

East Cambridgeshire District Council Local Plan examination

Stage 2 hearing sessions

Respondent reference number PS309-314

Matter 12: Community-led development.

Issue 1: Whether the policies relating to community-led development are justified, effective and consistent with national policy?

55. What is the justification to treat community-led development differently to other development that comes forward and to preclude other development models? On what planning basis is there a 'presumption in favour' of community led development? Is this approach consistent with national policy?

Local Plan policy LP5 (p.19) defines community-led development which includes schemes led by a legitimate local community group such as a Community Land Trust (CLT). Community-led development can be an effective and inclusive process whereby the views and needs of a community are delivered through development. However, this cannot be a replacement for or a method of circumnavigating the due process of preparing a local plan and considering reasonable alternatives, being properly justified, effective and consistent with national policy as required by the NPPF.

Section 79 of the Housing and Regeneration Act 2008 sets out the conditions which are required to be met by CLTs where they are established for the express purpose of furthering the social, economic and environmental interests of a local community, providing a benefit to the local community and being controlled by its members. The establishment of CLTs under the Act does not excuse either the CLT or the Local Planning Authority from complying with the requirements of the NPPF.

Using the strategic allocation site within Kennett as an example, we do not feel that justification exists to treat community-led development differently within the planning process and especially where such a trust has influenced the selection of strategic scale allocation sites which help to deliver the objectively assessed housing need identified within the Local Plan. The council's reliance on CLT recommendations has been used to merely support a pre-determined view not justified by proper consideration of reasonable alternatives (Reference Matter 16). This example emphasises the lack of justification to treat CLT led development differently.

It is apparent that the CLT has been set up and used in part to help secure the allocation of a pre-determined strategic scale site within the village (namely KEN.M1), at the cost of proper and robust consideration of reasonable alternatives. Potentially suitable, sustainable and deliverable development sites which seek to deliver identified needs within the local community were not fairly represented (or even considered) by the CLT (Reference Matter 16). Copies of appropriate correspondence are attached within Appendix 4 of the Longstones Stud Position Statement (December 2017) submitted as part of our client's Local Plan representations during Regulation 18 and 19 consultations.

ECDC Local Plan policy LP5 encourages the involvement of community-led groups (such as CLTs) in development and states that the council is very supportive, having a presumption in favour of genuine community-led development schemes where *'the CLT (or similar appropriate body) has been integrally involved throughout the process in key decisions for the whole site'* and where *'there has been meaningful, but proportionate, wider public engagement (i.e. greater than just Members of the CLT or similar appropriate body) as part of the preparation of the scheme'*. However, CODE approached the Kennett CLT board during the initial stages of Local Plan preparations and throughout Regulation 18 and 19 consultations on behalf of our client to involve them in the design of site options at Longstones Stud in the village. They declined the offer of engagement resulting in their consideration of only a single site being considered for development within the village (Reference Matter 16). The presumption in favour of community-led development has therefore, in this case, resulted in the preclusion of a robust testing of other reasonable alternatives delivered by way of CLT support or other development models.

Policy LP5 also states that the CLT (or similar appropriate body) should *'unequivocally support'* the whole CLT-led scheme (i.e. KEN.M1). However, evidence has emerged that not all members of the trust were supportive of the ECDC preferred allocation site proposed within Policy Kennett4. Minutes published for the CLT meeting held on 9th November 2017 suggests under agenda item 7 that there is evidence of a *vote of no confidence* in the group by its own members. Some CLT members were also actively involved in the Kennett Action Group which aims to prevent the KEN.M1 development. This does not demonstrate unequivocal support for the scheme by the CLT. The CLT meeting minutes provide evidence that the group were not fully supportive of the allocation, stating they are *'neutral'* within item 5 of the agenda. This point is important as the allocation site has now been included within the Local Plan as the council's preferred scheme (minutes attached in Appendix A).

