

Report to: Council



Date of Meeting 19 October 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Cranbrook Plan Development Plan Document – Inspector’s Report and Proposed Plan Adoption

Report summary:

The Council has received the Inspector’s report into the Cranbrook Plan, which concludes that the Plan is ‘sound’ and legally compliant, subject to modification.

Adoption of a local plan requires confirmation by a meeting of the Council. The Inspectors report has been noted by Strategic Planning Committee and the committee recommend that Council adopt the plan.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Members note the final report of the Planning Inspector on the examination of the Cranbrook Plan;
2. That the Cranbrook Plan incorporating the proposed main modifications, minor Council additional modifications and the changes to the Cranbrook Plan policies may be adopted.

Reason for recommendation:

To ensure that the Development Plan is kept up-to-date and to enable the housing numbers and infrastructure to be delivered at Cranbrook in accordance with the requirements of the existing Local Plan, to come forward in a planned manner.

Officer: Ed Freeman – Service Lead Planning Strategy and Development Management – efreeman@eastdevon.gov.uk; Tel: 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact High Impact

The Plan looks to ensure that the needs of all groups and sections of society are considered and catered for, including gypsies and travellers. An Equalities Impact Assessment was produced to accompany the production of the Plan:

<https://eastdevon.gov.uk/media/2761727/Equalities-Impact-Assessment.pdf>

Climate change High Impact

Risk: Medium Risk; There is a risk that the adoption of the Cranbrook Plan could be subject to a legal challenge. The expansion of Cranbrook represents the single largest contribution to meeting the strategic housing requirement in the District under the current Local Plan. The Cranbrook Plan is identified in the Local Plan as being critical to securing the long term success of the town.

Links to background information

Documents relating to the examination: [Cranbrook Plan - Cranbrook Plan Examination - East Devon](#)

Documents relating to the proposed Main Modifications consultation: [Cranbrook Plan - Proposed Main Modification consultation - East Devon](#)

Link to the Inspectors report, covering letter and final main modifications: [Cranbrook Plan - Cranbrook Plan Inspector's Report - East Devon](#)

National Planning Practice Guidance: [Plan-making - GOV.UK \(www.gov.uk\)](#), [Local Plans: the examination process - GOV.UK \(www.gov.uk\)](#)

[Development Plan Document - The Cranbrook Plan 2013 – 2031](#)

[Cranbrook Plan – Updated Sustainability Appraisal Report](#)

[Planning Policy Evidence – Cranbrook Infrastructure Delivery Plan 2013 - 2031](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1. Background

- 1.1. The Council has received the Inspector's final report into the Cranbrook Plan (the Plan). This concludes that, with the main modifications (MM) set out in the appendix to the report, the Plan meets the legal requirements and is 'sound' and therefore suitable for formal adoption by the Council.
- 1.2. The Plan has been prepared to identify land for the additional 1550 homes and associated infrastructure and facilities that were identified as required in Strategy 12 of the Local Plan. The process of identifying land for this necessitated the production of the Plan and also gave the opportunity to shape and direct the wider future development at the town.
- 1.3. The Plan was formally submitted for examination on 2 August 2019 with examination hearings held in-person and virtually in January/February 2020 and November 2020. Following these hearings, the Council produced additional viability evidence and the Plan and its accompanying Infrastructure Delivery Plan and evidence documents were updated to ensure that the requirements of the Plan were viable. These documents were consulted upon with the interested parties and eventually led to a further public consultation on proposed main modifications to the Plan being undertaken earlier this year, ending on 28 February 2022.

- 1.4. The Inspector's report and appendix setting out the main modifications are available via the link above. A version of the Plan incorporating the main modifications and more minor Council changes and an updated version of the accompanying Policies Map are appended to this report.
- 1.5. A version of this report was considered by Strategic Planning Committee at their meeting on the 4th October and they resolved to recommend to Council:
"That the Cranbrook Plan incorporating the proposed main modifications, minor additional modifications and the changes to the Cranbrook Plan policies map be adopted by Council".

