the adopted policies map to include the consequential changes proposed in the **MMs** and the further changes published alongside the **MMs**.

Context of The Plan

9. The Plan sets out the strategy for the expansion of Cranbrook as a new settlement. It has been prepared in the context of the framework of the EDLP which was adopted in 2016. The EDLP sets out the overall vision and spatial strategy for the district up to 2031. Strategy 12 of the EDLP allocates land at Cranbrook to be developed as a modern market town and sets out the type and quantum of development and its phasing within this mixed use proposal. The Plan is intended to supersede EDLP Strategy 12, adding considerable extra detail and allocating additional land to accommodate the planned growth which is identified within the Local Plan (2013-2031). A number of other EDLP Policies are superseded, either in full or part by the Plan. This plan is the second phase of the development of the settlement and focuses on four strategic allocations termed 'expansion areas'. These also secure a range of other facilities including; education, employment, recreation, and infrastructure provisions along with safeguarded land for Suitable Alternative Natural Greenspace (SANGS).
10. The Plan makes clear which policies from the EDLP continue to apply. It does not seek to accommodate the totality of the objectively assessed need within East Devon, rather it provides the quantum of development identified in Strategy 12 of the EDLP. The Plan area is located at the north eastern part of EDDC's administrative area close to the boundary with Exeter City Council which lies approximately 2.3km to the west. It is located immediately to the south of the London to Exeter railway line. Cranbrook benefits from a new railway station which provides a sustainable rail link to Exeter City Centre as well as to wider national services and is located within Cranbrook phase 1.
11. The Plan area is not subject to any national protective designation though it sits alongside and is part overlain by the Clyst Valley Regional Park. It is within close proximity of the Pebblebed Heaths and the Exe Estuary which include Sites of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and a RAMSAR site². It sits outside the East Devon Area of Outstanding Natural Beauty which is located some distance to the south of Cranbrook.
12. At the time of plan production Cranbrook sat within the geographical area of the Exeter and East Devon Growth Point (EEDGP). This partnership worked across the administrative boundaries. The proposed Cranbrook Town Centre is designated as an Enterprise Zone.

Public Sector Equality Duty

13. In this examination I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. Amongst other things, this sets out the need to advance equality of opportunity and foster good relations between people who share a

² Wetlands of international importance designated under the criteria of the RAMSAR convention on wetlands and which contain rare or unique wetlands or which are important for biological diversity

protected characteristic and those who do not. This has included my consideration of several matters during the examination including provision for accommodation for older people, for affordable housing, self-build homes, accessible and adaptable housing, and sites to meet the needs for gypsy and traveller accommodation.

14. The specific policies in the Plan mean that any disadvantages will be minimised over the Plan period and the needs of these groups will be met in so far as they are different to those without a relevant protected characteristic.

Assessment of Duty to Co-operate

15. Section 20(5)(c) of the 2004 Act requires that I consider whether EDDC has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. The Duty to Co-operate and Statement of Common Ground (SOCG) document [Cran061] sets out that, whilst the Cranbrook Plan contains strategic policies, it seeks to implement the strategic policies of the EDLP and does not deal with meeting cross boundary strategic needs. Nonetheless, there are a number of cross boundary strategic matters which have been addressed through co-operation with the EEDGP and through partnership between local districts and Devon County Council.
17. Matters impacting beyond the Plan area include; education, transport, health and primary care, European Protected sites mitigation through the provision of SANGS land, Green Infrastructure and the Clyst Valley Regional Park and Enterprise Zones of which the Town Centre of Cranbrook is so designated.
18. The SOCG indicates broad agreement on these strategic matters. For education this includes the timing and funding of primary, secondary and Special Educational Needs provision along with the associated delivery of that provision. For transport the emphasis is on new strategic cycling routes and a suite of transport measures to encourage modal shifts. For health and primary care, a site for a health and wellbeing hub and a new primary care facility are secured with proportionate contributions³. For the protection of European designated sites, a strategy to provide mitigation via extensive SANGS adjacent to the expansion areas at an agreed rate of delivery or through off site mitigation via s106 contributions. I am satisfied that where necessary EDDC has engaged constructively, actively and on an on-going basis in the preparation of the Plan in respect of these matters.

Assessment of Other Aspects of Legal Compliance

19. The Plan has been prepared in accordance with EDDC's Local Development Scheme (dated July 2018). This scheme was most recently updated in April 2022 which revises the likely date for adoption of the Plan.
20. Consultation on the Plan was carried out in compliance with EDDC's Statement of Community Involvement. The Consultation statement [Cran062] details the extent

³ Via section 106 legal agreement contributions

of consultation and I am satisfied that EDDC has exceeded the legal requirements to involve its community in the preparation of the Plan.