Reasonable alternative sites were not evaluated fairly based on proportionate evidence as demonstrated through clear inconsistencies in the comparisons between the preferred site and alternative sites promoted during Local Plan consultation. This is evident within the council's Site Assessment Evidence Report (Final Report – November 2017) and referenced within the Sustainability Appraisal and Strategic Environmental Assessment of the Local Plan to 2036 (November 2017). Alternative sites should be equally appraised to the same level as the preferred option and this has not been coherently demonstrated by the council.

The apparent disarray surrounding the CLT resulted in an unbalanced assessment of reasonable alternative sites within the village of Kennett by the council (Reference Matter 16). Political influence and a fundamental lack of understanding regarding the duties and responsibilities of community groups as set out within Section 79 of the Housing and Regeneration Act 2008 devalues the *'presumption in favour'* of community-led development. Whether or not CLT supported development is to be treated differently to other development in the local plan process, it is essential that CLTs and the local planning authorities still consider fairly all reasonable alternatives.

56. Is it appropriate to refer within a policy to documents which are not statutory planning documents, such as Supplementary Planning Documents? Is the approach of Policy LP5 consistent with Paragraph 204 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010?

It is appropriate to refer to non-statutory planning documents where necessary within a Local Plan policy, however the weight attributed to such a document in the plan making process (and the selection of preferred site allocations) should be balanced, proportionate and within the original context of the supporting document. However, the selection of the council's preferred strategic allocation site within the village of Kennett attributed significant weight to a non-statutory planning document to justify site selection, the context of which will now be discussed.

The CLT-led allocation site in Kennett (KEN.M1) proposes the introduction of 500 new homes within the village of Kennett. However, it is apparent that considerable weight was given to the Cambridgeshire and Peterborough East Anglia Devolution Proposal (July 2016) during selection of the council's preferred allocation within the village of Kennett. Section 22 (d) states that there will be *'a new Community Land Trust Scheme in East Cambridgeshire (Kennett 500 – 1,000 new homes)'*.

Whilst this document holds no statutory status within the Local Plan preparation process, the council have been affording it *'considerable weight'* as stated in section 2.7 (p.3) of the council's Policies for

Kennett (November 2017) document. This states that *'on the basis that the Deal has been agreed by Government and all constituent authorities, considerable weight must be attached to what it states'*.

Therefore, a non-statutory document (Peterborough East Anglia Devolution Proposal (July 2016)) was used to identify a 'preferred' allocation site long before supporting evidence studies or public engagement had justified the suitability of the village of Kennett to accommodate such strategic scale growth. The retro-fitting of evidence in support of a pre-determined conclusion contravenes paragraph 14 of the Planning Practice Guidance which states that *'evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively'*.

Appendix A

Key**RS – Robin Swanson Chair of Kennett CLT****FD – Frank Danks Secretary CLT****DW - Darren Watson – Trustee CLT****HR - Hugo Runciman – Trustee CLT****CJ - Cheryl Jowett – Trustee CLT****L McC -Lynne McCallum – Trustee CLT****TF - Tim Foddy – Trustee CLT****PS - Paul Swanson – Trustee CLT****KC – Karen Clegg - CLT member (KAG)****FF – Dr Farmy - CLT member (KAG)****BD – Barclay Dutson – CLT member (KAG)****PB – Phil Baxter – CLT member****SA – Sherine Adwalldah – CLT member (KAG)****GG – Geoff Greaves – CLT member****AW – Alan Warwick – CLT member**

	Initials	<u>Meeting: SGM</u>	Action
1		Date of meeting 09/11/2017	N/a
2		Time of meeting 19.30	N/a
3		List of attendees (estimate number = 40)	N/a
4		Meeting Quorate with 43 members present	
		Meeting interrupted by K Clegg stating she had a petition of 168 people who are against the building of new homes	
	FD	Housekeeping notes re fire exits etc	
	RS	Welcomes everyone to meeting - explains mandate of the negotiation which we held Asked for civilised professional debate All questions taken at the end only, please don't interrupt.	
	RS	Explains how the meeting will be held	
	FD	Listed objectives of KCLT See slide 1 below	

KCLT Objectives

••

KCLT is an **independent** and **non-profit charity** that works for the benefit of the local community (Kennett) in the areas of:

a. Provision of affordable homes

b. Encouraging local employment and services

c. Promoting facilities, such as community buildings, play areas and renewable energy facilities

d. Encouraging allotments, orchards, woodlands and nature reserves.

