



Crawley 2035

Ref No:

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Crawley Submission draft Local Plan Representation

Please return your completed representation form to Crawley Borough Council
by 5pm on 2 March 2020.

Representations can be made via this form and emailed to forward.planning@crawley.gov.uk or sent via post to: Local Plan Consultation, Strategic Planning, Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ. Alternatively, representations can be made online using the [eform](#) which allows attachments of documents.

This form has two parts:

PART A – Personal details

By law, representations cannot be made anonymously. All representations will be published alongside your name, company name (if applicable), and your client's name/company (if applicable). The Council will use the information you submit to assist with formulating planning policy.

Further information about Data Protection Rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example, how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at www.crawley.gov.uk/privacy. Specific reference to the Local Plan and planning policy related public consultation can be found on: www.crawley.gov.uk/pw/web/PUB351893

PART B – Your representation

Please fill in a separate sheet for each representation you wish to make. You may submit multiple "PART B" sections with a single "PART A" completed.

PART A – Personal details

Please ensure that you complete all fields in 1. If a planning agent is appointed, please enter the Title, Name and Organisation in 1, and complete the full contact details of the agent in 2.

	1. Personal details	2. Agent's details
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Surname:	ROBSON	NEAME
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PART B – Your representation

3. Please tick the document that you would like to make a representation on:

- Crawley submission Local Plan
- Crawley submission Local Plan Map
- Crawley submission Sustainability Appraisal
- Habitats Regulation Assessment Screening Report

4. Which part of the Local Plan does this representation relate to?

Paragraph: Policy: Other:

5. Do you consider the Local Plan to be: (Please tick)

- | | | |
|---|------------------------------|--|
| 5.1. Legally compliant? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5.2. Sound? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5.3. Compliant with the duty to co-operate? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

6. Please give details explaining your response to 5.1, 5.2, or 5.3 below. Please be as clear as possible.

PLEASE SEE ATTACHED REPRESENTATIONS

If required, please continue your response on an additional piece of paper and securely attach it to this response

- 7. Please set out what modification(s) you consider necessary to resolve the issues you have identified above. You need to state why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to suggest how the wording of any policy or text should be revised. Please be as clear as possible. Any non-compliance with the duty to co-operate is incapable of modification at examination.**

PLEASE SEE ATTACHED REPRESENTATIONS

If required, please continue your response on an additional piece of paper and securely attach it to this response

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues s/he identifies for examination.**

8. If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings? (Please tick)

No, I do not wish to participate in the examination hearings

Yes, I wish to participate in the examination hearings

9. If you wish to participate in the public examination hearings, please outline why you consider this to be necessary:

THE ATTACHED REPRESENTATIONS RAISE FUNDAMENTAL CONCERNS IN RELATION TO THE LEGAL COMPLIANCE AND SOUNDNESS OF THE PLAN COVERING A RANGE OF TECHNICAL MATTERS THAT WILL NECESSITATE PRESENTATION OF EVIDENCE AND DISCUSSION AT THE EXAMINATION HEARING SESSIONS

The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.

If you would like to make a representation on another policy or part of the Local Plan then please complete a separate PART B section of the form or securely attach an additional piece of paper. Copies of the representation form can also be downloaded from the council's website at: www.crawley.gov.uk/crawley2035

Signature

Date

DAVID NEAME - NEAME SUTTON LIMITED

28 FEBRUARY 2020

Town and Country Planning Act 1990 (As Amended)

Crawley Borough Local Plan 2035 –
Regulation 19 Consultation

Representations on Behalf of:
Danescroft (RLP Crawley) LLP

27 February 2020



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- Table 3 – Neame Sutton Position
- Table 4 – Neame Sutton Position with 10% Buffer

1.0 Instructions and Introduction

- 1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Danescroft (RLP Crawley) LLP ("Danescroft") to prepare and submit representations in relation to the Regulation 19 consultation version of the Crawley Local Plan 2035 ("the Plan").
- 1.2 This document sets out Danescroft's Representations on the Plan and deals with the following specific matters:
- Matters of Legal Compliance
 - Consideration of the correct Housing Need and Housing Requirement within the Plan in the context of the Housing Supply identified by the Council; and,
 - Site-specific representations in relation to Danescroft's promotion site at Steers Lane.
- 1.3 The relevant sections of the Plan, including paragraph and policy references, are cited throughout these representations along with the soundness tests that it is considered the Plan fails to comply with.

2.0 Legal Compliance

Duty to Cooperate:

- 2.1 There are a number of Legal Compliance matters that the Council must address if it intends to proceed with the submission of a Local Plan for Examination. The Regulation 19 consultation stage is intended to comprise the version of the Plan that the Council considers to be Sound and in compliance with the various legal requirements.
- 2.2 Unlike matters of Soundness that can be addressed through modifications to the Plan any issues relating to Legal Compliance of the Plan cannot be addressed retrospectively.
- 2.3 It is therefore of vital important to the Council that the Plan meets the Legal Compliance requirements before it proceeds.
- 2.4 Of particular importance in the case of Crawley is the Duty to Cooperate ("DtC"). Section 110 of the Localism Act 2011 introduces a new Section 33a into the Planning and Compulsory Purchase Act 2004, which requires the Local Planning Authority to cooperate with its neighbouring authorities and other bodies.
- 2.5 Sub-section (2) goes onto set out how the engagement should be undertaken by stating:

'In particular, the duty imposed on a person by subsection (1) requires the person—
(a). to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
(b). to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).'

- 2.6 Government policy also confirms that:

*'In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.'*¹

¹ Paragraph 27 of National Planning Policy Framework (February 2019)

- 2.7 It is therefore a vital legal requirement of the Plan making process that the Council engages with its neighbours on a constructive, active and, ongoing basis. The engagement should be documented throughout the process to demonstrate compliance with the legal requirements
- 2.8 The Council has not produced any evidence at all of engagement with its neighbours, the County Council or other bodies, either as part of the Regulation 19 consultation nor in relation to any earlier stage in the preparation of the Plan. Furthermore, when Neame Sutton raised this matter with Officers the Council has advised that it does not intend to provide any evidence of DtC until the Plan is submitted for examination².
- 2.9 It will not therefore be possible to determine whether the Council has met this important statutory duty until the Plan is submitted later in the year. At that point and, in the event that the evidence presented by the Council does not demonstrate compliance with the DtC, it will be too late for the Council to make any amendments to correct the position.
- 2.10 The Council must therefore produce evidence of compliance with DtC now in order to avoid a situation whereby the Plan fails the Legal Compliance test and the Examination has to be abandoned. At the current point in time, in the absence of any evidence, the Plan cannot be considered to have met the Legal Compliance test.
- 2.11 This is a matter that a number of other Local Planning Authorities have recently got into difficulties with including Sevenoaks and Wealden both of which have had to abandon their Examinations.
- 2.12 It is particularly important in relation to Crawley, which is heavily dependent upon its neighbours in order to meet the full Local Housing Need ("LHN") calculated via the Government's Standard Method.
- Missing Evidence:
- 2.13 The Council's consultation pages on its website states that a number of key evidence documents have either not yet been prepared or are in the process of being completed. The Council intends to upload the missing documents as and when they become available³.

² This is despite the fact that Paragraph 1.29 of the Plan directly references a series of SoCGs and further evidence on DtC being contained in the supporting documents.

³ Paragraph 1.15 of the Plan also refers to the fact that the evidence base is incomplete.

- 2.14 This approach is inherently unsound. The Council is undertaking the formal Regulation 19 consultation with only partial evidence available. The publication of the missing evidence after the close of the consultation will mean that those wishing to provide comment/representation are unable to do so.
- 2.15 A similar situation occurred recently in relation to Epping Forest District Council wherein a further consultation was required to ensure all parties had sufficient opportunity to respond before the Plan was submitted for Examination.
- 2.16 On the basis that the following key evidence base documents are missing it is considered vital that the Council undertakes a further Regulation 19 consultation when they have been published and before the Plan is submitted for Examination:
- Viability;
 - Transport Modelling;
 - Open Space, Sport and Recreation;
 - Heritage;
 - Gatwick Water Cycle Study;
 - Strategic Food Risk Assessment; and,
 - Gypsy and Traveller Needs Assessment.
- 2.17 In its current form, and before any matters of Soundness are considered below, the Plan as published is incomplete and not legally compliant.

3.0 Housing Need, Housing Requirement/Target and, Supply

Policy H1, SA, Paragraphs 2.19 – 2.28, Paragraphs 12.1 – 12.31 – OBJECT: Unsound

3.1 As a starting point it is important to note that the Plan is being prepared in the context of the current National Planning Policy Framework 2019 (“the Framework”).

Local Housing Need (“LHN”):

3.2 The basis for the calculation of the LHN is therefore set out in the Framework and corresponding National Planning Practice Guidance (“PPG”), namely, the Government’s Standard Method.

3.3 The Council has correctly identified that it must apply the Standard Method to calculate its LHN as set out at Paragraph 2.19 on Page 21 of the Plan.

3.4 The LHN figure calculated by the Council equates to 11,280 dwellings or 752 dpa.

3.5 The PPG advises that the LHN figure should be updated to reflect the latest data and should only be fixed for a period of 2 years from the date the Plan is submitted to the Planning Inspectorate for examination⁴.

3.6 In this respect the LHN figure for Crawley will need to be updated to reflect the position as at 2020 because the current figure contained in the Plan has been calculated to a base date of 2019.

3.7 Neame Sutton has undertaken an updated calculation applying the 2020 base date, which generates a Standard Method figure of 753 dpa or 11,295 dwellings over the 15 year Plan period. Whilst this is only marginally different to the LHN contained in the Plan it is important to ensure the Plan, when submitted, is based on the correct figure.

3.8 Further to our Regulation 18 Representations the Council does now appear to have quantified its affordable housing need, which equates to 739 dpa⁵. That level of affordable housing need is substantially greater than the level identified in the context of the adopted Local Plan (527 dpa at the upper end of the scale identified). In fact the affordable housing need identified equates to some 98% of the total LHN and 148% of the actual number of dwellings planned for as set out in Policy H1 of the Plan.

⁴ Housing and Economic Need Assessment section of PPG - Paragraph: 008 Reference ID: 2a-008-20190220 Revision date: 20 02 2019

⁵ Table 67 on Page 156 of the SHMA November 2019

- 3.9 The Plan as currently drafted is therefore set up to fail in terms of meeting the acute affordable housing needs of the Borough. This cannot be a Sound approach.
- Housing Requirement/Target:
- 3.10 The Council's approach to the identification of a suitable housing requirement or target has been largely to rely on the existing supply sources identified in the adopted Local Plan housing trajectory. Little if any work appears to have been undertaken to identify new sources of supply or indeed to establish if those existing sources have the capability to deliver further housing over and above the numbers previously identified.
- 3.11 Given that the LHN has increased and the affordable housing need has grown exponentially it is incumbent upon the Council to explore all avenues for meeting as much of its own needs within the Borough boundaries.
- 3.12 Instead the Council has taken the approach that 5,355 dwellings (357 dpa) is the maximum that can be delivered and the remaining 5,940 dwellings will need to be provided by its neighbours. This of course is where the problem lies in the Council's strategy because no agreement has been reached with any of its neighbours for provision to be made.
- 3.13 By way of example Horsham District Council is currently consulting on its Regulation 18 draft Plan wherein three growth scenarios are being considered: 1,000 dpa, 1,200 dpa and 1,400 dpa⁶. These options are set against its LHN of 965 dpa, which would indicate an allowance for unmet need ranging from 35 dpa – 435 dpa. Horsham's position on the extent of unmet need arising from Crawley that it is prepared to accommodate is therefore unclear at the present time.
- 3.14 It is not acceptable for the Council to reach such an advanced stage in the preparation of its Plan without having any agreements in place as to the extent of its unmet need that can be addressed by neighbouring authorities.
- 3.15 The Council's approach as set out in the Plan is therefore completely unsound in that it fails to plan positively, it is not effective and certainly does not accord with the Framework. Furthermore, the Council's cooperation thus far with its neighbours under the DtC must be called into question.