21. EDDC carried out an SA of the Plan and prepared a report of the findings of the appraisal. It published the report along with the Plan and other submission documents under Regulation 19 [Cran057]. The SA was updated to assess the **MMs** [January 2022] and was published alongside it.
22. One matter has been raised in response to the **MMs** in relation to the SA. This relates to a small area of land within one of the allocations which was previously referred to as benefiting from full planning permission but which is factually incorrect. However, the land is within an area already allocated for housing development in the EDLP. EDDC have updated the SA to address this. They will include it within the final SA to be published at the adoption stage. Whilst this omission/error is acknowledged, the existence of the allocation in the EDLP made it clear that this land would be acceptable for development and EDDCs approach to resolve this matter is, in my view, an appropriate and proportionate one.
23. Other elements of the SA were updated during the examination process to address gaps in the supporting evidence relating to the selection of sites to accommodate the needs of the gypsy and traveller community. I am satisfied that the amendments to the SA were undertaken as part of the iterative SA process and served the purpose of completing gaps in the narrative regarding the selection of alternative gypsy and traveller sites rather than seeking to retrospectively alter the assessment, to fit a predetermined strategy.
24. I have found no other substantive evidence to undermine the veracity of the SA and its purpose of informing the Plan and am satisfied that the appraisal process was adequate.
25. The Council produced their Habitats Regulations Assessment (HRA) and Appropriate Assessment Report (AA) in February 2019 [Cran020]. The Plan area is close to the Pebblebed Heaths and Exe Estuary where designations include SSSI; Special Area of Conservation (SAC); SPA; and in the case of the Exe Estuary, RAMSAR sites. The report considers the Cranbrook development and its effects on these European protected sites. Residential development schemes which are in close proximity shall only be brought forward where they can demonstrate that suitable mitigation is being made available to ensure that there is no likely significant effect upon them.
26. The potential effects relate to the recreation impacts arising from the residential growth at Cranbrook and its conformity with the South-East Devon Mitigation Strategy (SEDMS) [Cran019], a central plank of which is the provision of SANGS. The HRA concludes that the SEDMS provides the necessary framework for mitigating recreation pressure from the proposed housing expansion at Cranbrook. It also concludes that there should be some strengthening of policy and supporting text within the Cranbrook SANGS delivery document [Cran021].
27. The HRA report sets out that the Plan may have some negative impacts which require mitigation. This has been secured through the Plan and the evidence base demonstrates that those effects can be secured.

28. Taking these factors into account, including the HRA and AA which concluded that the policy framework within the Plan and in particular the provision of SANGS will ensure that no adverse effects would occur on the integrity of the SPA/SAC/Ramsar sites located in close proximity to them, either alone or in combination, I have found that the HRA and AA assessments are adequate.
29. The Written Ministerial Statement (WMS)⁴ on nutrient impacts listed EDDC as an affected area. EDDC have clarified with Natural England that there are no protected sites which are in 'unfavourable condition' affected by the Plan area and as a consequence no threat of nutrient pollution on freshwater habitats and estuaries. Therefore, on the balance of the evidence, I am satisfied that additional measures are not required in this regard.
30. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contributes to the mitigation of, and adaptation to, climate change. This includes ensuring resilience to increased risks of flooding, provision of allotments for local food production, a focus on the provision of clean on site energy, solar master planning, a requirement for high performance buildings, connection to a district heating system, new buildings exceeding building regulations requirements, and an ultra-low emission vehicle charging network. These requirements are set within the overall plan vision of delivering a truly zero carbon new town.
31. The Plan complies with all other relevant legal requirements, including in the 2004 Act and the 2012 Regulations. My reasoning in respect of Regulation 8 (4) and (5), which requires that the policies in a local plan must be consistent with the development plan, is set out below as part the assessment of soundness.

Assessment of Soundness

Main Issues

32. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 8 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors, nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 Whether the Plan is justified and effective in meeting the requirements set out in the EDLP in relation to housing provision in Phase II of Cranbrook?

33. The quantity of housing to be sought from the Cranbrook expansion area has been established in the overarching EDLP. The development strategy within that plan seeks to focus around a quarter of EDDCs' housing need at Cranbrook. As such the quantum of development, whilst subject to some local opposition, is consistent with the requirements of the EDLP. In line with the Oxted Residential judgment, I

⁴ WMS 16/3/2022 on taking action to protect and restore nature

am mindful that the Plan before me is not required to rectify any shortcomings in the EDLP's approach to housing land supply across the whole district⁵.

34. There are no fundamental issues with the general locations of the expansion areas (with those at Bluehayes and Cobden's having already been established as allocations in the EDLP) as they are all located geographically adjacent to, or in very close proximity to the first phase of Cranbrook. Whilst the Council considered alternative options in the preparation of the Plan, I am satisfied that the locations of the developments proposed are sound.
35. In its provisions for developing Cranbrook, the Plan aims to ensure the creation of high quality environments which will enhance the character of this part of East Devon. It will deliver recreation provision which will enhance biodiversity, protect the development from flooding and provide conditions for energy consumption to be as efficient as possible. Likewise, the development will enable the sustainable growth of employment in order to match the level of jobs within the economically active workforce.

Conclusion

36. The Plan is consistent with the requirements of the EDLP and represents a logical approach to the allocation of land to meet the needs of the settlement expansion and is justified and effective, and therefore sound.