Slide 2 – KCLT resolution of 12/01/17 (4 points) – See below

KCLT Resolution 12.1.17

- To currently withhold the support of KCLT for the proposed development opposite the school until the following four issues are negotiated:
 - The total number of houses.
 - The relief road with traffic calming and the associated downgrading of the B1085.
 - The future development of the remainder of the site post 2036 (i.e. the 56 HAs).
 - Infrastructure staging in principle.

TF

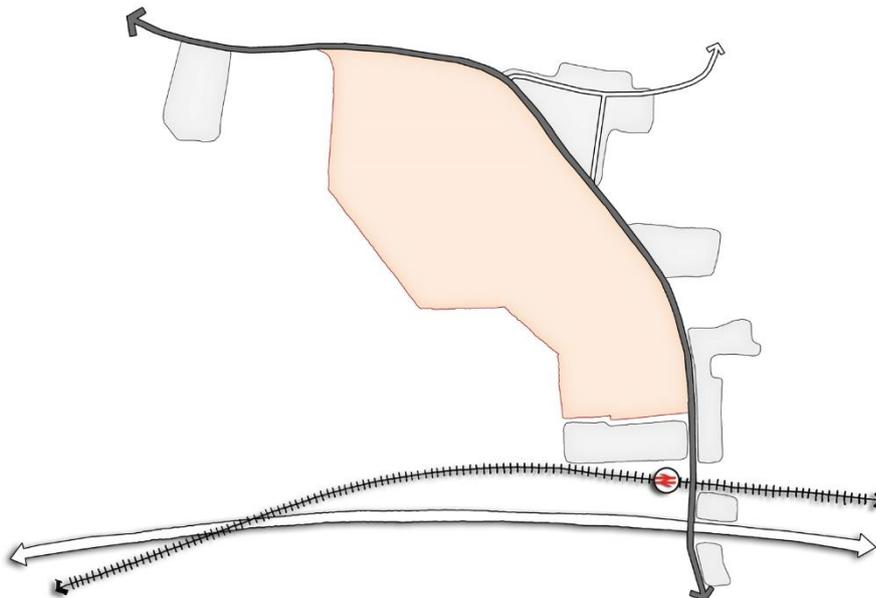
Spoke on size of the site – see slide below



Area reduced from 91 Hectares to 41.6 hectares with 500 dwellings
 Plan goes to 2036 and no more development outside the 41 hectares during the life of the Local Plan.

FD

Original Road layout – See slide below

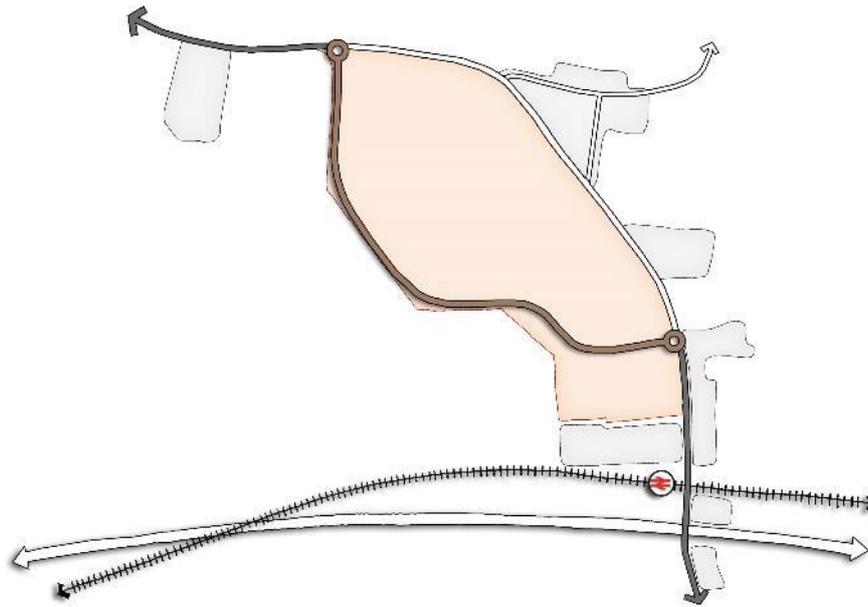


Initial access to the site was originally to be via Station road which the members did not like