⁶ See Paragraph 6.14 on Page 52 of the Regulation 18 consultation version of the Horsham District Local Plan 2019 - 2036

3.16 The Council's approach is also not entirely supported by the conclusions of its own Sustainability Appraisal (January 2020) ("SA"). The SA includes an option that meets both the full affordable housing requirement (generating a housing target of 1848 dpa) along with an option that meets the Standard Method calculation of 752 dpa. Both options score considerably better than the chosen option (Option 5) in terms of meeting housing needs⁷. It is however unclear why some of the negative scores in relation to employment growth, health and infrastructure have been attributed to these higher housing growth options. The negative scores are attributed to 'anticipated impacts' rather than being based on any tangible evidence. It must be the case that the Council hasn't based the assessment on tangible evidence because it has already identified that significant portions of the evidence base in relation to matters such as Transport, Heritage, Flood Risk and Drainage have not yet been completed.

3.17 In this respect the conclusions of the SA cannot be relied upon and a further SA should be undertaken once the evidence base is complete.

Housing Supply and Trajectory:

3.18 The Council's housing requirement/target as set out in Policy H1 of the Plan is entirely based, it says, on the available housing supply. It is however clear to Danescroft that the Council has not properly considered all sources of supply to determine the true extent of available land and its capacity to provide new homes.

3.19 A prime example of this is Danescroft's land interest at Steers Lane, which has recently gained Outline Planning Consent for upto 185 no. dwellings. This is a site that the Council currently has allocated within the adopted Local Plan for a minimum of 75 no. dwellings and which it now proposes in the Plan to remove as an allocation. Consequently the Council has reduced its housing supply in the Plan by 75 no. dwellings when in fact consent has been granted for 185 no. dwellings.

3.20 Further consideration is given to Danescroft's promotion site in Section 4 below.

3.21 Turning to the Council's housing trajectory appended to the Plan it is apparent that there are problems with the supply the Council has identified and relies upon to meet its heavily reduced housing target of 5,355 dwellings.

3.22 The Council proposes a stepped housing trajectory of:

- 500 dpa – Years 1-5
- 450 dpa – Years 6-10

⁷ Pages 167-169 of the SA – January 2020

- 121 dpa – Years 11-15
- 3.23 The application of the stepped housing trajectory is in order to engineer a rolling 5-year supply of deliverable housing land in accordance with Paragraph 73 of the Framework.
- 3.24 When the Council's supply sources are examined and, in the absence of any evidence from the Council to demonstrate compliance with the deliverability test set out at Annex 2 of the Framework, it is apparent that even with a stepped trajectory the Council is unable to demonstrate a rolling 5-year supply of deliverable housing sites.
- 3.25 The position is made worse if the Council was to seek to apply Paragraph 74 of the Framework⁸ and a 10% buffer is applied to the calculation.
- 3.26 The tables attached at Appendix 3 of these representations demonstrate the deficiencies in the Council's housing trajectory when the Annex 2 test is applied to the following supply sources:
- SHLAA Sites
 - Windfalls
- 3.27 Neame Sutton considers that a number of the Council's other supply sources may also fail the Annex 2 test, but it is clear from the headline analysis set out in Appendix 3 to these Representations that the trajectory fails even if only windfalls are reduced.
- 3.28 The Council therefore needs to rectify the deficiencies in its heavily reduced housing trajectory as a bare minimum for the Plan to be found Sound. The simple solution to this is to identify more supply.

⁸ It is unclear from the evidence whether the Council does intend to fix its 5-year housing land supply via Paragraph 74 of the Framework or not.

4.0 Site-Specific Representations in Relation to Land at Steers Lane, Crawley

Policy H2, Paragraphs 12.32 – 12.37, Policy CL4, Policy EP4, Noise Annex, SA – OBJECT: Unsound

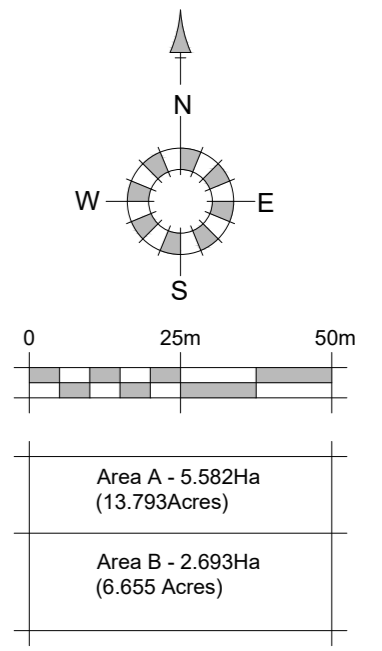
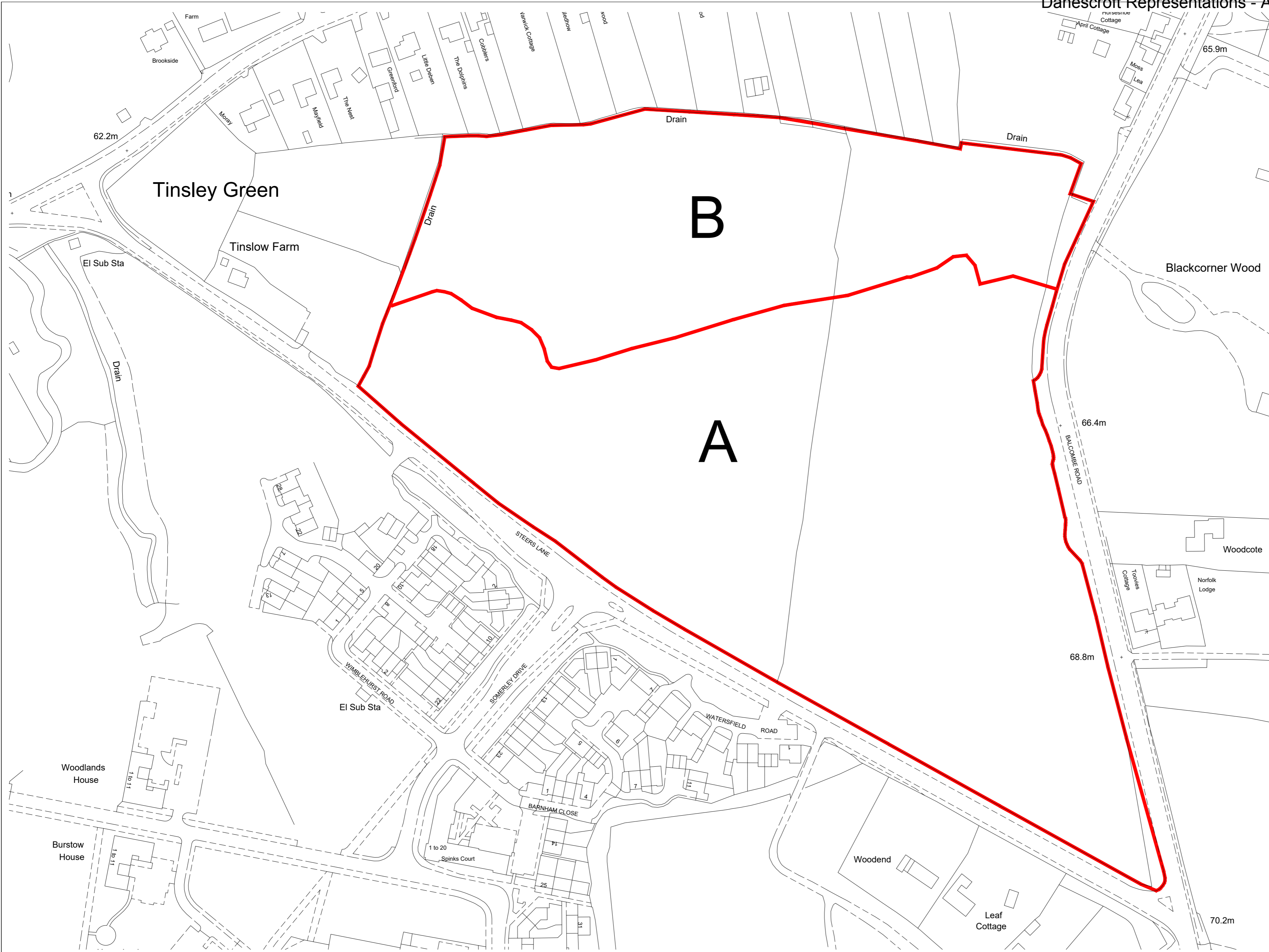
- 4.1 At the point of the Regulation 18 consultation stage in September 2019 the Council included Danescroft's promotion site within the Plan as an allocation for a minimum of 75 no. dwellings.
- 4.2 In the context of this Regulation 19 consultation the Council has inexplicably removed the site as an allocation albeit that the land remains within the defined urban area on the draft Plan Proposals Map. The only evidence produced by the Council to support its removal if the site as a housing allocation is contained in Strategic Housing Land Availability Assessment ("SHLAA") (January 2020) wherein the Council concludes the site is not suitable due to the presence of a noise constraint relating to the potential second runway at Gatwick Airport⁹.
- 4.3 The justification set out in the SHLAA for the removal of the site is based on a revision to the Council's Noise Annex contained at Page 270 of the draft Plan, which lowers the previously accepted predicted noise level for the proposed second runway from 66 dB down to 60dB. No evidence is presented by the Council to support this change in the noise level that it now considers is the threshold for residential development.
- 4.4 The change is particularly odd given that the Council remains of the opinion (as set out in the draft Noise Annex) that 66dB is the appropriate noise level in relation to surface transport. In other words it is acceptable for a residential proposal to come forward in an area affected by road transport noise upto 66 dB, but not if aviation noise is at 60 dB. This cannot be right.
- 4.5 Setting aside the above points the Council has made the changes to the Plan to remove the promotion site as an allocation in the full knowledge that its Development Management team had been processing a planning application on the site, which has recently gained consent at Appeal for upto 185 no. dwellings. In giving consideration to the matter of noise the Inspector concluded that the living environment for the proposed dwellings would be acceptable having regard to both road and aviation noise.