- Issue 2 Are the expansion areas provided through Policies CB2 to CB5, clearly expressed, justified and capable of being developed over the plan period in the context of the viability evidence and the infrastructure and policy requirements?**

Viability

37. EDDC has a legitimate goal in ensuring that the economic, social, and environmental needs of the growing population of Cranbrook are met and that infrastructure is provided to support and sustain new development with the sustainability credentials envisaged by the EDLP, the Framework and having regard to the viability advice in the Planning Practice Guidance (PPG). At the same time, all development is expected to achieve a high standard of design which also carries a cost and has an effect on overall viability. The central issue here is whether the infrastructure aspirations and policy requirements for the expansion areas are robust, appropriate, and justified. This judgement is focused on whether the total costs burden of the development would undermine the effective delivery of the expansion areas including housing, business uses and community facilities. These are discussed further below.
38. Strategic viability assessments undertaken by EDDC⁶ were carried out to inform the preparation of the Plan and the Viability addendum⁷ updated the assessment during the examination. These were set within the context that the 2020 Community Infrastructure Levy (CIL) examination set a nil CIL rate for Cranbrook. The Plan also indicates that a lower level of affordable housing is justified in order

⁵ (Oxted Residential Ltd v Tandridge DC [2016] EWCA Civ 414)

⁶ [CRAN063 and PSD21A]

⁷ PSD36

to ensure that infrastructure required for the delivery of the expanded town can be achieved at the same time as delivering a profit for developers, and a land value sufficient to incentivise landowners releasing land for development.

39. The requirement for affordable housing at 15% reflects earlier viability work undertaken by EDDC which acknowledged that a lower level of provision than elsewhere in EDDC, or that delivered in Phase 1, would be required in order for the Cranbrook expansion areas to be deliverable. It was argued at the examination that 15% affordable housing delivery would compromise the viability of Cranbrook expansion moreover that the requirements in submitted Policy CB11 (Cranbrook Affordable Housing) for an overage clause in any future viability assessment was unjustified. (Policy CB11 is to be renumbered as CB10 due to the renumbering of the original policy CB10)
40. The lower rate of affordable housing is specifically acknowledged in the Plan as a conscious decision to address viability issues. In any event the original Policy wording in CB11⁸ already allows for some flexibility should viability issues warrant a reassessment in the future and would allow individual proposals to revisit aspects of viability based on detailed rather than predicted costs. Inevitably this means that EDDC will need to make decisions at the application stage as to whether any further concessions are justified, a point already recognised in the Plan. There is no persuasive evidence to alter the affordable housing provision in the Plan.
41. Modifications to submitted Policy CB12 (Cranbrook Custom and Self-build housing)⁹ via **MM16** are necessary for effectiveness and provide greater clarity as to the precise quantum of self-build housing required altering from a 'not less than' to an absolute figure of 4% along with clarification that self-build provision is appropriately phased. It also makes clear the methodology for securing a proportion of self-build as affordable housing. **MM17** alters the explanatory text to submitted Policy CB12 to give clarity to the term 'customisation' to ensure effectiveness, changes which are necessary for soundness.
42. To be effective Policy CB11 (as submitted) on affordable housing should also be amended via **MM15** to clarify requirements in relation to development within the Built up Area Boundaries (BUABs) of Cranbrook and Broadclyst Station. This will ensure that sites outwith the expansion areas but within the BUABs will be required to make contributions where they would accord with the Plan, and national policy. Policy CB11 already provides for circumstances where there are viability issues with a planning submission and minor changes to the wording will ensure that there is both flexibility and transparency in any future viability considerations which may become necessary.
43. After the submission of the Plan and having regard to the representations made, EDDC recalculated some of their baseline figures. They also updated the viability assessment, undertook sensitivity testing and commissioned an independent critique to test the veracity of the appraisal and to corroborate and challenge the inputs used in the original assessment. Adjustments to the viability assessment included a revision to the land budget, amendments to the dwelling mix, the

⁸ Cranbrook affordable Housing - previously numbered CB11 – now to be CB10

⁹ Cranbrook Custom and Self-build housing previously numbered CB12 now to be CB11

updating of housing market sales values, revisions to the infrastructure and build costs and revisions to the approach to land costs.

44. Some time was spent at the hearing considering a number of specific aspects of the viability assessment and assumptions made in it as well as the connectivity of the plan to EDDCs Infrastructure Delivery Plan [IDP]¹⁰. This focused on EDDC's methodology for assessing viability and on the range of assumptions utilised in their assessments including, benchmark land values; the level of developer returns; base build costs, finance build costs and the costs associated with delivering the future homes standards. EDDC's additional viability work also sought to bring clarity to the origins of their figures and the basis for the inclusion of items of infrastructure.
45. The revised viability assessment also reflected the strategic decisions taken by EDDC on the removal of requirements for elements of proposed infrastructure such as the undergrounding of the 132kv lines¹¹ and the requirement for the construction of a footbridge between expansion areas CB2 and CB3 (Bluehayes and Treasbeare). These items, though considered desirable in design terms by EDDC, represent disproportionately high costs. EDDC at my request¹² reviewed all of its 'big ticket items' to determine crucial rather than desirable provisions consistent with the tests for planning obligations. They then determined priorities for the essential infrastructure needed to service the new settlement set against viability considerations in order to ensure that the delivery of the expansion areas could be assured.
46. Whilst two of the expansion areas were previously endorsed through their inclusion in the EDLP (CB2 Bluehayes and CB4 Cobdens) the further expansion of Cranbrook is a key component to meet the housing needs within East Devon. Consequently, all four of the expansion areas will be required to deliver a substantial proportion of EDDC's identified housing needs. There is an accepted need for housing to come forward without further delay and this requires pragmatic decisions to be taken. The urgent need for housing delivery would be frustrated by the significant delay which would result from further rounds of negotiation on viability which in any event may not lead to agreement between all participants.
47. EDDC's revisions to their policy requirements represent cost reductions amounting to around £13 million. This has consequential impacts of a lower per dwelling contributions and is secured by amendments to Policies CB2 to CB5 via **MM3, MM5, MM6 and MM8**. These changes include the removal of the requirements for undergrounding of the 132kv electricity line, the clarification of infrastructure requirements to give greater clarity to the requirement for education, community, and other facilities and are required for effectiveness. In parallel to these amended infrastructure requirements, and to improve accessibility to funding, EDDC have also created a revolving infrastructure fund to assist the forward funding of infrastructure and which would secure finance costs savings for sites within Cranbrook. These measures are alongside a range of other initiatives by EDDC to achieve investment funding for Cranbrook wide projects such as the Heat Network