East Cambs plans for 11,200 dwellings; Redlodge continues to expand; Kentford ~ 400 in last 7 years; Mildenhall 3,500 homes – emphasised many using our Station road (B1085).

Cambs highways refuse to see this as an issue.

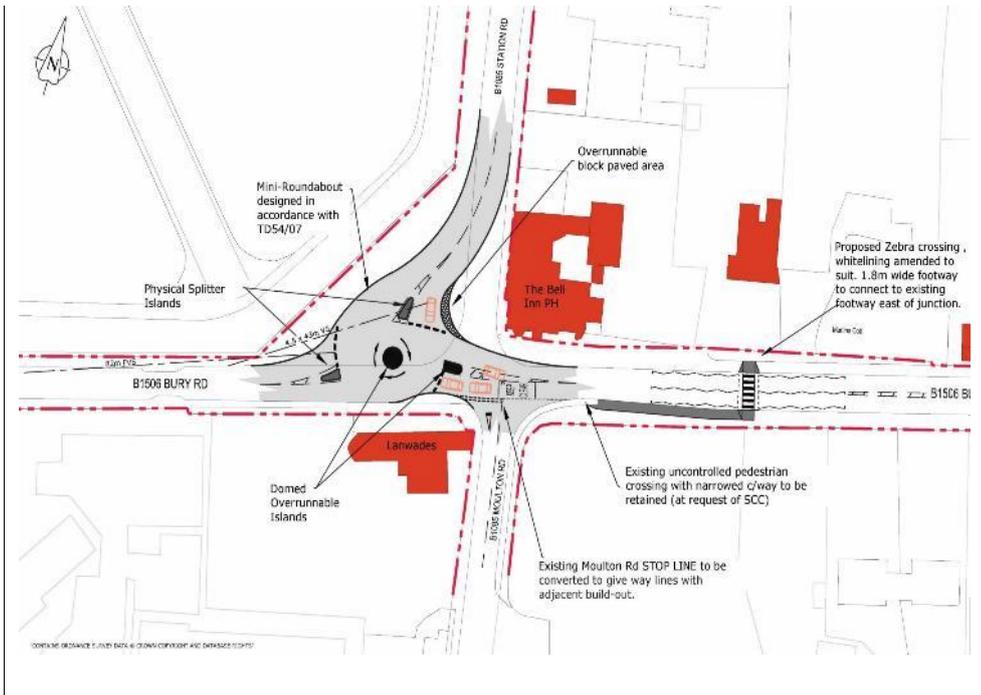
Phase 3 of negotiation led to bypass road being agreed to divert heavy traffic away from Station Road.



Interrupted by unknown person about station road. This was followed by a 2nd interruption regarding the road by Farmy.

Roundabouts on bypass road will slow traffic down; also use as construction traffic away from Station road near school. It will occur in phase 1 and allow original station road by school to be downgraded. This is approved by Cambs highway and is an investment of £2.5 million pounds from the development. Prior to negotiation there was nothing.

