

East Cambridgeshire Local Plan Examination (Stage 2 Hearings) - Inspector's Matters, Issues and Questions – Matter 12: Community-led development, KEN.M1

Kennett Garden Village (application reference 18/00752/ESO)

Kennett Action Group Hearing Statement

Matter 12: Community-led development

Relevant Policies-, LP3, LP5, LP31, HAD.H1, STR.H1 and KEN.M1.

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 planning policy?

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?

57. Is it justified and consistent with national policy that development sites be excluded from within a settlement boundary so that they can be brought forward as community-led development?

KAG comments refer to all questions, 55. 56. 57.

The Kennett Community Land Trust

(Many of these comments were sent to the Rt.Hon. Sajid Javid, then Secretary of State for Communities and Local Government, on February 9th, 2018).

Kennett KCLT is not representative of Kennett Village, contrary to Policy LP5. More villagers object to the development, than are members of the CLT. Only 75 CLT members supported its latest vote in November 2017, representing only some 20% of residents (and not all CLT members actually reside in the village.)

There have been continuing objections: 185 residents objected to the development to the Kennett Parish Council, who received the following petition in January 2017: *"We the undersigned are concerned villagers who urge our Parish Council to act now to disagree with the proposed size, location and design currently being considered for Kennett Village"*.

ECDC also received and logged some 200 objections to its Second Draft Plan for Kennett in 2017. Nevertheless, and disregarding the continuing objections, ECDC issued a planning application for the site in June 2018. It was inappropriate to bring this application forward when the 2018 submission Local Plan remains under examination by the Planning Inspectorate, and while the Cambridgeshire County Council Highways Unit has stated it has insufficient information to be able to complete its assessment.

There were 136 CLT members in October 2017, yet only 75 supported the development. Kennett Action Group has delivered to the Inspector objection signatures from 156 Kennett resident villagers, who do not want a 500-house build and have no confidence in the CLT. An additional online petition at change.org ("*No to 500 houses in Kennett*") has also been delivered. This reached 290 additional signatures, many with personal comments.

| KCLT does not represent Kennett | Numbers |
|--------------------------------------|---------|
| CLT members vote | 75 |
| Residents Paper Petition objectors | 156 |
| Additional Online Petition objectors | 290 |
| 2011 Census | 341 |

Background

The drive to form the CLT did not come from the residents of Kennett, but from the landowner and a consortium that included the ECDC councillors and prospective developers, who formed the bulk of the trustees.

Resistance to the 500-house development was so strong that the development would only happen if the proposal was seen to be "community-led" and had genuine support of local community. Hence, the development would only be considered if it had the support of a Community Land Trust (CLT).

Kennett village residents were approached to sign up to a hastily-formed CLT, having been informed that the site in question had already been earmarked by East Cambridgeshire County Council for development; and that joining the CLT was their only chance of influencing the shape and size of this development. On that basis, some residents of Kennett signed up (only cost £1) out of fear that the proposed development carried unacceptable environmental concerns, and would put unsustainable strains on current road and rail infrastructure.

Initially, 70 of the 350 residents signed up for Kennett Community Land Trust (KCLT). However, the KCLT has not acted in the village's interest. It seemed from the outset that the purpose of the CLT was to circumvent the current planning regulations, and "rubber stamp" the development as proposed (as it was clear that development permission would not be granted under current planning regulations).

Interestingly, (and Q 55) the CLT trustees only considered the one development site, refusing to consider other land sites that were offered by other landowners in the village, thus denying people freedom of choice. If the goal of the CLT was to provide sustainable, affordable housing for local residents, why were more suitable sites, or several sites not considered?

In response to the majority of residents who remain very concerned about the impact of the size, location and environmental impact of the proposed development, the Kennett Action Group was formed. Kennett Action Group

supports proportionate sustainable growth to meet housing demand, provided it is underpinned by investment infrastructure.

KCLT has declared it supports the development in totality; and arranged to ballot KCLT members to demonstrate support. The KCLT voting was highly irregular: one house could have 4 votes (if four of the household were members) and other households in Kennett would have no votes, as some residents who opposed the development were denied the chance to join the KCLT, supposedly because they could not be made members in time. Other voters were not residents of Kennett.