¹⁰ [Cran025 - 2017 and PSD24 – 2020].

¹¹ Within Policies CB4 - Cobdens and CB5 - The Grange

¹² Set out in PSD33

and a programme of grants and loans to be offered to developers. These measures should have a beneficial impact on viability.

48. Infrastructure costs for any new settlement are understandably substantial given the need to provide all facilities from new. Nonetheless as a development which follows a successful Phase 1 the risks associated with this second phase are arguably lower. The nature of the development and its cohesion with phase 1 means that a lower risk level can legitimately be reflected in some of the input values to the viability assessment. I find that the assumptions regarding risk in EDDC's revised viability assessment are reasonable in the circumstances. To be effective submitted Policy CB11 (Cranbrook Affordable Housing) should be amended to include that the methodologies for viability assessments should be made publicly available **MM15**.
49. EDDC's viability assessments have been conducted at a strategic level based on the best range of assumptions though each element has been broadly costed. To this extent it is inevitable that viewpoints vary particularly where a complex equation of infrastructure requirements are involved. Whilst complex, I am satisfied that the policy requirements listed in the expansion area and town centre policies, as amended by the **MMs**, are reasonably required to sustain the new settlement and its future population and are therefore justified.
50. The PPG indicates that the role of viability assessments is primarily at the plan making stage and that there is emphasis that the total cumulative cost of all relevant policies should not undermine deliverability. EDDCs assessment indicates that the infrastructure draw amounts to around 10% of the total value of the site and in the overall analysis this is regarded to be both reasonable and proportionate. Future viability issues in relation to affordable housing provision are already embodied into submitted policy CB11¹³. Taking all of the current viability evidence into account I have found the infrastructure and community requirements of the Plan to be reasonable. The Plan, with the incorporated **MMs**, strikes an appropriate balance between the ambition of delivering a cohesive settlement with appropriate infrastructure and facilities to create a healthy town and giving sufficient incentive to developers to commit to the delivery of the expansion areas.
51. Collectively the changes made to reduce the infrastructure burden substantively ease viability concerns and secure sufficient assurance for the Plan. This is also in the context of the pressing need to progress the Plan in order to meet the acknowledged need for both open market and affordable housing in the area.

The requirements for comprehensive development plans

52. The submitted plan includes requirements that all expansion areas (in Policies CB2 Bluehayes, CB3 Treasbeare, CB4 Cobdens and CB5 The Grange) are each to produce a comprehensive development plan. However, such wording limits flexibility and would not be effective. Policies CB2 to CB5 should be amended for effectiveness, to refer to the role of the lead developer, with equivalent changes to the glossary. These changes are set out in **MM3, MM5, MM6 and MM8**. Corresponding changes to Policy CB7 in **MM11** to connect the parameter plans to the phasing of each expansion area are also necessary for effectiveness. This will

¹³ Renumbered as CB10

ensure a holistic approach to the inclusion of facilities thereby ensuring development can be co-ordinated and planned cohesively.

53. In respect of **MM3** and **MM6**, landowners argued that the alternative requirement for parameter plans remained too onerous especially where single landowners (or constituent developers) are separate to lead developers¹⁴. Other concerns expressed were that the requirements would prevent sites being brought forward in advance of a co-ordinated approach which would suppress the delivery of much needed housing. However, the wording of policies needs to be applicable to all circumstances and apply with neutral land ownership in mind. This is particularly so as land often changes hands during the evolution of its development, as has happened during the life of this plan. A co-ordinated approach will enable EDDC to ensure that sites are well related to one another and ensure that each contributes effectively to infrastructure and facilitates in order to avoid an ad hoc approach.
54. Nonetheless there were genuinely held concerns that the wording lacked the flexibility to enable smaller sites to come forward independently of the land controlled by lead developers. This is particularly so given that EDDC envisage that parameter plans would only change in exceptional circumstances and could prove unduly restrictive. Inevitably plans do evolve and there may be circumstances where they would need to be altered. This is balanced against the need to deliver certainty.
55. The amendment to Policy CB2 in **MM3** envisages that the need for changes would be exceptional and would require clear justification, but it does not prevent changes to parameter plans. It gives the necessary flexibility for the detailed planning of the expansion areas covered by Policies CB2 to CB5. Changes via **MM3, MM5, MM6 and MM8**, to Policies CB2, CB3, CB4 and CB5, allow a revised approach should this prove necessary and it is reasonable for the policy to require that any such changes should be fully justified. These **MMs** also provide reassurance and therefore effectiveness in limiting changes to the parameter plans to exceptional circumstances where they are supported by a clear justification. In this way the certainty needed for development to proceed will be firmly assured.