⁹ Page 146 of SHLAA January 2020

- 4.6 The promotion site should therefore be reinstated as a Commitment for upto 185 no. dwellings to reflect the planning consent that has been achieved.
- 4.7 All of the above points relate to Area A of the promotion site, which equates to just over half of the area.
- 4.8 The remainder of the land (Area B on the plan attached at Appendix 1) has the capability to deliver upto a further 100 no. dwellings. The only constraint on this land relates to the potential second runway at Gatwick Airport and the consequent impact in terms of noise contours.
- 4.9 Danescroft's acoustic specialists Aecom have undertaken an up-to-date noise assessment of Area B (attached at Appendix 2), which confirms the current noise environment for the land and also deals with the current intentions of GAL in relation to the use of London Gatwick Airport's standby runway for normal activities. The Approach that GAL is now taking to the expansion of the airport will remove the constraint on Area B in terms of aviation noise and therefore enable the land to be developed for residential purposes.
- 4.10 The Council has not considered the potential of Area B within its SHLAA nor has it considered the change in approach by GAL and the implications it has in releasing potential for further residential development.
- 4.11 Area B should therefore be included as land suitable for residential development subject to GAL concluding its current Scoping Exercise to release the constraint on the standby runway for normal activities.
- 4.12 The inclusion of Area B as a housing allocation would enable the Council to deliver upto another 100 no. dwellings (40 no. of which would be affordable) making a valuable contribution to the significant housing needs in the Borough.
- 4.13 Danescroft would welcome the opportunity to work with the Council in relation to the allocation of Area B for housing as part of the emerging Local Plan.

5.0 Areas Where Changes are Required for Plan to be Legally Compliant and Sound

- 5.1 As set out in Section 2 of these representations the Plan is currently not legally compliant.
- 5.2 The Council therefore needs to rectify the significant deficiencies in the Plan's evidence base, particularly in relation to DtC, and then restart the Regulation 19 consultation stage. This is essential to ensure that the Plan does not fail at the Examination stage.
- 5.3 As part of addressing the significant deficiencies in the Plan's evidence base the following key changes are required to the Plan for it to be made Sound:
1. Restarting the SHLAA process to properly assess the potential from all land sources within the Borough to accommodate the housing needs of the Borough;
 2. Include land at Steers Lane (Area A) as a Committed Site in the housing trajectory for upto 185 no. dwellings to reflect the planning consent that exists on the land;
 3. Consider the opportunities for allocating further land that may be released from the Gatwick Airport noise constraint as a result of the approach that GAL is now taking regarding the use of the standby runway i.e Steers Lane Area B;
 4. Ensuring that the evidence base is complete before proceeding to a fresh Regulation 19 consultation;
 5. The SA needs to be undertaken again once the evidence base is complete to avoid unsubstantiated assumptions being applied to the assessment process; and,
 6. Addressing the delivery deficiencies in the housing trajectory to ensuring a rolling 5-year housing land supply can be achieved across the Plan period i.e. addressing the Annex 2 deliverability test.
- 5.4 Without the above changes/actions the Plan fails the Legal Compliance test in terms of the DtC and the evidence base and is also unsound.
-



REV.	DATE	REVISIONS:	BY	REV.	DATE	REVISIONS:	BY	STATUS:

CLIENT:	Steers Lane Crawley
SCALE:	1:1250 (A2 ORIGINAL)
DRAWN:	jg
DATE:	Sept2018
PROJECT:	Site Location Plan
DRAWING:	S101
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Steers Lane Phase B

Noise Assessment

Danescroft (RLP Crawley)

31 January 2020

Quality information

Prepared by



Eddie Robinson
Associate Consultant

Checked by



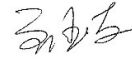
Colin O'Connor
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Approved by



Yuyou Liu FIOA
Regional Director

Revision History

Revision	Revision date	Details	Authorized	Name	Position
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1. Introduction

AECOM has been instructed by Danescroft (RLP Crawley) LLP (hereafter referred to as Danescroft) to provide information on noise affecting Phase B of the Steers Lane, Crawley site (herein referred as 'the Site').

Baseline noise survey was undertaken in August and September 2018 to determine the prevailing sound environments at the Site and nearby noise sensitive receptors. Suitability of Phase B of the Site for residential development has been considered.

This report presents the methodology and results of noise survey and assessment.

The acoustic terminology contained in the report is presented in Appendix A.

Site Layout

The Site is located in land administered by Crawley Borough Council (CBC) directly to the southeast of Gatwick Airport with Steers Lane to the southwest, Balcombe Road (B2036) to the east and Radford Road to the north. Approximately 600 m to the east of the site is the M23. Sensitive receptors in close proximity are to the north between the site itself and Radford Road, to the west at Tinslow Farm, to the south on the other side of Steers Lane and to east on the other side of Balcombe Road.

The CBC Local Plan takes into account the potential parallel runway expansion of Gatwick Airport through provisions of future operational noise contours that constrain noise sensitive development within. The noise contours separate the Site into a northern section (Phase B) and a southern section (Phase A), with the northern section within the 66 dB $L_{Aeq,16h}$ Gatwick Airport noise contour. The Site boundaries for Phase A and Phase B are presented in Figure 1.

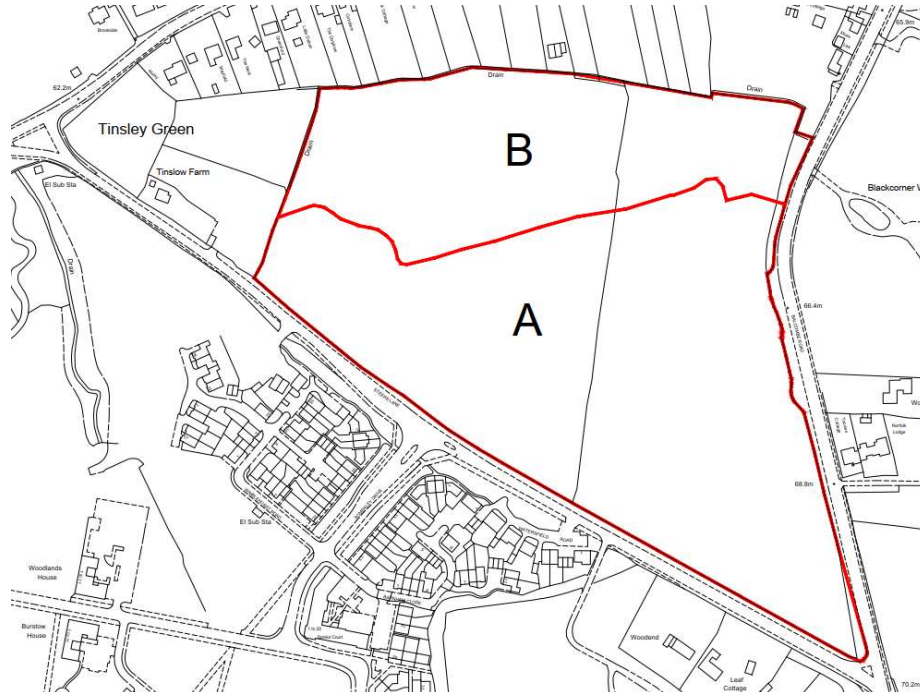


Figure 1. Site Boundaries

2. National Planning Policy

National Planning Policy Framework (2019)

One of the aims of the NPPF in terms of noise and vibration is that

“Planning policies and decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans” (paragraph 170).

Section 15 of the NPPF is concerned with conserving and enhancing the natural environment, including the matters that should be considered for planning decisions in relation to ground conditions and pollution. This includes ensuring *“that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

Mitigate and reduce to a minimum other adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life; and

Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.” (Paragraph 180).

These policies must be applied in the context of Government policy on sustainable development.

Noise Policy Statement for England (2010)

The NPSE seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The statement applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.

The Noise Policy Statement for England¹ (NPSE) sets out the long-term vision of the government’s noise policy, which is to *“promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development”*.

This long-term vision is supported by three aims:

- *“avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvements of health and quality of life.”*

The long-term policy vision and aims are designed to enable decisions to be made regarding what is an acceptable noise burden to place on society.

The Explanatory Note within the NPSE provides further guidance on defining ‘significant adverse effects’ and ‘adverse effects’ using the following concepts:

- No Observed Effect Level (NOEL) – the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established;
- Lowest Observable Adverse Effect Level (LOAEL) – the level above which adverse effects on health and quality of life can be detected; and
- Significant Observed Adverse Effect Level (SOAEL) – the level above which significant adverse effects on health and quality of life occur.

¹ Noise Policy Statement for England (2010); Department for Environment Food and Rural Affairs.

The aims can therefore be interpreted as follows (within the context of Government policy on sustainable development):

- To avoid noise levels above the SOAEL.
- To consider situations where noise levels are between the LOAEL and SOAEL. In such circumstances, all reasonable steps should be taken to mitigate and minimise the effects. However, this does not mean that such adverse effects cannot occur.

It is recognised that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL may be different for different noise sources, for different receptors and at different times.

Planning Practice Guidance (2019)

The national Planning Practice Guidance Noise² (PPGN) *“advises on how planning can manage potential noise impacts in new development”* and provides guidelines that are in line with the NPPF.

The PPG states that local planning authorities should take account of the acoustic environment and in doing so consider:

- *“whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.”*

Factors to be considered in determining whether noise is a concern are identified including the absolute noise level of the source, the existing ambient noise climate, time of day, frequency of occurrence, duration, character of the noise and cumulative effects.

Further details on the hierarchy of noise effects are presented in Table 2-1, which has been reproduced from PPGN.

Table 2-1. Planning Practice Guidance Noise Exposure Hierarchy

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not present	No effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			

² Department for Communities and Local Government (2019); Planning Practice Guidance.

Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

Local Planning Policy

Crawley 2030: Crawley Borough Local Plan 2015 - 2030

The Crawley Borough Local Plan 2015-2030³ details CBC's strategic policies and principles to help shape the future of Crawley. Noise is an important concern to Crawley borough due the presence of Gatwick airport by the outer city region. For local developments policy ENV11 Development is relevant. Policy ENV11 states:

A. Noise Sensitive Development

Residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses.

Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. For transport sources, the Unacceptable Adverse Effect is considered to occur where noise exposure is above 66dB LAeq,16hr (57dB LAeq,8hr at night).

B. Noise Generating Development

Noise generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (as existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing and future users. Proposals will adhere to standards identified in the Local Plan Noise Annex to establish if the proposal is acceptable in noise impact terms, and will be required to appropriately mitigate noise impacts through careful planning, layout and design. Development that would expose users of noise sensitive uses to unacceptable noise levels will not be permitted.

C. Noise Impact Assessment

A Noise Impact Assessment will be required to support applications where noise sensitive uses are likely to be exposed to significant or unacceptable noise exposure. The Noise Impact Assessment will:

- i. assess the impact of the proposal as a noise receptor or generator as appropriate; and*
- ii. demonstrate in full how the development will be designed, located, and controlled to mitigate the impact of noise on health and quality of life, neighbouring properties, and the surrounding area.*

³ Crawley Borough Council (2015): Crawley Borough Local Plan 2015 – 2030 (December 2015)

In preparing a Noise Impact Assessment, applicants will adhere to Planning Noise Advice Document: Sussex (2013) for further guidance.

D. Mitigating Noise Impact

Where proposals are identified as being subject to significant or unacceptable noise impact, either through noise exposure or generation, the best practical means must be employed to mitigate noise impact to an acceptable level.

The Local Plan also considers the future expansion of Gatwick Airport through provision of aircraft noise contours for a future operational parallel runway. Noise sensitive development is constrained in the area defined by the 66 dB $L_{Aeq,16h}$ noise contour in Noise Annex Figure 1 of the Local Plan.