At earlier PC Meetings, ECDC told the people of Kennett that the development was a “done deal”. A county councillor stated, *“it’s a runaway train and you can’t stop it!”* There was a strong feeling of the majority of villagers, that they were being ignored by ECDC and the CLT

Therefore, Kennett Action Group made a Freedom of Information request to ECDC on November 30 2017, to review communications between ECDC and the CLT. This information confirmed the close relationship between the CLT and ECDC, including private meetings with the ECDC leader, as well as ECDC’s drive to make the application succeed, and fighting objections (even expressing concern at the protest banners that residents had erected – and still do display - outside their homes!)

Kennett Action Group requested an independent review of the KCLT practices, writing to the ECDC leader twice. Our concerns were ignored, and the KCLT trustees were able to carry out their own investigation. The KCLT trustees then granted themselves the power to change voting rules.

When the CLT held a ballot in November 2017, they promoted the Yes vote as an opportunity for members to protect themselves from the fate of uncontrolled development. But the real reason became clear when KCLT in 2018 signed a deed with ECDC et al, stating that it had undertaken “a process of wider public engagement.” (clearly unsuccessful). This is a legal undertaking to allow the size of the development, and to support the planning application.

The KCLT declared a yes vote to support the 500 home development, with a total of 75 members of 350 residents (some of whom were not able to join the KCLT) supporting the development. This total included non-resident Trustees. In response to the vote, a paper petition saw 156 local Kennett residents oppose the development.

The proposed development is 312% growth in the village. KAG is concerned that the same councillors rejected a 100 houses development plan in Fordham, a neighbouring village, as they considered the 24% growth to be excessive and described by ECDC to be “the straw that would break the camel’s back”. The conduct of the KCLT and their vote renders the whole process of CLT community support suspect.

The CLT voters may not now be so reassured that 500 homes will be the limit, as Parish Councils are concerned in their representations:

"It is clear from the current layout proposed in this application, that the developer has no intention of only providing 500 homes on this site." (Herringswell PC)

"This site is 97.5 ha and is therefore likely to expand to 2000 dwellings." (Moulton PC)

In summary, KAG has the following concerns:

Contravention of the Principles of a Community Land Trust

1- Kennett CLT was formed in response to misleading information both by trustees and ECDC councillors. The Trustees appear to have strong conflicts of interests. (please see below)

2- in contrast to the legally-defined concept of a CLT, The Kennett Community Land Trust functions as an exclusive members-only club that does not represent residents of Kennett, and denies membership to the majority of village residents who do not support the views of the Trustees

3- Residents of Kennett have been consistently and deliberately denied freedom of choice of land sites, choice of developers and choice about the size households. Residents' concerns about the impact of the development's pollution on the countryside; lack of proposals for green energy, waste recycling or alternative transport; and increased infrastructure strain and lack of facilities have been ignored.

Conflict of Interest at Trustee and Council Level

1-East Cambridgeshire Development councillors have already rejected other developments that would have eased demands for house build. This creates a shortage that then allows them to push through their preferred plans for the Kennett 500 house development

2-ECDC, with their trading arm, are in clear breach of the TECKAL RULE which mandates that 80% of a TECKAL company's turn over to be non- profit in the public sector. As a result ECDC have decided to form yet another company in order to avoid compliance with such a rule.

3-ECDC owns Palace Green Homes, the proposed Developer of the Kennett site. The ECDC is effectively functioning as developers and local planners.

The CLT has operated a "Project Fear"; i.e. sign up to support 500 homes or a much larger development will happen. ECDC have been promoting the CLT concept because it allows the council to develop this greenfield site that is outside development envelope. This gives grounds to an "exceptional policy" LP5 that allows massive development outside the normal development envelope. This will then set precedent for a massive explosion of houses in this Grade 2 food producing farmland.

Policy LP5: Summary Objections

ECDC LP5 Draft 2017 (listed in this Para)

“The Council is very supportive of community-led development. This may include schemes involving housing, small business units and other appropriate uses.

In principle, genuinely community-led development schemes will be supported, even on land not allocated for development and including on land outside of development envelopes, subject to the following criteria (with further details on these criteria to be set out in an updated Supplementary Planning Document (SPD) to be adopted alongside this Local Plan):

- 1.The District Council is satisfied that (i) the scheme was initiated by, and is being led by, a legitimate local community group such as a Community Land Trust or other group as defined in the relevant SPD and (ii) the scheme has general community support, with evidence of meaningful, but proportionate, public engagement.
- 2.that meaningful, but proportionate, evidence of need for each element of the scheme is provided (e.g. need in the locality for affordable housing, new employment space, health facilities, open space etc.)
- 3.that community benefits provided by the scheme will be retained by the local community in perpetuity.
- 4.the site and scale of development is well related to a settlement listed in Policy LP3, with no major harm caused to the character or setting of the settlement, or the surrounding countryside.
- 5.that the number of dwellings which are classed as ‘affordable’ are maximised (subject to viability), and likely of a greater proportion than would be required under Policy LP6 (Meeting Housing Need).
- 6.there are no fundamental and insurmountable constraints to delivering viable development on the site, such as Green Belt notation, flood risk, highway safety or other lack of infrastructure provision.”