Are the policy requirements for each of the expansion areas clearly expressed, robust and justified?

56. Amendments set out in **MM6, MM7 and MM8** delete elements in Policies CB4 and CB5 and corresponding text changes for the requirement for undergrounding the 132kv lines. These requirements have been demonstrated to represent abnormally high costs which would affect the deliverability of expansion areas under policies CB4 and CB5 and are not justified. Consequential changes to the phasing provisions within Policy CB7 Phasing are set out in **MM11** for effectiveness.
57. **MM32** amends the supporting text to submitted Policy CB25 (London Road Improvements)¹⁵ and removes the reference for the installation of a connecting bridge between CB2 and CB3 (Bluehayes and Treasbeare) which does not appear in the submitted plan as a policy requirement and has been demonstrated to be an abnormally high and unjustified cost. **MM32** also amends the supporting text to

¹⁴ Definitions within MM35 Glossary

¹⁵ Policy to be renumbered CB24

Policy CB24 to clarify how the pedestrian connection between these two expansion areas ought now to be achieved. Both changes are required for effectiveness.

58. Policy CB3 (Treasbeare) should also be amended for effectiveness to include a requirement for the provision of an acoustic pen at Exeter Airport so that adequate living conditions would be provided for future occupiers of the proposed development in terms of aircraft noise. This is achieved via **MM5**.
59. **MM13** incorporates revisions to the approach to public transport provision in order to make Policy CB9 (Public Transport Enhancement) effective and give flexibility so that funding can be used for rail or bus improvement, or both. The safeguarding of the station land is required to ensure that if national funding sources are available to secure the provision of a second station to support the development, that land is safeguarded to achieve this.
60. **MM14** deletes submitted Policy CB10 (Safeguarding of Land for a Second Station) to ensure that provisions are not duplicated as the requirement has been combined into Policy CB9 (Public Transport Enhancement) via **MM13**, supporting text is retained and re-ordered to achieve clarity and effectiveness.
61. Whilst the Plan does not set out in fine detail specific requirements for sports provision in the proposed allocations, I nevertheless find it sound in this regard. The general location for sports pitches is indicated on the policies map which is sufficient for the purposes of the requirements without being inflexible. The amendments to **MM5** do not increase the requirements for sports provision in the Plan and does not represent a new requirement. In fact, the revised wording rephrases some requirements to land and contributions rather than the delivery of facilities which, in practice, represents less onerous requirements.

Topic specific matters affecting more than one expansion area

62. Modifications to ensure that policy restrictions on hot food takeaways ensure that concentrations of these uses across Cranbrook are managed, particularly in close proximity to education sites. These changes are set out in **MM3**, **MM5**, **MM6**, **MM8** (expansion areas CB2 to CB5) and **MM28** (Town Centre) and **MM31** (London Road). These changes ensure clarity and effectiveness as well as underpinning EDDCs ambition in respect of the Healthy New Towns programme. They focus the Plan on health and wellbeing as well as compliance with national guidance both in the PPG and from the National Institute for Health and Care Excellence (NICE). The revised wording is needed for clarity, consistency effectiveness and therefore soundness.
63. Impact assessments for larger retail units have been questioned as inconsistent with the PPG. This relates to existing viability assessments of town centres and whether local town centres are vulnerable. Given this is a new town where the existing facilities are proposed rather than currently exist, I consider that the likely effects on the expansion area developments on the town centre strategy are a legitimate concern. The policies within the plan should look to safeguard and protect the town centre by ensuring that any alternative retail schemes that come forward are fully assessed. This is particularly so when the centre is still to be established and where there should be a focus on the provision of facilities to serve the settlement as a whole and for the benefit of all the residents. The

floorspace figures used reflect established figures relating to the published definition of large shops.

64. Modifications incorporated into Policies CB2 to CB5 [**MM3, MM5, MM6 and MM8**] clarify the policy requirements and update factual alterations, they provide explicit requirements within the expansion area policies. I have made further changes to these same amendments to clarify that it is not the intention that all the uses listed as examples should be included. I do not consider that these changes would give rise to prejudice to any as they are less onerous the changes relate to mixed use areas. Changes are also needed to ensure the wording is consistent across policies CB2 to CB5. Similarly, a correction is needed to clarify that retail floorspace figures should refer to net rather than gross floorspace. These changes are all required for clarity and effectiveness.
65. The separation of the IDP from Policy CB6 (Cranbrook Infrastructure Delivery) via **MM9** removes the interdependency of the Plan on that document¹⁶ which is a working document for EDDC and part of the evidence base rather than a development plan document. Policy CB6, as submitted, lacked precision as it was unclear how developers or decision makers should react to development proposals. **MM9** also incorporates changes to the policy to identify the following: the categories of infrastructure which are to be provided by individual expansion areas on a per unit basis; those to be provided through direct delivery; or through financial contributions and to make clear which aspects of delivery are to be subject to equalisation across all expansion areas. Policy CB6 is also amended via **MM9** to incorporate requirements previously set out in supporting documentation so that it is clear how decision makers should react to development proposals. These changes are required for clarity and effectiveness
66. Policy CB6 should also be amended to make it clear that residential development outside of the expansion areas but within the Plan area and those where housing numbers are in excess of those detailed in the policies will be required to make proportionate contributions to on or offsite infrastructure to mitigate for the increased occupation over and above that quantified in the Plan (**MM9**). This would also address any issues regarding land being separated for any reason should it come forward independently of the allocations. As amended via **MM9** Policy CB6 balances the need for policy certainty and creating the conditions for applications to progress against a broad framework in order to make the policy effective and therefore sound.