Other Relevant Policy, Standards and Guidance

World Health Organisation Guidelines for Community Noise, 1999

The World Health Organisation's (WHO) 'Community Noise Guidelines'⁴ recommend external daytime and evening environmental noise limits and internal night-time limits to avoid sleep disturbance.

British Standard 8233:2014

BS: 8233 'Sound Insulation and Noise Reduction for Buildings – Code of Practice'⁵ provides criteria for the assessment of internal noise levels for various uses including dwellings and commercial properties. It is noted that internal noise criteria are defined by a single set of criteria, replacing the 'Good' and 'Reasonable' categories in BS 8233:1997.

British Standard 7445-2:1991

BS: 7445 'Description and Measurement of Environmental Noise'⁶ defines the parameters, procedures and instrumentation requirements for noise measurement and analysis.

Professional Practice Guidance: Planning and Noise, 2017

The Institute of Acoustics, the Association of Noise Consultants, and the Chartered Institute of Environmental Health (CIEH) have joined to produce a Professional Practice Guidance⁷ (ProPG) focussing on noise sensitive development. ProPG has been produced to provide practitioners with guidance on a recommended approach to the management of noise within the planning system in England. ProPG provides planning guidance for the consideration of new residential development that will be exposed predominantly to airborne noise from transport sources. The document provides advice on how guidance within BS 8233:2014 and WHO Guidelines for Community Noise may be applied to improve in the consistency and quality of plan-making and decision-taking in relation to acoustic matters.

3. Assessment Methodology

Baseline Noise Monitoring Methodology

A noise survey was undertaken at three locations that were selected to provide suitably representative information on noise levels at the Site and at nearby sensitive receptors. Continuous unattended noise monitoring was

⁴ World Health Organisation (1999); Guidelines for Community Noise.

⁵ British Standards Institute (2014); BS 8233 – Guidance on sound insulation and noise reduction for buildings, BSi, London.

⁶ British Standards Institute (1991); BS 7445 - Description and Measurement of Environmental Noise. Part 2: Guide to the Acquisition of Data Pertinent to Land Use, BSi, London.

⁷ Association of Noise Consultants/ Institute of Acoustic/ Chartered Institute of Environmental Health (2017); Professional Planning Guidance: Planning and Noise.

undertaken at two locations. The first location is adjacent to Balcombe Road and the second one is close to the northern boundary of the site. Short-term, attended noise monitoring was undertaken adjacent to Steers Lane using the shortened measurement procedure of Calculation of Road Traffic Noise (CRTN), which defines a measurement duration of three consecutive hours to provide the representative daytime road traffic noise level.

Noise monitoring locations are described in Table 3-1. Long-term monitoring was undertaken from 24th August to 31st August 2018 and short-term monitoring took place on 13th September 2018 (see Appendix B for survey details, including location and timing).

The baseline noise surveys were undertaken in accordance with guidance as specified in BS 7445: Part 2. The sound level meters logged environmental noise measurement parameters including average ambient (L_{Aeq}), maximum (L_{Amax}) and background (L_{A90}) noise levels.

Table 3-1. Noise Monitoring Locations

Noise Monitoring Location	Description
LT1	West side of the Site adjacent to Balcombe Road (B2036) to provide source noise measurements of road traffic.
LT2	North site boundary providing baseline measurements of the current noise levels from aircraft.
ST1	To the south of the site providing ambient noise levels for Steers lane

Ambient Noise Criteria for Residential Development

It is assumed that external façades of the Proposed Development would be designed to ensure provision of suitable working internal noise conditions in accordance with BS 8233. The standard BS 8233 provides recommended criteria for internal ambient noise levels when rooms are unoccupied, dependent on their intended use. Table 3-2 presents the desirable internal noise levels that should not be exceeded in new developments.

Table 3-2. Target Indoor Ambient Noise Levels

Activity	Location	Daytime (07:00 to 23:00)	Night-time (23:00 to 07:00)
Resting	Living room	35 dB $L_{Aeq,16h}$	-
Dining	Dining room/area	40 dB $L_{Aeq,16h}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16h}$	30 dB $L_{Aeq,8h}$ 45 dB L_{Amax}

To achieve the internal noise levels detailed in Table 3-2, external noise ingress must be controlled by the building façade. Some flexibility to the internal $L_{Aeq,T}$ noise criteria is provided by BS 8233 is provided in the statement that:

“Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.”

ProPG expands on this by defining exceedances of greater than 5 dB as ‘unreasonable’. These exceedances may be allowable in developments if applicants can provide detailed information on how the number of rooms affected has been kept to a minimum. Once internal noise levels exceed BS 8233 criteria by 10 dB, ProPG defines the internal noise conditions as ‘unacceptable’.

Although there is some flexibility that can be adopted in façade design, this assessment focuses on the required mitigation (defined using the ‘simple’ calculation method from BS 8233) to achieve target noise levels presented in Table 3-2.

Outdoor Amenity Area Noise

Guidance provided in BS 8233 states a lower guideline value of 50 dB $L_{Aeq,T}$ for outdoor amenity areas (e.g. gardens and patios). An upper guideline value of 55 dB $L_{Aeq,T}$ is quoted in BS 8233 that that is considered acceptable in higher noise environments, such as sites near strategic transport links. Given the location of the site adjacent to Balcombe Road, Gatwick Airport and the M23, the upper guideline value of 55 dB $L_{Aeq,T}$ is considered applicable for proposed outdoor amenity areas in the Proposed Development.

It is accepted in BS 8233 that achieving the guideline values may not be practicable in high noise environments such as city and town centres. Consequently, it is considered appropriate that outdoor amenity areas within the Proposed Development be designed to achieve as low a noise level as practicable through screening, landscaping or building design. Exceedances of the guideline level may be allowable given that a good acoustic design process has been followed.

4. Baseline Conditions

Noise Survey Results

Weather conditions during surveys were dry with negligible wind and thus considered conducive for noise monitoring. The results of attended noise monitoring undertaken at the locations illustrated in **Error! Reference source not found.** are presented in Table 4-1, which shows approximately simultaneous noise measurements at both locations. The traffic from Balcombe Road is the main source of noise for all locations.

Table 4-1. Short-term Noise Survey Summary

Location	Start time and Date	Duration, T (mins)	$L_{Aeq,T}$ dB	$L_{A90,T}$ dB	L_{Amax} dB	$L_{A10,T}$ dB
ST1	13/09/18 12:11	180	63	48	78	68

Table 4-2. Long-term Noise Survey Summary

Location	Daytime		Night		
	$L_{Aeq,16h}$ dB	$L_{A90,1h}$ dB	$L_{Aeq,8h}$ dB	$L_{A90,15min}$ dB	L_{Amax} dB
LT1	72	52	66	43	84
LT2	53	47	49	41	69

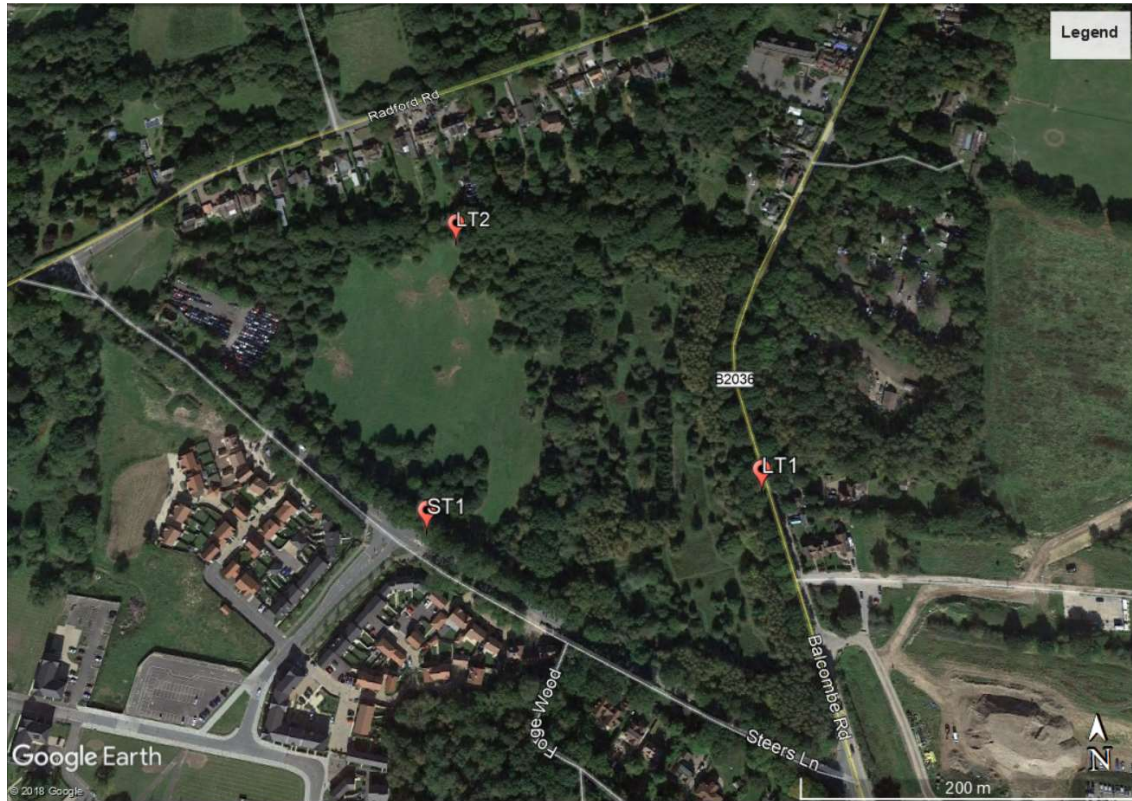


Figure 2. Noise monitoring locations

The highest noise levels at the site boundary adjacent to Balcombe Road of up to 72 dB $L_{Aeq,16h}$ during the daytime and 66 dB $L_{Aeq,8h}$ during the night-time. At Steers Lane, noise levels were measured during the daytime at an average of 63 dB $L_{Aeq,1h}$. The lowest noise levels at the site (considered representative of LT2) are 53 dB $L_{Aeq,16h}$ during the daytime and 49 dB $L_{Aeq,8h}$ during the night-time

Noise from individual aircraft movements at night is a consideration. As aircraft at Gatwick operate either in a westerly or easterly direction, aircraft noise at the Site may vary. Lateral noise from easterly departures is likely to cause higher noise levels at the Site than westerly arrivals. The highest night-time L_{Amax} at LT2 was logged as 72 dB (see Table B-3), which is considered to be representative of the likely level of noise at the most northerly buildings due to easterly departures.

Due to the high level of noise at the Site, particularly from Balcombe Road traffic, good acoustic design principles should be adopted in the Phase B masterplan to ensure that the good acoustic conditions are achieved.

5. Mitigation Measures

Good Acoustic Design

Following a good acoustic design process is an implicit part of achieving good design as required by Government planning and noise policy, set out in the NPSE and NPPF. Advice on how planning can manage potential noise impacts in new development is provided in PPG, which contains examples for mitigating noise in new developments as follows:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings;

- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Supplementary Document 2: Good Acoustic Design to the ProPG expands on the principles of good acoustic design from concept design, site layout and materials selection. This document sets out a hierarchy of noise management measures that should be encouraged in descending order of preference:

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources.
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.
- v. Using the layout of the scheme to reduce noise propagation across the site.
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms.
- vii. Using the building envelope to mitigate noise to acceptable levels.

