

URN 147

Further Representations on East Devon District Council's

Cranbrook Plan

PSD 34-43 Note on Viability Update

Consultation Draft Schedule of Main Modifications

Part 1 Policies CB2 – CB7

On Behalf of Stuart Partners Ltd

Land to the West of Gribble Lane Grange Expansion Area

12 August 2021

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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) Grange Expansion Area of the Cranbrook Plan ("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.

Cranbrook Plan

- 1.3 Our client:
- **supports** the proposed allocation of their land comprising residential development and associated open space and green infrastructure, including 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.
 - **supports** the overarching framework for the principles of development, which means that applications which comply with it should be approved without delay. (A "rooftax" approach to planning obligations is appropriate whether there are agreed comprehensive development and phasing plans in place or not).
 - **supports** the proposed zero CIL rate and 15% affordable housing requirements.

Summary of Our Client's Overarching Position and Suggested Changes to the Plan

- 1.4 Briefly, our client's overarching position is that they:
- Respectfully suggest 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 suggest that words attempting to strictly control phasing should be removed from the policies in the plan (because they undermine viability and deliverability).
- Fully endorse transparent and pliable (e.g. “rooftax”) approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure (because such approaches support viability and deliverability).
- Are very concerned about the status of the Cranbrook Infrastructure Delivery Plan (IDP) and its role in ongoing viability work.
- Believe that the Council can no longer demonstrate a 5 year housing land supply.

2 Response to PSD 34-43 Note on Viability Update Consultation Draft Schedule of Main Modifications Part 1 Policies CB2 – CB7

Introduction

- 2.1 Our client is thankful for the opportunity to comment now and agrees with the main participants in the EiP that a hearing is the most appropriate way to deal with these very important matters which go to the heart of plan “soundness”.
- 2.2 They are also thankful for confirmation that if the plan proceeds, however tentatively, through viability matters, that:
- all main modifications will be published for comment thereafter and that they can comment on all main modifications including any to do with the draft policies subject to this round of consultation.
- 2.3 If the plan proceeds, respectfully, our client would expect 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 verbally agreed by the Council at the EiP hearings in January and February of 2020 (and as e.g. **MM40** appears to now confirm).
- 2.4 Regarding the importance of the Cranbrook Plan, Churchill Retirement Living has recently taken issue with the Council’s stated five-year land supply position at an appeal inquiry (EDDC Ref 20/2410/MFUL; PINS Ref: APP/U1105/W/21/3270077). Given that the Council’s five-year housing land supply has hitherto been almost entirely dependent on Cranbrook, the later phases of which are now significantly delayed, it is odds on (whatever the outcome of that appeal) that the Council will reach a shortfall which will neither be easily nor quickly remedied.
- 2.5 Furthermore, it is concerning for the sub regional economy that Exeter City Council has less than 2 years housing land supply and has failed to have a 5 year housing land supply every year for the last 10 years. Exeter and the “West End” of East Devon (including Cranbrook) are the economic drivers for the sub-region and their growth cannot be constrained for social and economic reasons.

Viability

2.6 On viability matters, unfortunately, our client did not have sight of all the papers until the start of this consultation.

2.7 The main issues for our client are:

- Basic viability assumptions remain “not agreed” (e.g. rate of return).
- The Council’s position has been that the Infrastructure Delivery Plan (IDP) is the basis for the justification of the infrastructure required for the expanded Cranbrook. Yet at this relatively late stage of plan making the Council is “decoupling” the IDP from the policy making. This, naturally, begs questions on the actual infrastructure required to make the development acceptable in planning terms. Affecting the “soundness” of the plan, it also leads to deeper, perhaps more harmful related questions because obviously the infrastructure required affects viability (and e.g. affordable housing percentages).
- Whilst the Council’s viability advisors remain unpliable, there are suggestions contained in the consultation papers, that to make the plan viable, the affordable housing % could be reduced from 15%. If the affordable housing % is to be reduced for any reason that will have to be subject to far more detailed consultation than a “main modifications” stage of plan making.

CB5 Grange Expansion Area

2.8 Since our client:

- maintains objections to all policies in the plan which aim to strictly control phasing in favour of those parties controlling larger tranches of land making up the strategic allocation, because such policies stifle the delivery of very important sites (like our client’s) which could contribute to the Council’s 5-year housing land supply if unhindered by such restrictive and unnecessary policies; and,
- endorses transparent and pliable (e.g. “rooftax”) approaches to planning obligations and the delivery of expansion area and allocation wide infrastructure because such approaches support viability and deliverability. (A principle reason for such an approach to strategic housing delivery, 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 (or the Council!)),

unfortunately, they must object to **MM34** and **MM35** and respectfully reiterate that words attempting to strictly control phasing should be removed from all policies in the plan because they undermine viability and deliverability.