Conclusion

67. Whilst extensive discussion took place at the hearing on specific aspects of the viability assessment, significant differences remained between the positions of the parties. However, on the basis of the evidence the revised approach to viability presents a reasonable and proportionate approach.
68. The amendments to the expansion area policies ensure that their requirements are clear, that key requirements are included within the policy rather than referred to indirectly in the related evidence base, and that they reflect statutory changes. Collectively and individually these changes are required for effectiveness and to make the policies sound.

¹⁶ Cran025 and PSD24

69. There is a reasonable prospect that the expansion areas could be viably developed and in the absence of clear and compelling evidence to the contrary I conclude that the detailed requirements of Policies CB2 to CB5, as amended by **MM3, MM5, MM6, and MM8**, are sufficiently clear, justified, effective and consistent with the EDLP and national policy.

Issue 3 Are the requirements for phasing in the Plan justified and in particular is the phasing of education provision effective?

70. Policy CB7 (Phasing) is also concerned with the provision of education. Given that decision making and timing triggers for the primary school remain fluid and a final decision has not yet been taken by the education authority on whether new school provision will be located within CB2 (Bluehayes) or CB3 (Treasbeare), Policy CB7 should be amended to ensure that there is the necessary flexibility in school provision to be effective. These changes are set out in **MM11**.
71. Whilst I have had regard to the concerns that the setting of specific trigger points may delay the delivery of housing, the amended wording would not prevent smaller sites being submitted for consideration. The policy requirements provide the context for the required infrastructure and sets out the contributions that sites would be required to make as part of the wider allocation.
72. EDDC have taken measures to ensure that a number of alternative delivery mechanisms are available and these provide a level of assurance both for EDDC and for developers. These modifications provide a proportionate response to ensure the policy requirements are both deliverable and effective.
73. I have had regard to the comments received at the **MM** stage but consider the amended policy makes appropriate and effective provision and allows for an appropriate degree of flexibility to ensure effectiveness and therefore soundness.

Conclusion

74. Subject to the revised wording via **MM11** Policy CB7 will be capable of ensuring the effective phasing of the expansion areas CB2 to CB5. The modification will ensure the phasing of the expansion areas and provides a level of flexibility at the development management stage to facilitate the delivery of the school sites. The revised wording is required to make the policy effective, and therefore sound.

Issue 4 Whether the criteria for Policy CB8 (Built Up Area Boundaries) (BUAB's) are justified?

75. No changes have been proposed to Policy CB8 which relates to BUABs. Policy interpretation and application of the Policies map have been raised and modest changes to the boundaries were discussed. These are a matter for the Council as they do not go to the heart of the policy and do not necessitate any alteration to its wording. Given the need to ensure that a robust approach is taken to land outside of the development boundaries but within the plan area either now or in the future it is logical and justified to ensure consistency with the overarching plan. The criteria are generally the same as Strategy 6 in the EDLP which would be

superseded within the plan area. The main difference relating to the inclusion of a criteria to ensure that there would be no unacceptable pressure on infrastructure.

Conclusion

76. The criteria within Policy CB8 are generally consistent with the approach to BUABs within the EDLP. There are no demonstrable issues with the practical application of this policy. Therefore, I find the Policy justified and alterations to it are not necessary to achieve soundness.

Issue 5 Are the provisions in the Plan for gypsy and traveller sites appropriate and is their geographical location justified?

77. The EDLP indicates a requirement for up to 30 pitches on land allocated for the Cranbrook development in Strategy 12. The SA [Cran057] assessed potential alternative sites and updated assessments [PSD27] including work directly with the gypsy and traveller community which established a need for 28 pitches across the whole of the district of which 15 are to be provided at Cranbrook. Two policies make provision in Cranbrook with five serviced pitches on a site of at least 0.5 hectares at Treasbeare (Policy CB3) and 10 serviced pitches on an area of land of at least 1 hectare at Cobdens (Policy CB4).
78. The provision of 15 pitches will meet just over half of the identified need in the district. Whilst this number is lower than that envisaged in the EDLP, discussion at the hearing focused on evidence which identified 15 being a suitable quantum having regard to the scale of the settled community and the updated work which has been undertaken with the gypsy and traveller community and having regard to the Planning Policy for Traveller Sites [PPTS]¹⁷. The requirement in Strategy 12 of the EDLP is being superseded by this plan and on the basis of the evidence I am satisfied that the provision of 15 pitches, rather than the 30 previously identified is justified.
79. Each of the two sites is closely related to a housing expansion area. Whilst both locations are acknowledged to be of some landscape sensitivity, the developments would primarily be single storey and there is no evidence that the identified sites could not be laid out and landscaped in a manner which would address landscape impact concerns. Local concerns regarding the visual impact of the allocations on land which was shown in previous plan iterations to be a green wedge are understood. However, the visual impact of built form on the land has been assessed in detail and the boundaries of the expansion areas have been delineated in a manner which, with the integration of recreation space through the SANGS designations will enable appropriate buffers of greenspace to be provided. The designation of green wedges in earlier plans does not affect or undermine the soundness of the allocations in this plan.
80. Paragraph 11 of the PPTS advises that criteria should be set to guide land supply allocations where there is an identified need. Policy H7 in the EDLP sets out the criteria against which the details of gypsy and traveller sites will be assessed, it remains in force district wide and does not need to be replicated in the Plan.