For internal noise conditions, good acoustic design should seek to avoid “unreasonable” acoustic conditions and prevent “unacceptable” acoustic conditions. ProPG expands on this by defining exceedances of greater than 5 dB as “unreasonable”. These exceedances may be allowable in developments if applicants can provide detailed information on how the number of rooms affected has been kept to a minimum. Once internal noise levels exceed BS 8233 criteria by 10 dB, ProPG defines the internal noise conditions as “unacceptable”.

For outdoor amenity areas where good acoustic design has been applied and the target noise levels are not achievable, PPG provides advice on how impacts may be offset, for example if residents are provided with access to:

- *“A relatively quiet façade (containing openable windows to habitable rooms) or a relatively quiet externally ventilated space (i.e. an enclosed balcony) as part of their dwelling; and/or*
- *A relatively quiet alternative or additional external amenity space for sole use by a household (e.g. a garden, roof garden or large open balcony in a different, protected location); and/or*
- *A relatively quiet, protected nearby, external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or*
- *A relatively quiet, protected, publically accessible, external amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minutes walking distance).”*

Application of Good Acoustic Design

Maximising the spatial separation of noise source(s) and receptor(s)

Consideration will be given to applying spatial separation between Balcombe Road and sensitive receptors in the proposed development. A buffer would allow landscaping elements to be incorporated into the proposed development, which may be capable of providing noise benefits. Although a single row of trees is ineffective at attenuating noise, multiple rows of trees can provide positive noise benefits. These type of landscaping elements could be incorporated into the masterplan.

Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources

As the site is affected primarily by road and air traffic, there is no opportunity to reduce or relocate existing noise sources.

Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.

No opportunities to use existing topography or structures to screen sensitive receptors in the proposed development from noise due to the proximity of Balcombe Road to the east site boundary.

Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.

Consideration will be given the practicability of constructing an acoustic barrier or bund adjacent to Balcombe Road to screen road traffic noise.

Using the layout of the scheme to reduce noise propagation across the site

Opportunities will be explored to locate buildings that are less sensitive to noise in the worst affected areas adjacent to Balcombe Road. These buildings would be designed to act as effective barriers to screen sensitive buildings from road traffic noise.

Outdoor amenity areas will be located on the opposite side of the property to the road noise source and benefit from screening of road traffic noise. Where exceedances of recommended outdoor amenity noise levels still occur despite application of good acoustic design, alternative outdoor amenity space in a 'quiet' area will be provided.

Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms

Where properties are affected by high levels of road traffic noise, a single-aspect design strategy could be applied. This strategy will locate habitable rooms on 'quiet' façades of buildings, so they are not affected by high levels of road traffic noise. A single aspect design strategy will provide properties with a relatively quiet façade with openable windows, as required in national policy.

Using the building envelope to mitigate noise to acceptable levels.

The building envelope of properties will be designed to achieve good internal noise conditions in the proposed development. Provision of glazing and, where necessary, ventilation strategy (either passive or mechanical) to achieve suitable internal noise levels as detailed in BS 8233. The required glazing performance would depend on the type of room and the application of good acoustic design that has been covered previously, which could reduce the requirement for high-specification acoustic glazing.

As good acoustic design principles cannot be applied to aircraft noise, mitigation of aircraft noise is can be achieved through using of the building envelope to control noise in bedrooms. Aircraft noise predictions provided in Table 4-2 show the likely L_{Amax} level of aircraft noise that residential properties in the proposed development may experience. To limit internal noise levels in bedrooms so they do not exceed 45 dB L_{Amax} , properties affected by aircraft noise will have bedrooms with glazing performing to a minimum R_w+C_{tr} specification of 27 dB. This level of mitigation is achievable by standard thermal double glazing e.g. 6/16/6 mm.

In addition to glazing, all residential properties that cannot provide suitable internal noise conditions with a partially open window will be fitted with ventilation. This will provide residents with the option of ventilation without the need to open windows if noise is considered too intrusive with windows open. Ventilation units can be either passive or mechanical (e.g. where necessary, acoustically attenuated in-wall ventilation or mechanical ventilation with comfort cooling) and should be designed so they can perform to the same acoustic specification as associated glazing to remove the need to ventilate the building using open windows.

6. Future Gatwick Airport Noise

The Crawley Borough Local Plan⁸ (CBLP) contains the strategic planning policies and principles to help shape the future of the Crawley. Policy ENV11: Development and Noise contains details on acceptable noise levels for new residential developments. It states:

⁸ Crawley Borough Council (2015); Crawley Borough Local Plan 2015-2030.

“Noise Sensitive Development Residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. For transport sources, the Unacceptable Adverse Effect is considered to occur where noise exposure is above 66dB $L_{Aeq,16hr}$ (57dB $L_{Aeq,8hr}$ at night).”

The threshold for private amenity spaces in noise sensitive development is identified 66 dB $L_{Aeq,16h}$ for aircraft noise. The CBLP states that any noise predictions for proposed developments should include noise from any proposed or required changes in transportation infrastructure, including the potential 2nd runway at Gatwick Airport. The CBLP makes reference to noise contours published by the Civil Aviation Authority (CAA) in ERCD report 0308; however, it states that reference can be made to subsequent noise contours published by the CAA should the ERCD 0308 noise contours be superseded.

ERCD Report 0308 was published in 2003 and presents future predicted noise levels for a wide spaced parallel runway configuration at Gatwick Airport, which is considered to represent a worst-case scenario. This development would not currently be supported by national policy, which supports making best use of existing infrastructure⁹.

Gatwick Airport Limited (GAL) submitted a Scoping Report in September 2019 to increase capacity of the airport by using their 'standby' runway to provide additional capacity. Use of the standby runway at the same time as the main runway is currently restricted through planning condition. The proposal would allow the capacity of Gatwick Airport (LGW) to increase from a maximum potential capacity of 61 million passengers per annum (mppa) to 74 mppa. LGW handled approximately 46 mppa in 2018 and is forecast to reach 74 mppa by 2038.

Prior to submission of the Scoping Report, GAL submitted a draft masterplan document¹⁰, which explored options for increasing capacity at LGW. The masterplan document contains aircraft noise contours for 2032 with the assumption that use of the standby runway could deliver 70 mppa. The noise contours were produced by the CAA and, although the maximum potential capacity is 74 mppa by 2038, the noise contours can be considered to provide a reasonable indication of the likely extent of aircraft noise should the proposed use of the standby runway be consented. Noise contours are presented in Figure 3 with the Steers Lane site approximately marked in red.

The location of the site falls outside the 54 dB $L_{Aeq,16h}$ noise contour for the indicative 2032 future noise contours with standby runway use that set out in the masterplan document. Consequently, should planning restrictions be lifted for operating the standby runway at LGW, it is unlikely that the proposed expansion of LGW will affect development of the Steers Lane site.

The GAL Scoping Report considers that land should still be safeguarded for a new runway to the south of the airport. Given that the increased capacity at LGW is forecast to secure growth until 2038, it weakens the argument for using parallel runway noise contours as a planning tool by the CBLP. It is considered that the CBLP noise contours will be superseded by CAA noise contours presented in the LGW application to increase capacity through use of the standby runway. Consequently, site development constraints set by the CBLP may be no longer justifiable in future.

⁹ HM Government (2018); The future of UK aviation – Making best use of existing runways.

¹⁰

Steers Lane Phase B

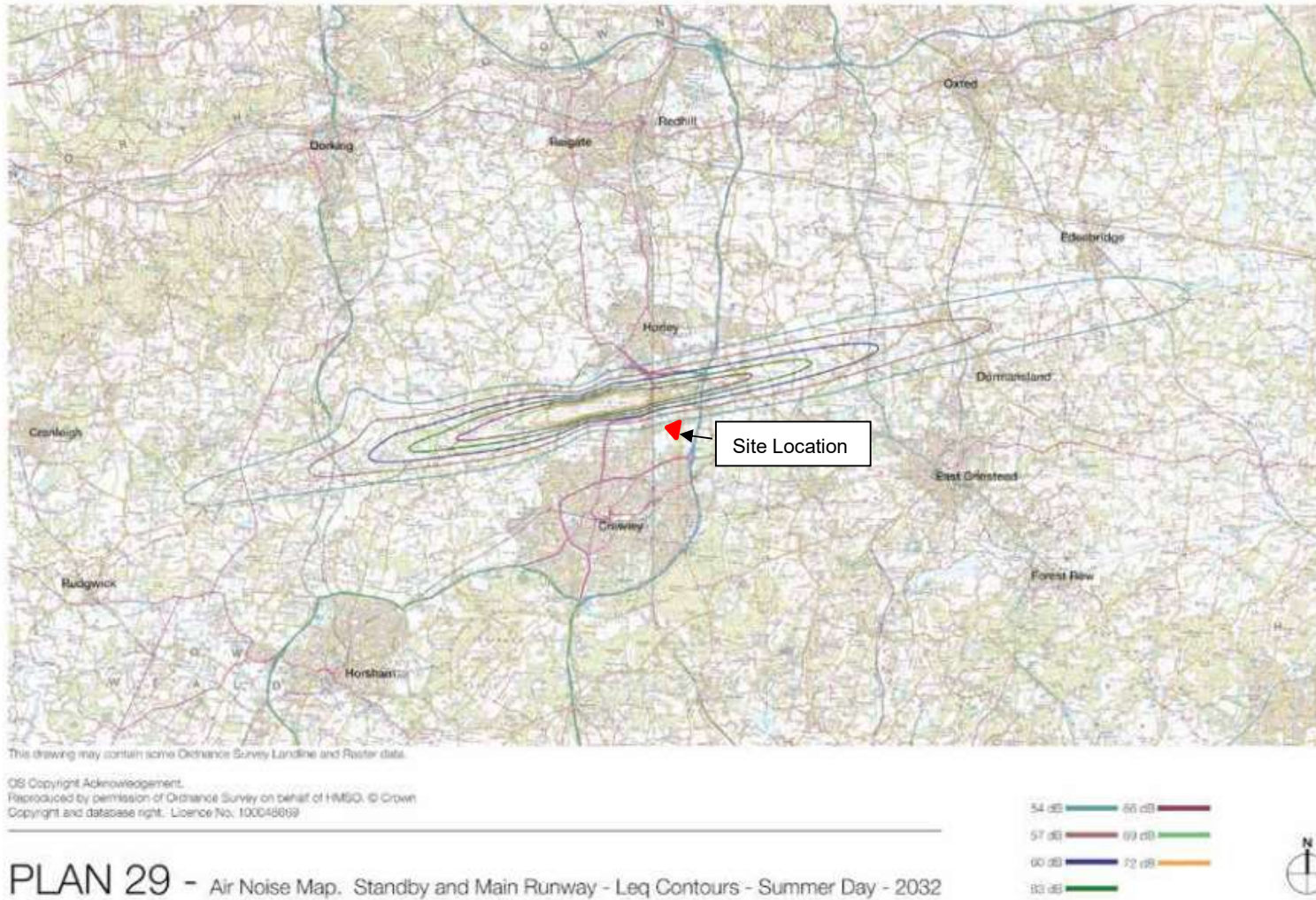


Figure 3: GAL Masterplan 2032 70 mppa Noise Contours

7. Conclusions

The suitability of Phase B of the Steers Lane Site for residential development has been considered. High noise levels were measured from road traffic on Balcombe Road. Consequently, good acoustic design measures have been recommended to be applied in the masterplan design to provide the best practicable acoustic environment for future residents.