KAG Objections: LP5

The Kennett development is not in compliance with above Policy LP5 (referring to above para numbers) because:

- 1.It is not genuinely Community led and does not have general community support. It was not initiated by the community, but by ECDC
4. The site and scale of development is not well related to a settlement listed in Policy LP3 (Inconsistent Settlement Hierachy analysis by ECDC, which has promoted Kennett from a ‘small’ to a “medium” size village based on subjective analysis) (please also Refer to Tables below, and to KAG Hearing Statement Matter 16 for details)

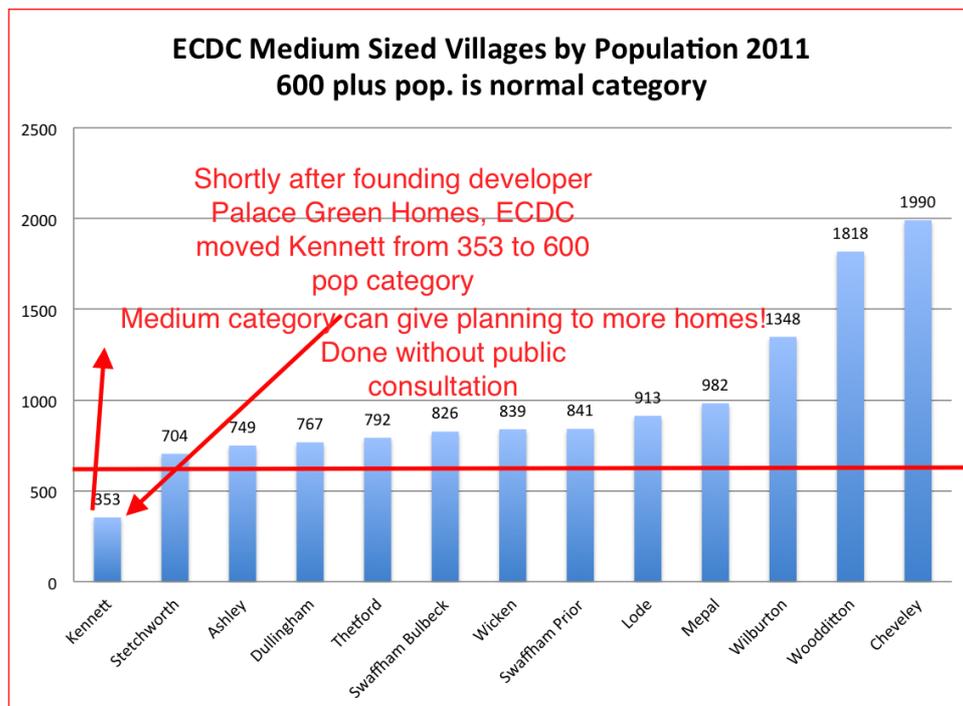
5. There is no evidence of Kennett demand for further affordable homes. Kennett has 25% affordable homes, already higher than the national average of 18% (Kennett Parish Council)

6. There are fundamental constraints from Green belt Grade 2 notation and highway safety risks stated by all community objectors and the adjacent communities, CCs and Town Councils (please Refer to KAG Hearing Statement Matter 16 for details)

KAG strongly disagrees with attempts to dilute and change LP5 made by ECDC's Palace Green Homes on 22/02/17 to the Further Plan draft on LP5 2017. This is an undemocratic attempt by ECDC to change its own LP5, and thus eliminate the requirement in LP5 for general community support.

Kennett Action Group
10 Dane Hill Road, Kennett CB8 7QX

Tables: Settlement Hierachy



| Settlement Hierarchy: Facilities Kennett | Score |
|--|-------|
| Retail | 0 |
| Employment | 2 |
| Community | 2 |
| Sport/Rec | 1 |
| Schools | 1 |
| Public Transport | 3 |
| Total | 9 |