2. Summary of Inspector's findings

2.1. A summary of the Inspector's findings are:

- The Plan is consistent with the requirements of the existing East Devon Local Plan and represents a logical approach to the allocation of land to meet the needs of the expansion of Cranbrook and is justified and effective.
- There is a reasonable prospect that the 4 expansion areas could be viably developed and in the absence of clear and compelling evidence to the contrary, the detailed requirements of the expansion area policies (as amended by main modifications) are sufficiently clear, justified, effective and consistent with the East Devon Local Plan and national Policy. The linked phasing policy will be capable of ensuring the effective phasing of the expansion areas.
- Built up Area Boundaries are proposed for Cranbrook and Broadclyst Station. The criteria for the policy for this are generally consistent with the approach to Built up Area Boundaries in the East Devon Local Plan.
- The Plan includes policy to deliver a zero carbon new town in line with its energy hierarchy and the national policy aspirations toward delivering zero carbon.
- The approach to Development Management policies is justified. These cover matters including design codes and place making, parking, the Town Centre, health and wellbeing, co-ordinated sustainable travel and Biodiversity Net Gain
- The allocations for 15 gypsy and traveller pitches on two of the expansion areas are logical and justified and require no alteration in respect of location or funding.
- The policies of the Plan mean that provision is made for accommodation for older people, affordable housing, self-build homes, accessible and adaptable housing and sites to meet the needs for gypsy and traveller accommodation. 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.
- The Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan in respect of matters impacting beyond the Plan area, including education, transport, health and primary care, European protected sites mitigation, green infrastructure and the Clyst Valley Regional Park and the Enterprise Zones.
- The Plan complies with all relevant legal requirements.

2.2. The main modifications recommended by the Inspector to make the Plan sound, legally compliant and capable of adoption, 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.

3. Minor additional modifications

- 3.1. Whilst significant changes to the Plan can only be made through the formal main modifications procedure, it is possible for the Local Planning Authority to make 'additional modifications' of a more minor nature. These changes are usually put forward to make the plan clearer and easier to understand or to correct factual errors.
- 3.2. In this instance, the Council has drafted a number of additional modifications. These minor changes are not required to be consulted upon but were included for information when the main modifications were consulted upon earlier in 2022.
- 3.3. The additional modifications can be seen in the attached track changes version of the Plan, included as green text.

4. Legal and procedural considerations for adoption

- 4.1. Legislation states that the Council has three options now that it is in receipt of the Inspector's report:
 - a) To accept the Inspector's recommendations and to adopt the Cranbrook Plan with main modifications incorporated (Section 23 of the Planning and Compulsory Purchase Act 2004 as amended by Section 112 of the Localism Act);
 - b) To accept the Inspector's recommendations and to adopt the Cranbrook Plan with main modifications AND additional modifications incorporated (Section 23 of the Planning and Compulsory Purchase Act 2004 as amended by Section 112 of the Localism Act);
 - c) To withdraw the Cranbrook Plan and not adopt it (Section 22 of the Planning and Compulsory Purchase Act 2004 as amended by Section 112 of the Localism Act).

- 4.2. The law requires that, where main modifications are required to make a plan sound, as is the case with the Cranbrook Plan, it can only be adopted with all of the main modifications incorporated.
- 4.3. The responsibility for deciding whether or not to adopt the Plan lies solely with the Local Planning Authority, which in this case would require a decision to be made at a meeting of the Council. The adoption of a Local Plan can only be overturned by a successful challenge in the High Court on a point of law. There is a period of six weeks following adoption of the Plan in which a legal challenge can be made.
- 4.4. Upon adoption, the Plan, an adoption statement and the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) must be made available at the main Council offices and online and notification sent to certain bodies and all those participants who asked for notification of adoption.
- 4.5. The Cranbrook Plan is a necessary document for the sustainable delivery and expansion of this strategically important new town and follows on from the content of the existing Local Plan.
- 4.6. Adoption of the Plan is ultimately optional, however the following text in the Government's Planning Practice Guidance is relevant: *While the local planning authority is not legally required to adopt its local plan following examination, it will have been through a significant process locally to engage communities and other interests in discussion about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound. [Paragraph 058 Ref ID 61-058-20190315]*
- 4.7. Given the strategic importance of Cranbrook and its proposed expansion, it is considered vital that the Plan is adopted with the main modifications and additional modifications to enable a coherent and well planned development going forward.

Financial implications:

There are no financial implications on which to comment

Legal implications:

The legal issues are covered in the report