Phase B is currently constrained by the Local Plan, which safeguards land predicted to experience unacceptable levels of noise due to a parallel runway at LGW. GAL have submitted a Scoping Report for an application to remove a condition that prevents the use of the LGW standby runway for normal activities. This application is forecast to secure growth at LGW until 2038. Consequently, the development constraints set out in the CBLP may no longer be justifiable in future.

Appendix A Acoustic Terminology

Term	Definition
Decibel (dB)	The range of audible sound pressures is approximately 2×10^{-5} Pa to 200 Pa. Using decibel notation presents this range in a more manageable form, 0 dB to 140 dB. Mathematically Sound Pressure level = $20 \log \{p(t)/p_0\}$ Where $P_0 = 2 \times 10^{-5}$ Pa.
A" Weighting (dB(A))	The human ear does not respond uniformly to different frequencies. "A" weighting is commonly used to simulate the frequency response of the ear. It is used in the assessment of risk of damage of hearing due to noise.
Frequency (Hz)	The number of cycles per second, for sound this is subjectively perceived as pitch.
Frequency Spectrum	Analysis of the relative contributions of different frequencies that make up a noise.
Ambient Sound	Totally encompassing sound in a given situation at a given time usually composed of sound from many sources near and far (The ambient sound comprises the residual sound and the specific sound when present).
Ambient Sound Level $L_a = L_{Aeq,T}$	Equivalent continuous A-weighted sound pressure level of the totally encompassing sound in a given situation at a given time, usually from many sources near and far, at the assessment location over a given time interval, T.
Background Sound Level $L_{A90,T}$	A-weighted sound pressure level that is exceeded by the residual sound at the assessment location for 90% of a given time interval, T, measured using time weighting F and quoted to the nearest whole number of decibels.
Equivalent Continuous A-weighted Sound Pressure Level $L_{Aeq,T}$	Value of the A-weighted sound pressure level in decibels of continuous steady sound that, within a specified time interval, $T = t_2 - t_1$, has the same mean-squared sound pressure as a sound that varies with time, and is given by the following equation: $L_{Aeq,T} = 10 \log_{10} \left\{ \left(\frac{1}{T} \right) \int_{t_1}^{t_2} \left[p_A \frac{(t)^2}{p_0^2} \right] dt \right\}$ Where p_0 is the reference sound pressure (20 μ PA); and PA(t) is the instantaneous A-weighted sound pressure level at time t

Appendix B Baseline Noise Monitoring

B.1 Measurement Equipment

Details of the measurement equipment are presented in Table B-1. The measurement microphones were approximately 1.5 m above relative ground height and sufficiently far from vertical surfaces to be representative of free-field conditions. The measurement locations were considered representative of the acoustic environment at the Site boundary and the nearest noise sensitive premises.

Table B-1. Noise Monitoring Equipment Details

Description	Manufacturer	Type	Serial Number
LT1 Sound Level Meter 42	RION	NL-42	840885
LT2 Sound Level Meter 20A	RION	NL-52	743081
ST1 Sound Level Meter	01dB	DUO	12029
Calibrator	RION	NC-74	35173436

B.2 Noise Monitoring Results

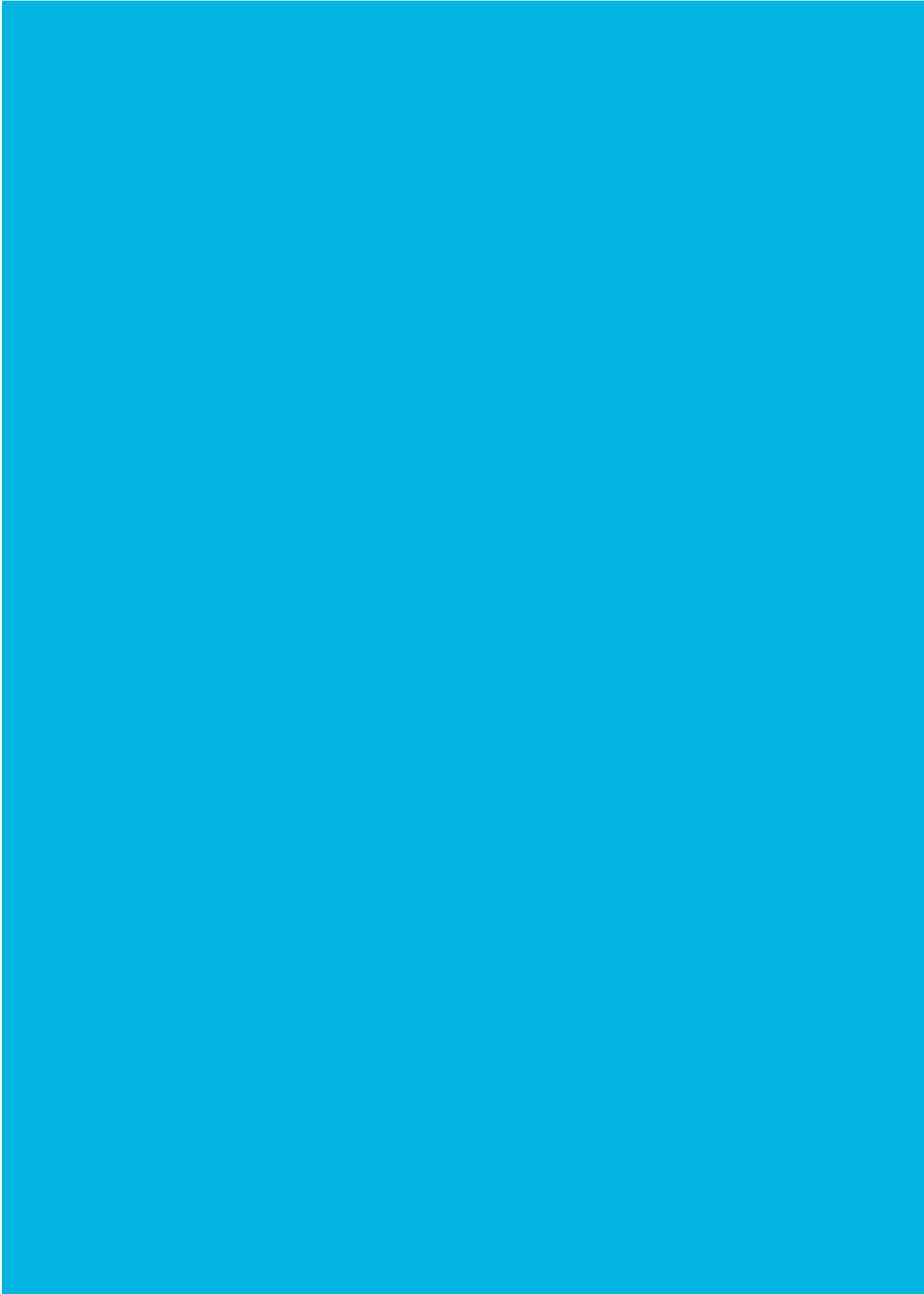
Detailed noise monitoring results at LT1 and LT2 are presented in Table B-2 and Table B-3.

Table B-2. LT1 Noise Monitoring Results

Date	Daytime			Night-time	
	L _{Aeq,16h} dB	L _{A90,1h} dB	L _{Aeq,8h} dB	L _{A90,15min} dB	L _{Amax,T} dB
24-Aug	-	-	66	43	85
25-Aug	71	50	65	46	82
26-Aug	72	50	64	39	84
27-Aug	72	52	65	37	84
28-Aug	72	47	72	48	86
29-Aug	73	55	66	41	84
30-Aug	73	57	66	45	85
Summary	72	52	66	43	84

Table B-3. LT2 Noise Monitoring Results

Date	Daytime			Night-time	
	L _{Aeq,16h} dB	L _{A90,1h} dB	L _{Aeq,8h} dB	L _{A90,15min} dB	L _{Amax,T} dB
24-Aug	-	-	51	42	70
25-Aug	52	46	50	45	67
26-Aug	53	51	50	41	72
27-Aug	53	47	47	37	66
28-Aug	48	45	48	43	67
29-Aug	53	48	51	41	71
30-Aug	57	42	49	41	69
Summary	53	47	49	41	69



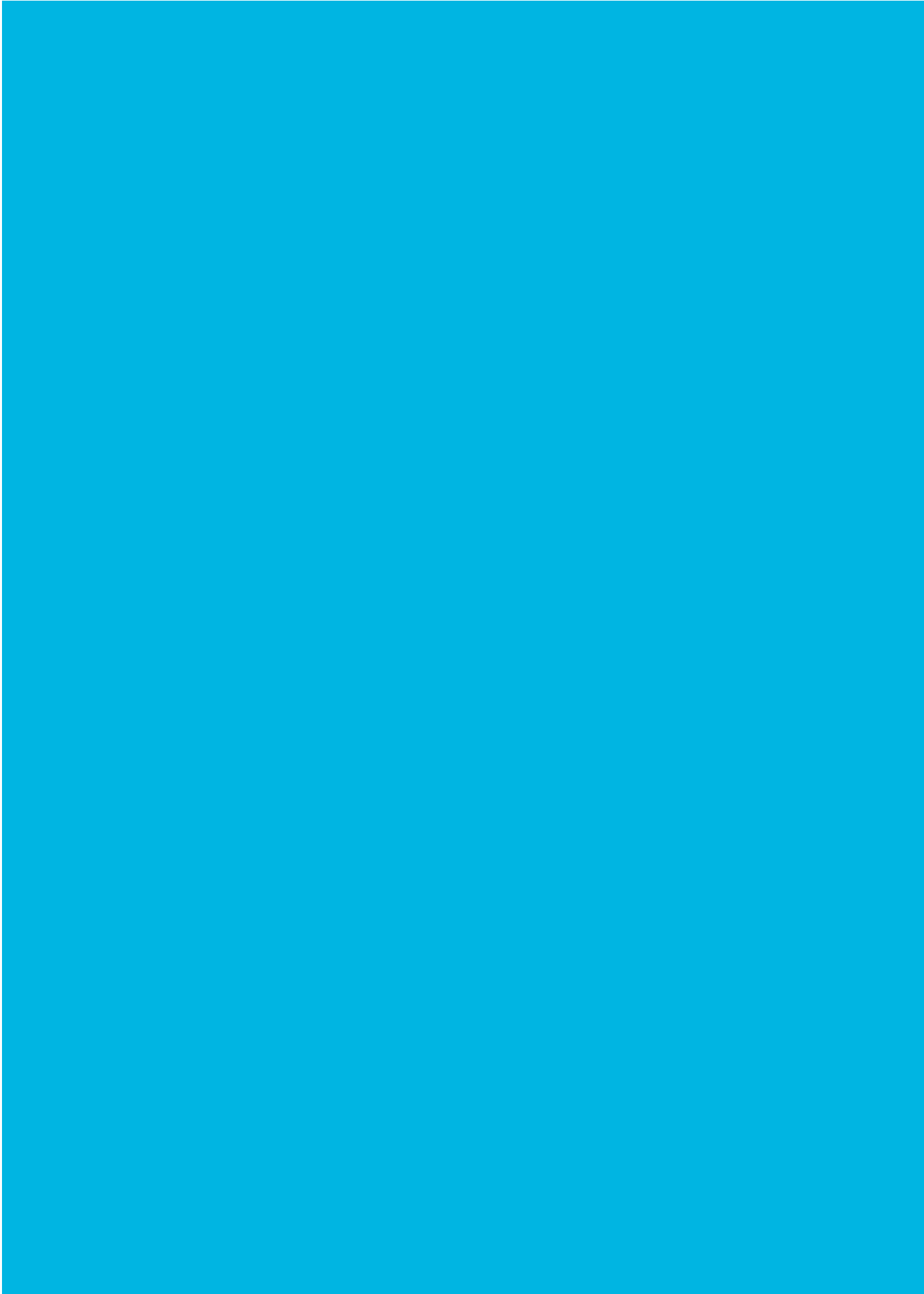
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Housing Trajectory - COUNCIL POSITION - stepped trajectory - Sedgefield and 5% Buffer