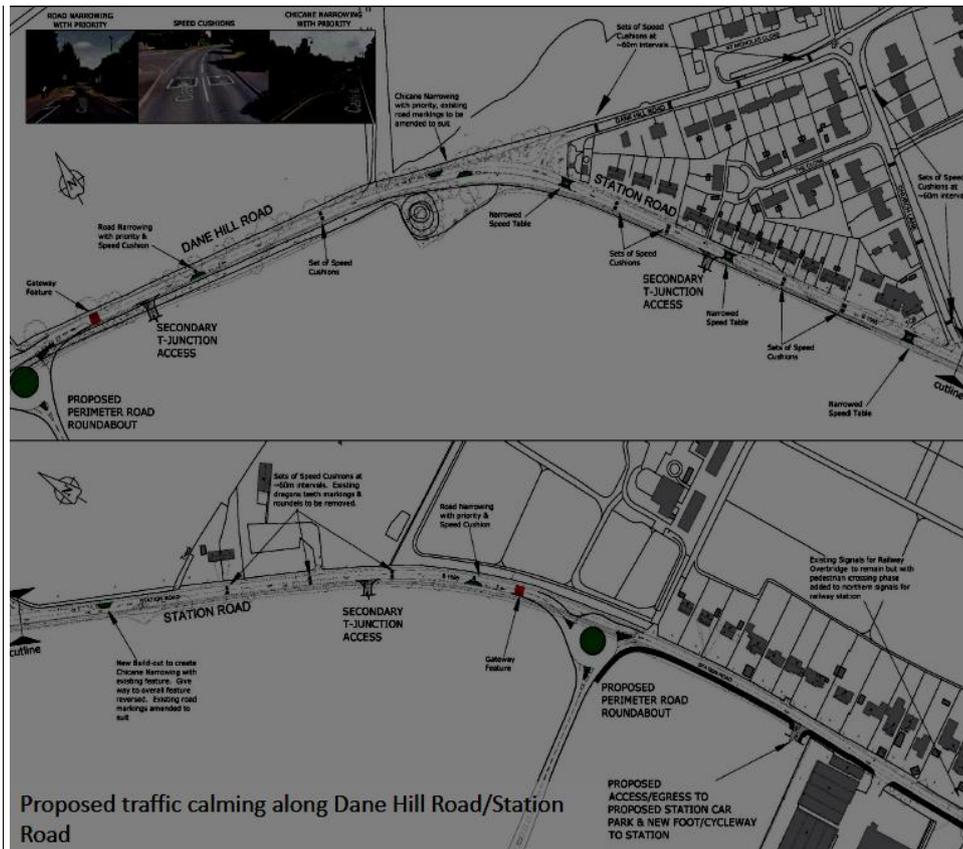
Bell Inn Junction – developer committed to improve the junction. Changes priority for people in Kennett so making it an easier junction. Modelled, costed and approved by Cambs Highways (Suffolk also approve but are paying nothing). There is also provision for a pedestrian crossing which is particularly useful for the school children. See slide below for proposal.



Speed restrictions: See slide below for speed restriction proposals.



Traffic calming: on old station road by school – robust traffic calming to be installed. Funded, costed, engineered and approved by Cambs Highways. See slide below



Proposed traffic calming along Dane Hill Road/Station Road

HR

Housings; 500 and can't be reduced due to infrastructure requirements. We can only reduce housing numbers if we reduce the infrastructure.

30% of these houses are affordable/social homes owned by the CLT and are for local people.

If we reduce numbers, this will only lead to a reduction of 25 dwellings and will have detrimental effect upon the infrastructure.

Numbers

- No flexibility on number reduction
- High Initial Infrastructure Investment
- Current financial model will not support a reduction without reduced infrastructure

HR

100 house in Fordham rejected because it was a speculative dev outside the local planning envelope and not due to its size as has been erroneously reported.

	Plan to 2036, 3% of ECDC's land is built on currently, this compares to 7% in Forest Heath and 8% in England.	
FD	<p>Infrastructure in principle – See slide below -</p> <p>Infrastructure in Principle</p> <p>IF the CLT votes to engage with the developer:</p> <p>A legally binding Charter/Contract in place</p> <ul style="list-style-type: none"> • Charter/Contract will define quality, design and acceptability of the development • Subject to Audit at agreed intervals <p>Then:</p> <ul style="list-style-type: none"> • Planning Application will be a dual application to ensure that the developer provides what has been agreed 	
FD	<p>Showing charter which is legally binding, and comprises audit options at agreed intervals. The planning application will be a dual application to stop the developers changing it after planning has been gained. This is agreed with the developer.</p>	
	<p>Summarise – started in February; Dwelling number; downgrading of B1065; Interruption by FF.</p> <p>DW explained the money funded from the developer and not ECDC.</p> <p>Future of development – frozen till 2036 (life of the Plan).</p> <p>Infrastructure – staging in principle.</p> <p>See Slide below</p> <p>Negotiations Summary</p> <ul style="list-style-type: none"> • The total number of houses. • The relief road with traffic calming and the associated downgrading of the B1085. • The future development of the remainder of the site post 2036 (i.e. the 56 HAs). • Infrastructure staging in principle. 	
	Questions from the floor	
1	What happens after 2036? No one knows. All we know is that the plan, as it stands is frozen till 2036.	