CB6 Cranbrook Infrastructure Delivery

2.9 Given that:

- the Cranbrook IDP does not now form the basis for the justification of the infrastructure required for the expanded Cranbrook meaning that viability cannot be “set”;
- it is still not known how infrastructure is actually going to be delivered and when (e.g. We still don’t know when “rooftax” money is to be paid, to whom it is to be paid; neither do we know how “rooftax” money is going to be spent and by whom.); and,
- there are still strict phasing controls contained within CB6, in contradiction with a “rooftax” approach to infrastructure delivery and the reasons for such an approach,

reluctantly, our client **objects** to **MM40**, **MM41** and **MM42**.

CB7 Phasing

2.10 In conjunction with comments made on CB5 and CB6 mainly because:

- the MMs do not reflect that the main purpose of a “rooftax” approach 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, consequently overall viability, throughout the development cycle,¹

unfortunately, our client must object to **MM43**, **MM44**, **MM45**, **MM47**, **MM48** and **MM49**.

¹ It is still Devon County Council’s position, as the Education Authority, that a primary school must be built and operational before a house is occupied which would significantly impact on early development cash flows, undermining viability of the expansion areas from the off. Such an approach would also be contrary to Government guidance and lacks common sense because the built school would either have no (or few) pupils and/or would be filled by pupils from outside the expansion areas that it is planned to serve. Schools should be phased with other infrastructure (as per Government guidance).

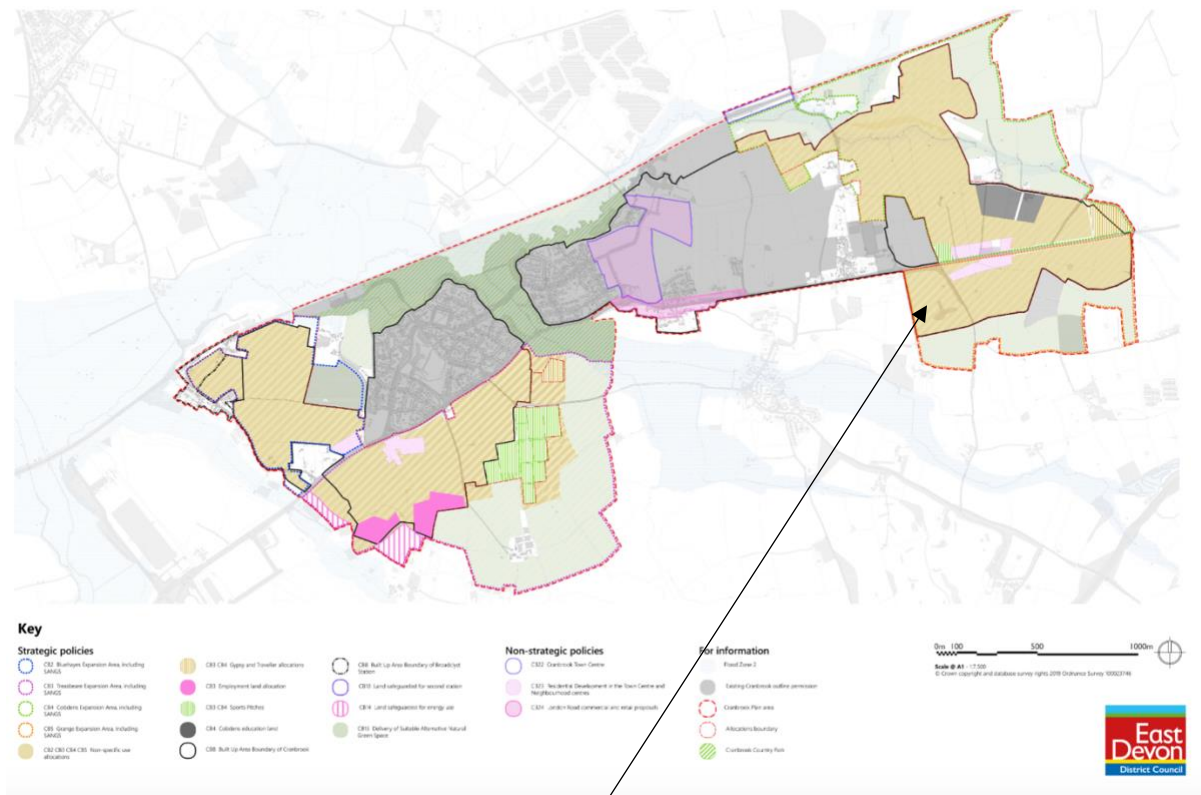
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Cranbrook Plan - Policies Map



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