Table 1

26-Feb-20

Supply Sources	Plan Period															TOTAL
	Years 1-5 2020/21					Years 6-10 2025/26					Years 11-15 2030/31					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Permissions (large Sites)	141															141
Permissions (Small Sites)	13	8														21
Key Housing Sites (Policy H2)	541	310	882	664	328	110	314	498	349							3996
Broad Location East of London Road						59	33									92
Broad Location Town Centre					10	54	48									112
SHLAA Sites			16		8	54	18	40	28			30				194
Windfall	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	825
TOTAL SUPPLY	750	373	953	719	401	332	468	593	432	55	55	85	55	55	55	5381
Requirement	500	500	500	500	500	450	450	450	450	450	121	121	121	121	121	5355
Annual Shortfall/Surplus	250	-127	453	219	-99	-118	18	143	-18	-395	-66	-36	-66	-66	-66	
Cumulative Shortfall/Surplus		250	123	576	795	696	578	596	739	721	326	260	224	158	92	
Base 5 Year Requirement	2500	2450	2400	2350	2300	2250	1921	1592	1263	934	605	484	363	242	121	
Shortfall/oversupply (Sedgefield)	0.0	250.0	123.0	576.0	795.0	696.0	578.0	596.0	739.0	721.0	326.0	260.0	224.0	158.0	92.0	
5 Year Requirement with Shortfall/oversupply	2500.0	2200.0	2277.0	1774.0	1505.0	1554.0	1343.0	996.0	524.0	213.0	279.0	224.0	139.0	84.0	29.0	
Adjuste 5 Year Requirement with 5% Buffer	2625.0	2310.0	2390.9	1862.7	1580.3	1631.7	1410.2	1045.8	550.2	223.7	293.0	235.2	146.0	88.2	30.5	
Adjusted Annual Requirement (5yr)	525.0	462.0	478.2	372.5	316.1	326.3	282.0	209.2	110.0	44.7	58.6	47.0	29.2	17.6	6.1	
5 Year Supply	3196	2778	2873	2513	2226	1880	1603	1220	682	305	305	250	165	110	55	
Supply in Years	6.09	6.01	6.01	6.75	7.04	5.76	5.68	5.83	6.20	6.82	5.21	5.31	5.65	6.24	9.03	

Notes:

Applying the Council's Supply as set out in the trajectory included with the Reg 19 Plan

Housing Trajectory - COUNCIL POSITION - stepped trajectory - Sedgefield and 10% Buffer

Table 2

26-Feb-20

Supply Sources	Plan Period	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
	Years 1-5 2020/21	2021/22	2022/23	2023/24	2024/25	Years 6-10 2025/26	2026/27	2027/28	2028/29	2029/30	Years 11-15 2030/31	2031/32	2032/33	2033/34	2034/35		
Permissions (large Sites)	141																141
Permissions (Small Sites)	13	8															21
Key Housing Sites (Policy H2)	541	310	882	664	328	110	314	498	349								3996
Broad Location East of London Road						59	33										92
Broad Location Town Centre					10	54	48										112
SHLAA Sites			16		8	54	18	40	28			30					194
Windfall	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	825
TOTAL SUPPLY	750	373	953	719	401	332	468	593	432	55	55	85	55	55	55	55	5381
Requirement	500	500	500	500	500	450	450	450	450	450	121	121	121	121	121		5355
Annual Shortfall/Surplus	250	-127	453	219	-99	-118	18	143	-18	-395	-66	-36	-66	-66	-66		
Cumulative Shortfall/Surplus		250	123	576	795	696	578	596	739	721	326	260	224	158	92		
Base 5 Year Requirement	2500	2450	2400	2350	2300	2250	1921	1592	1263	934	605	484	363	242	121		
Shortfall/oversupply (Sedgefield)	0.0	250.0	123.0	576.0	795.0	696.0	578.0	596.0	739.0	721.0	326.0	260.0	224.0	158.0	92.0		
5 Year Requirement with Shortfall/oversupply	2500.0	2200.0	2277.0	1774.0	1505.0	1554.0	1343.0	996.0	524.0	213.0	279.0	224.0	139.0	84.0	29.0		
Adjuste 5 Year Requirement with 10% Buffer	2750.0	2420.0	2504.7	1951.4	1655.5	1709.4	1477.3	1095.6	576.4	234.3	306.9	246.4	152.9	92.4	31.9		
Adjusted Annual Requirement (5yr)	550.0	484.0	500.9	390.3	331.1	341.9	295.5	219.1	115.3	46.9	61.4	49.3	30.6	18.5	6.4		
5 Year Supply	3196	2778	2873	2513	2226	1880	1603	1220	682	305	305	250	165	110	55		
Supply in Years	5.81	5.74	5.74	6.44	6.72	5.50	5.43	5.57	5.92	6.51	4.97	5.07	5.40	5.95	8.62		

Notes:

Applying the Council's Supply as set out in the trajectory included with the Reg 19 Plan
10% Buffer applied

Housing Trajectory - NS POSITION - stepped trajectory - Sedgefield and 5% Buffer

Table 3

26-Feb-20

Supply Sources	Plan Period	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
		Years 1-5 2020/21	2021/22	2022/23	2023/24	2024/25	Years 6-10 2025/26	2026/27	2027/28	2028/29	2029/30	Years 11-15 2030/31	2031/32	2032/33	2033/34	2034/35	
Permissions (large Sites)		141															141
Permissions (Small Sites)		13	8														21
Key Housing Sites (Policy H2)		541	310	882	664	328	110	314	498	349							3996
Broad Location East of London Road							59	33									92
Broad Location Town Centre						10	54	48									112
SHLAA Sites							54	18	40	28			30				170
Windfall							55	55	55	55	55	55	55	55	55	55	550
TOTAL SUPPLY		695	318	882	664	338	332	468	593	432	55	55	85	55	55	55	5082
Requirement		500	500	500	500	500	450	450	450	450	450	121	121	121	121	121	5355
Annual Shortfall/Surplus		195	-182	382	164	-162	-118	18	143	-18	-395	-66	-36	-66	-66	-66	
Cumulative Shortfall/Surplus			195	13	395	559	397	279	297	440	422	27	-39	-75	-141	-207	
Base 5 Year Requirement		2500	2450	2400	2350	2300	2250	1921	1592	1263	934	605	484	363	242	121	
Shortfall/oversupply (Sedgefield)		0.0	195.0	13.0	395.0	559.0	397.0	279.0	297.0	440.0	422.0	27.0	-39.0	-75.0	-141.0	-207.0	
5 Year Requirement with Shortfall/oversupply		2500.0	2255.0	2387.0	1955.0	1741.0	1853.0	1642.0	1295.0	823.0	512.0	578.0	523.0	438.0	383.0	328.0	
Adjuste 5 Year Requirement with 5% Buffer		2625.0	2367.8	2506.4	2052.8	1828.1	1945.7	1724.1	1359.8	864.2	537.6	606.9	549.2	459.9	402.2	344.4	
Adjusted Annual Requirement (5yr)		525.0	473.6	501.3	410.6	365.6	389.1	344.8	272.0	172.8	107.5	121.4	109.8	92.0	80.4	68.9	
5 Year Supply		2897	2534	2684	2395	2163	1880	1603	1220	682	305	305	250	165	110	55	
Supply in Years		5.52	5.35	5.35	5.83	5.92	4.83	4.65	4.49	3.95	2.84	2.51	2.28	1.79	1.37	0.80	

Notes

24 units removed from first 5-years as no evidence of deliverability demonstrated
 No compelling evidence to demonstrate reliance upon windfalls. Reduction in years 1-5

Notes:
 Applying the Council's Supply as set out in the trajectory included with the Reg 19 Plan
 Adjustment made to supply sources regarding Annex 2 compliance

Housing Trajectory - NS POSITION - stepped trajectory - Sedgefield and 10% Buffer

Table 4

26-Feb-20

Supply Sources	Plan Period	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
		Years 1-5 2020/21	2021/22	2022/23	2023/24	2024/25	Years 6-10 2025/26	2026/27	2027/28	2028/29	2029/30	Years 11-15 2030/31	2031/32	2032/33	2033/34	2034/35	
Permissions (large Sites)		141															141
Permissions (Small Sites)		13	8														21
Key Housing Sites (Policy H2)		541	310	882	664	328	110	314	498	349							3996
Broad Location East of London Road							59	33									92
Broad Location Town Centre						10	54	48									112
SHLAA Sites							54	18	40	28		30					170
Windfall							55	55	55	55	55	55	55	55	55	55	550
TOTAL SUPPLY		695	318	882	664	338	332	468	593	432	55	55	85	55	55	55	5082
Requirement		500	500	500	500	500	450	450	450	450	450	121	121	121	121	121	5355
Annual Shortfall/Surplus		195	-182	382	164	-162	-118	18	143	-18	-395	-66	-36	-66	-66	-66	
Cumulative Shortfall/Surplus			195	13	395	559	397	279	297	440	422	27	-39	-75	-141	-207	
Base 5 Year Requirement		2500	2450	2400	2350	2300	2250	1921	1592	1263	934	605	484	363	242	121	
Shortfall/oversupply (Sedgefield)		0.0	195.0	13.0	395.0	559.0	397.0	279.0	297.0	440.0	422.0	27.0	-39.0	-75.0	-141.0	-207.0	
5 Year Requirement with Shortfall/oversupply		2500.0	2255.0	2387.0	1955.0	1741.0	1853.0	1642.0	1295.0	823.0	512.0	578.0	523.0	438.0	383.0	328.0	
Adjuste 5 Year Requirement with 10% Buffer		2750.0	2480.5	2625.7	2150.5	1915.1	2038.3	1806.2	1424.5	905.3	563.2	635.8	575.3	481.8	421.3	360.8	
Adjusted Annual Requirement (5yr)		550.0	496.1	525.1	430.1	383.0	407.7	361.2	284.9	181.1	112.6	127.2	115.1	96.4	84.3	72.2	
5 Year Supply		2897	2534	2684	2395	2163	1880	1603	1220	682	305	305	250	165	110	55	
Supply in Years		5.27	5.11	5.11	5.57	5.65	4.61	4.44	4.28	3.77	2.71	2.40	2.17	1.71	1.31	0.76	