2	<p>What is the time line for the development?</p> <p>8 years starting with road, and moving on from there.</p>	
3	<p>What about other sites in the village? The Hansons (brownfield site) is in development envelope already. Longstone's is not included in the current plan.</p>	
4	<p>What about the independent inspector?</p> <p>This was responded to by Barclay who said “the inspector looks at objections - looking at consultation period in local plan until 19th December”. He went on to say “anyone who writes in can potentially speak in front of the inspector and this is the last chance for plan to be agreed or disagreed”</p>	
5	<p>What is the relevance of LP5? BD answered “a plan that is community led will be looked upon favourably by the inspector”. Farny stated that if we disagreed with the policy that we would scupper the chances of the plan succeeding.</p>	
FD	<p>Explained if ECDC final draft plan rejected it would potentially lead to full on speculative development. And All sites in Kennett would open up for development and not just the 40 hectares in question. It would potentially lead to a planning free for all.</p>	
BD	<p>If plans are rejected for one village it will not necessarily change the whole plan.</p>	
FD	<p>The planner can make recommendations to make the plans sound</p>	
RS	<p>The site in question is a SUSTAINABLE development, due to its geographical location and its existing infrastructure i.e. has roads the A11, and the A14 plus the railway.</p> <p>Look back to evidence of all earlier drafts – despite the fact that over 250 people complained it is still in the plan. The evidence suggests the inspector will give it the go ahead despite these objections.</p>	
FF	<p>Talked about Fordham, ECDC owns palace green homes, and in Fordham they rejected 100 homes, he stated that supporting this plan will weaken the case to reject it.</p>	
DW	<p>We are neutral and have been since the Community Planning Weekend.</p>	
FF	<p>If we say Yes to resolution do we believe that it will weaken our chance to successfully fighting the 500.</p>	

DW	Flip a coin	
FF	If we say we weaken our chances	
FD	If we don't support it, it is over and the CLT steps back and has no more involvement. The landowner will then sell to others and they will go out to other developers. With any other development they will develop at the national average of between 30-35 houses per hectare resulting in a development of potentially 1200 dwellings.	
6	Where is the sewage pumping station going?	
FD	There is a full pumping station going ahead which will be located near the railway line end of the development.	
7 Alastair Watson	Traffic relief – volume of traffic not taken into account and CLT has not engaged with other sites. PGH say 500 or nothing then this should be a deal breaker. And the threats of no infrastructure is just a threat so the CLT should just walk away.	
KC & FF	Demanded update	
RS	96 hectare site put forward already responding for a call for sites. Land owner said he would work with the community which will allow a reduced number of homes if he works with the CLT. We are getting ½ of the normal density in less than half the original site. The landowner will still wish to sell whether we work with him or not and he will get more money if he does not work with the CLT.	
GG	You are naïve if you think you can stop this development. Being negative saying we are not having it and disband CLT and try to fight the developers, may I ask who is going to fund it, who is going to fight it? £1000 per household won't cut it. £10,000 per household won't cut it either. Fighting a major developer is pointless as they will win and will build more to pay for their costs incurred during the legal fight.	
RS	If all objections fail – and CLT withdraw – you have no plan B. We are providing an insurance policy – don't throw your insurance policy out the window; we are it.	
FF	We are shooting ourselves in the foot if we are supporting you. We have no guarantee in life. We fought it before and won.	