¹⁷ Planning Policy for Traveller Sites 2015

81. Changes to Policy CB6 (Cranbrook Infrastructure Delivery) via **MM9** previously outlined make clear which categories of infrastructure provision are to be equalised across all developments sites. However, gypsy and traveller sites are a form of housing and their provision responds to an identified need. The sites will be made available at expansion areas CB3 and CB4 respectively with each site having a land value which will be recovered directly by each of the two developers. In this regard the provision should not be a cost equalised across all four expansion areas even though the allocations will address a substantial portion of district wide provision as reasonable site provision costs will be recoverable. **MM10** gives the supporting text clarity on this point to ensure that the requirements are unambiguous and is required for effectiveness to make the policy sound.
82. The proposed gypsy and traveller sites will not result in a net loss of land. The areas allocated are suitable for the identified development which would not exceed single storey but which would not otherwise be suitable for residential development of two storeys or more.

Conclusion

83. Overall, I find that EDDC's strategy for the provision of gypsy and traveller sites is justified and consistent with the PPTS. The alteration to the wording in the supporting text to Policy CB6 [**MM10**] makes clear that the costs of these sites are not to be equalised across the whole plan area. The allocations for gypsy and traveller pitches are logical and justified and require no alteration in respect of location or funding to ensure soundness.

Issue 6 **Are the requirements for the connectivity to district heating facilities, and the safeguarding of land for an energy centre justified?**

84. The requirements of modifications to expansion area Policy CB3 (Treasbeare) via **MM5** and via **MM19** to submitted Policy CB14¹⁸ (Safeguarding of land for energy use) ensure that land is made available for an extension to the existing energy centre and requires its safeguarding. The requirement has been argued to be unjustified as it is not time limited other than by the end of the Plan period. Nonetheless these policy alterations reflect the fundamental aspirations of the Plan to deliver a zero carbon new town in line with its energy hierarchy and the national policy aspirations towards delivering zero carbon. Adjustments to supporting text¹⁹ are needed to ensure consistency of terminology and numerical references in different parts of the plan via **MM20**. The proximity of the energy site to the employment provision and to the airport mean that the site would be unsuited to uses other than employment generating land uses.
85. There is no persuasive evidence that the requirement for the safeguarded land should be further time limited.

¹⁸ Now renumbered Policy CB13

¹⁹ Paragraph 3.100 in the plan

Conclusion

86. Alterations to submitted Policy CB14 through **MM5** and **MM19** ensure clarity and consistency. The provision of additional land for an energy centre and its safeguarding for the life of the Plan is both robust and justified.

Issue 7 Whether the plan will have an adverse impact on the integrity of European Protected sites and would the approach to Habitat mitigation by the provision of Suitable Alternative Natural Green Space (SANGS) be effective.

87. The SANGS strategy within submitted policy CB15 in the plan (Habitat mitigation and Delivery of Suitable Natural Alternative Natural Green Space) is required to ensure that land is made accessible to the public to mitigate the effect of additional recreational disturbance from residential development on protected habitat sites at Pebblebed Heaths and the River Exe which are within 10km of the expansion areas. Modifications **MM21** to Policy CB15²⁰ (as submitted) and **MM22** to the supporting text are necessary to correct the quantum of SANGS land, tighten the triggers at which point provision must be made and to give clarity to the requirement for a delivery strategy. These changes are required to make the policy effective. The MM also is necessary to remove duplicated text.
88. In the paragraph following point 'm' in submitted Policy CB15 the words 'where possible' should be removed from the policy in order to make the requirements precise. This alteration is in addition to the published MMs and is required to make a specific requirement to have regard to heritage assets where they exist in the plan area in order to ensure consistency with the Framework. This is a point of clarification and would not give rise to prejudice to any party.

Conclusion

89. The amended wordings to the original Policy CB15 via **MM21 and MM22** are required for clarity, effectiveness, and precision to the policy requirements in addition to the correction of land area values. They are required to ensure mitigation for the potential effects on SPAs in compliance with the responsibilities under the Habitats Regulations and are necessary for effectiveness and therefore soundness.
90. Therefore, subject to these recommended **MMS** the approach to mitigation in the Plan is consistent with the HRA which recommends using effective mitigation measures proportionate to the number of dwellings proposed.

Issue 8 Whether the development management policies in the Plan are justified, effective and consistent with national policy?