DW	30 years ago it was a different time – would I be sitting here if I thought we could win this fight? Times have changed. The government needs homes.	
KC	It is the scale of the project	
SA	We give them alternatives – proportional development.	
RS	We can only support sites in the plan – the land owners want to sell. You have to be realistic about this.	
HR	As an example Cheveley received over 300 objections to only a 12 house development. This was not successful in stopping the development. And this Included their best technical evidence saying land was poor for building but still the plans were passed.	
Karen	I have evidence of a vote of no confidence in Robin and in the CLT.	
PB	I was not offered the option of non-confidence in the door knocking scenario. This should have been made obvious on the form and it was not.	
Karen	Said it was on the form and she explained it to everyone that this was a vote of no-confidence.	
AW	Please be polite and don't interrupt. Land owner wants to sell his land, the A11 and A14 are close by. ECDC want to build and they will build any way if we vote down the CLT it will be no to 500 houses and yes to 1200 houses.	
Lady	Commented on the road – and gave example of her son running for the bus. If we put 500 homes in what will happen to the traffic what is the volume of increased traffic? It will gridlock. How is this going to work even with all the infrastructure amendments?	
FD	It needs A11-A14 road link, he will be dead by the time it gets here. There is an issue. We are working on damage limitation.	
Lady	What about the bridge?	
RS	Robin explained it was a natural traffic calming measure	
Lady	Infrastructure decreases	
FD	Number of houses reduced by taking out 25 houses only will reduce the infrastructure benefits negotiated.	
RS	A11-14 perennial problem – spoken to MP re high-lighting this along with A142 at Newmarket. ECDC doing feasibility study around all junctions and decide on priority – we believe it is our village. WE have to keep banging on about it.	

AW	Lucy Frazer MP is aware of the problem with Kennett because she has written me about it.	
	Mr Fenwick (non member) asked why are they digging on the site?	
FD	Suspect archaeological dig. Who knows? This is a mixed use site with employment and residential , care home, school, playing fields & mixed tenure houses. Starts south, moves north.	
Man	500 dwellings , and query industrial	
FD	500 dwellings, and industrial units should not have lorries, traffic is an issue.	
FF	No one wants the 500. We have opportunity to say village don't want it and ECDC will be in breach if they try to build here. Big developers have been defeated by Kennett before and will be again.	
DW	Times have changed, it is a different planning scenario now.	
PB	What Farmy says is totally naïve. No-one wants it. But housing will happen.	
FF	It is outside the development area – and it is not included and must comply with policy LP5.	
AW	I disagree with this.	
FF	What happens if we say no?	
AW	Do we say no and take a chance? And someone puts 1200 houses on the site. Let's take the option to take the 500 houses and make the best of this option with control. IF there is a chance we can stop it we should vote no, if we can't we should vote yes.	
FF	Conditions nr 1 must comply with P5 – so we can fight this and render this un-lawful.	
AW	The landowner will aim to make as much money as he can.	
	Agenda item number 2	
DW	Initial vote suspended because identified that CLT members had been going to homes and taking votes away from others unsealed. The instructions were on the form. In a general election you wouldn't give your vote to anyone else. We have brand new voting process, through your door with your number & barcode. Rev Banyard receives your vote. He will open your votes.	
Karen	Where did it say the votes had to be sealed?	
FD	We received 36 identical envelopes, written by 3 hands only.	

FD	Members contacted us and told us the members had forms taken from them by people who claimed to be acting on behalf of the CLT.	
Farmy	Asked for FD to give him evidence of who had said this.	
FD	Personal data was taken away by people who had no right to do so. It contravened the data protection act.	
FD	A lady from the village had been called upon by a man and woman, and when the lady went and got her form, she was told she had voted incorrectly and they got her to change her vote. The lady felt uncomfortable with this and came and reported this to the Secretary. There were other incidents like this reported by villagers.	
DW	Explained new vote form by post and counting by an independent person Rev Banyard. There will be no interference or collection by unauthorised people on the doorstep.	
RS	Thanks everyone for attending and concludes meeting at 20.45pm	