91. As submitted Policy CB16²¹ (Design Codes and Place Making) addressed the need for good design through the use of Design Codes. The national design agenda has made significant policy changes since CB16 was first drafted. To be

²⁰ Now renumbered as CB14

²¹ Now renumbered as CB15

effective and, achieve compliance with national policy and to secure good design in the expanded settlement extensive rewording is required. This is achieved through **MM23**. I have considered the comments made at the **MM** stage that high standards of design can impact on costs, however the national agenda is to raise the bar on design and I consider that the Policy as amended would be sound.

92. The Framework expressly advocates effective engagement with local communities and interest groups in developing local design agendas which is also reflected in Policy CB16 (as submitted). The wording does not prevent or block development as has been suggested by representors in their responses to the **MMs**, but rather it is a method of furthering the national agenda to achieve high quality good design. The submitted policy wording preceded the changes in the government's design agenda and the changes to the submitted Policy CB16 via **MM23** revise the wording to reflect national policy and to make it effective. Supporting text changes at **MM24** provide necessary interpretation and clarify the status of the masterplan references in the Plan. These amendments are required to make the policy effective and therefore sound.
93. Modification **MM26** amends Policy CB21 as submitted²² (Parking at Cranbrook), specifying the proportion of cycle parking provision required in conjunction with destinations which attract regular visitors and for employment facilities, a matter which was not effectively dealt with in the original plan. Changes to the supporting text to submitted Policy CB21 via **MM27** are required as the plan cannot confer the status of a development plan document on the Supplementary Planning Document as it is not part of the plan. There are also essential changes to the supporting text to make clear what standards will be utilised now. The PPG makes it clear that it is appropriate for detailed requirements to amplify a policy and that these can come afterwards. The alternative wording indicates this as well as signposting which standards will be used in the meantime and is needed to make the policy effective. This is supporting wording for submitted Policy CB21 which is substantively unchanged apart from the additional wording on cycle parking for employment via **MM26**.
94. Changes to submitted Policy CB22²³ (Cranbrook Town Centre) via **MM28** reflects consistency with requirements elsewhere in the Plan including for hot food takeaway restrictions. In addition, it makes clear the expectations in relation to temporary or 'meanwhile', uses in the town centre which are also now defined in the glossary **MM35**. These relate to encouraging vibrancy and an active town centre particularly during the period prior to permanent development. These changes are required to ensure developers expectations are clear and to provide a logical approach to the evolution of the town centre and are therefore needed for effectiveness.
95. **MM33** revises submitted Policy CB27 on Landscape Biodiversity and Drainage incorporates a numerical value for the minimum requirement of 10% Biodiversity net gain (BNG). Whilst it has been argued that this figure is unjustified, that figure has been consistently used in the evidence base and is also reflected in the Environment Act 2021. Whilst not yet enacted in statute there is robust justification for the use of a minimum 10% net gain figure and **MM33** makes that requirement unambiguous in the policy. **MM34** provides further clarity in the supporting text to

²² Now renumbered Policy CB20

²³ Now renumbered Policy 21

Policy CB27 on BNG. These changes are required to make the policy clear and therefore effective and are needed for soundness.

96. Modification **MM2**, corrects a factual reference in Policy CB1 (Health and wellbeing at Cranbrook) referring to the Clyst Valley Regional Park, modification **MM4** (supporting text to expansion area Policy CB2) updates text references in relation to business and employment uses and **MM25** (Policy CB19 as submitted²⁴) (Co-ordinated sustainable travel) clarifies and strengthens travel plan requirements for employment and residential properties and aligns terminology across the plan. The changes in **MM2**, **MM4** and **MM25** are necessary for effectiveness.
97. To be effective the supporting text to submitted Policy CB22 relating to the Town Centre, through **MM29** removes duplication regarding modular buildings for temporary spaces in the town centre as these are dealt with in the main policy.
98. To be effective **MM30** makes changes to submitted Policy CB23 (Residential development in the town centre and Neighbouring Centres²⁵) to remove duplication and clarify terminology incorporated into updated legislation²⁶ following changes to the UCO to be effective.
99. There are some anomalies regarding BUAB delineations between the content of illustrations shown at Figure 2 and Figure 8 in the Plan which require correcting to align with one another and to reflect consequential changes to the maps as a result of the **MMs** and which should be addressed prior to final publication of the Plan. This should be rectified upon adoption of the Plan, along with any other cartographical errors and anomalies.

Conclusion

100. Subject to the recommended **MMs** I conclude that the approach to Development Management Policies is justified and that the changes to the policies via the **MMs** and supporting text are required for clarity, precision, effectiveness, for the updating of statutory references, for consistency and to ensure compliance with national policy.

Overall Conclusion and Recommendation

101. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
102. EDDC has requested that I recommend **MMs** to make the Plan sound, legally compliant and capable of adoption. I conclude that the DtC in so far as it refers to cross boundary strategic matters has been met and that with the recommended main modifications, set out in full in Appendix 1, the Cranbrook

²⁴ Now renumbered Policy CB18

²⁵ Now renumbered Policy 22

²⁶ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 1 September 2021.

Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

J Wilson

Examination Inspector

This report is accompanied by an Appendix containing the Main Modifications.