Notes

24 units removed from first 5-years as no evidence of deliverability demonstrated
 No compelling evidence to demonstrate reliance upon windfalls. Reduction in years 1-5

Notes:
 Applying the Council's Supply as set out in the trajectory included with the Reg 19 Plan
 Adjustment made to supply sources regarding Annex 2 compliance
 10% Buffer applied

Town and Country Planning Act 1990 (As Amended)

Crawley Borough Local Plan 2035 –
Regulation 19 Consultation

Representations on Behalf of:
Danescroft (RLP Crawley) LLP

27 February 2020



<u>Contents:</u>	<u>Page:</u>
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Appendices:

Appendix 1 Location Plan for Danescroft's promotion site – Land at Steers Lane, Crawley

Appendix 2 Aecom – Noise Assessment – January 2020

Appendix 3 Housing Trajectory Tables:

- Table 1 – Council's Position
- Table 2 – Council's Position with 10% Buffer
- Table 3 – Neame Sutton Position
- Table 4 – Neame Sutton Position with 10% Buffer

1.0 Instructions and Introduction

- 1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Danescroft (RLP Crawley) LLP ("Danescroft") to prepare and submit representations in relation to the Regulation 19 consultation version of the Crawley Local Plan 2035 ("the Plan").
- 1.2 This document sets out Danescroft's Representations on the Plan and deals with the following specific matters:
- Matters of Legal Compliance
 - Consideration of the correct Housing Need and Housing Requirement within the Plan in the context of the Housing Supply identified by the Council; and,
 - Site-specific representations in relation to Danescroft's promotion site at Steers Lane.
- 1.3 The relevant sections of the Plan, including paragraph and policy references, are cited throughout these representations along with the soundness tests that it is considered the Plan fails to comply with.

2.0 Legal Compliance

Duty to Cooperate:

- 2.1 There are a number of Legal Compliance matters that the Council must address if it intends to proceed with the submission of a Local Plan for Examination. The Regulation 19 consultation stage is intended to comprise the version of the Plan that the Council considers to be Sound and in compliance with the various legal requirements.
- 2.2 Unlike matters of Soundness that can be addressed through modifications to the Plan any issues relating to Legal Compliance of the Plan cannot be addressed retrospectively.
- 2.3 It is therefore of vital important to the Council that the Plan meets the Legal Compliance requirements before it proceeds.
- 2.4 Of particular importance in the case of Crawley is the Duty to Cooperate ("DtC"). Section 110 of the Localism Act 2011 introduces a new Section 33a into the Planning and Compulsory Purchase Act 2004, which requires the Local Planning Authority to cooperate with its neighbouring authorities and other bodies.
- 2.5 Sub-section (2) goes onto set out how the engagement should be undertaken by stating:
- 'In particular, the duty imposed on a person by subsection (1) requires the person—*
- (a). to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and*
- (b). to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).'*
- 2.6 Government policy also confirms that:
- 'In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.'*¹

¹ Paragraph 27 of National Planning Policy Framework (February 2019)

- 2.7 It is therefore a vital legal requirement of the Plan making process that the Council engages with its neighbours on a constructive, active and, ongoing basis. The engagement should be documented throughout the process to demonstrate compliance with the legal requirements
- 2.8 The Council has not produced any evidence at all of engagement with its neighbours, the County Council or other bodies, either as part of the Regulation 19 consultation nor in relation to any earlier stage in the preparation of the Plan. Furthermore, when Neame Sutton raised this matter with Officers the Council has advised that it does not intend to provide any evidence of DtC until the Plan is submitted for examination².
- 2.9 It will not therefore be possible to determine whether the Council has met this important statutory duty until the Plan is submitted later in the year. At that point and, in the event that the evidence presented by the Council does not demonstrate compliance with the DtC, it will be too late for the Council to make any amendments to correct the position.
- 2.10 The Council must therefore produce evidence of compliance with DtC now in order to avoid a situation whereby the Plan fails the Legal Compliance test and the Examination has to be abandoned. At the current point in time, in the absence of any evidence, the Plan cannot be considered to have met the Legal Compliance test.
- 2.11 This is a matter that a number of other Local Planning Authorities have recently got into difficulties with including Sevenoaks and Wealden both of which have had to abandon their Examinations.
- 2.12 It is particularly important in relation to Crawley, which is heavily dependent upon its neighbours in order to meet the full Local Housing Need ("LHN") calculated via the Government's Standard Method.
- Missing Evidence:
- 2.13 The Council's consultation pages on its website states that a number of key evidence documents have either not yet been prepared or are in the process of being completed. The Council intends to upload the missing documents as and when they become available³.

² This is despite the fact that Paragraph 1.29 of the Plan directly references a series of SoCGs and further evidence on DtC being contained in the supporting documents.

³ Paragraph 1.15 of the Plan also refers to the fact that the evidence base is incomplete.

- 2.14 This approach is inherently unsound. The Council is undertaking the formal Regulation 19 consultation with only partial evidence available. The publication of the missing evidence after the close of the consultation will mean that those wishing to provide comment/representation are unable to do so.
- 2.15 A similar situation occurred recently in relation to Epping Forest District Council wherein a further consultation was required to ensure all parties had sufficient opportunity to respond before the Plan was submitted for Examination.
- 2.16 On the basis that the following key evidence base documents are missing it is considered vital that the Council undertakes a further Regulation 19 consultation when they have been published and before the Plan is submitted for Examination:
- Viability;
 - Transport Modelling;
 - Open Space, Sport and Recreation;
 - Heritage;
 - Gatwick Water Cycle Study;
 - Strategic Food Risk Assessment; and,
 - Gypsy and Traveller Needs Assessment.
- 2.17 In its current form, and before any matters of Soundness are considered below, the Plan as published is incomplete and not legally compliant.

3.0 Housing Need, Housing Requirement/Target and Supply

Policy H1, SA, Paragraphs 2.19 – 2.28, Paragraphs 12.1 – 12.31 – OBJECT: Unsound

3.1 As a starting point it is important to note that the Plan is being prepared in the context of the current National Planning Policy Framework 2019 ("the Framework").

Local Housing Need ("LHN"):

3.2 The basis for the calculation of the LHN is therefore set out in the Framework and corresponding National Planning Practice Guidance ("PPG"), namely, the Government's Standard Method.

3.3 The Council has correctly identified that it must apply the Standard Method to calculate its LHN as set out at Paragraph 2.19 on Page 21 of the Plan.

3.4 The LHN figure calculated by the Council equates to 11,280 dwellings or 752 dpa.

3.5 The PPG advises that the LHN figure should be updated to reflect the latest data and should only be fixed for a period of 2 years from the date the Plan is submitted to the Planning Inspectorate for examination⁴.

3.6 In this respect the LHN figure for Crawley will need to be updated to reflect the position as at 2020 because the current figure contained in the Plan has been calculated to a base date of 2019.

3.7 Neame Sutton has undertaken an updated calculation applying the 2020 base date, which generates a Standard Method figure of 753 dpa or 11,295 dwellings over the 15 year Plan period. Whilst this is only marginally different to the LHN contained in the Plan it is important to ensure the Plan, when submitted, is based on the correct figure.

3.8 Further to our Regulation 18 Representations the Council does now appear to have quantified its affordable housing need, which equates to 739 dpa⁵. That level of affordable housing need is substantially greater than the level identified in the context of the adopted Local Plan (527 dpa at the upper end of the scale identified). In fact the affordable housing need identified equates to some 98% of the total LHN and 148% of the actual number of dwellings planned for as set out in Policy H1 of the Plan.

⁴ Housing and Economic Need Assessment section of PPG - Paragraph: 008 Reference ID: 2a-008-20190220 Revision date: 20 02 2019

⁵ Table 67 on Page 156 of the SHMA November 2019

- 3.9 The Plan as currently drafted is therefore set up to fail in terms of meeting the acute affordable housing needs of the Borough. This cannot be a Sound approach.
- Housing Requirement/Target:
- 3.10 The Council's approach to the identification of a suitable housing requirement or target has been largely to rely on the existing supply sources identified in the adopted Local Plan housing trajectory. Little if any work appears to have been undertaken to identify new sources of supply or indeed to establish if those existing sources have the capability to deliver further housing over and above the numbers previously identified.
- 3.11 Given that the LHN has increased and the affordable housing need has grown exponentially it is incumbent upon the Council to explore all avenues for meeting as much of its own needs within the Borough boundaries.
- 3.12 Instead the Council has taken the approach that 5,355 dwellings (357 dpa) is the maximum that can be delivered and the remaining 5,940 dwellings will need to be provided by its neighbours. This of course is where the problem lies in the Council's strategy because no agreement has been reached with any of its neighbours for provision to be made.
- 3.13 By way of example Horsham District Council is currently consulting on its Regulation 18 draft Plan wherein three growth scenarios are being considered: 1,000 dpa, 1,200 dpa and 1,400 dpa⁶. These options are set against its LHN of 965 dpa, which would indicate an allowance for unmet need ranging from 35 dpa – 435 dpa. Horsham's position on the extent of unmet need arising from Crawley that it is prepared to accommodate is therefore unclear at the present time.
- 3.14 It is not acceptable for the Council to reach such an advanced stage in the preparation of its Plan without having any agreements in place as to the extent of its unmet need that can be addressed by neighbouring authorities.
- 3.15 The Council's approach as set out in the Plan is therefore completely unsound in that it fails to plan positively, it is not effective and certainly does not accord with the Framework. Furthermore, the Council's cooperation thus far with its neighbours under the DtC must be called into question.

⁶ See Paragraph 6.14 on Page 52 of the Regulation 18 consultation version of the Horsham District Local Plan 2019 - 2036

3.16 The Council's approach is also not entirely supported by the conclusions of its own Sustainability Appraisal (January 2020) ("SA"). The SA includes an option that meets both the full affordable housing requirement (generating a housing target of 1848 dpa) along with an option that meets the Standard Method calculation of 752 dpa. Both options score considerably better than the chosen option (Option 5) in terms of meeting housing needs⁷. It is however unclear why some of the negative scores in relation to employment growth, health and infrastructure have been attributed to these higher housing growth options. The negative scores are attributed to 'anticipated impacts' rather than being based on any tangible evidence. It must be the case that the Council hasn't based the assessment on tangible evidence because it has already identified that significant portions of the evidence base in relation to matters such as Transport, Heritage, Flood Risk and Drainage have not yet been completed.

3.17 In this respect the conclusions of the SA cannot be relied upon and a further SA should be undertaken once the evidence base is complete.

Housing Supply and Trajectory:

3.18 The Council's housing requirement/target as set out in Policy H1 of the Plan is entirely based, it says, on the available housing supply. It is however clear to Danescroft that the Council has not properly considered all sources of supply to determine the true extent of available land and its capacity to provide new homes.

3.19 A prime example of this is Danescroft's land interest at Steers Lane, which has recently gained Outline Planning Consent for upto 185 no. dwellings. This is a site that the Council currently has allocated within the adopted Local Plan for a minimum of 75 no. dwellings and which it now proposes in the Plan to remove as an allocation. Consequently the Council has reduced its housing supply in the Plan by 75 no. dwellings when in fact consent has been granted for 185 no. dwellings.

3.20 Further consideration is given to Danescroft's promotion site in Section 4 below.

3.21 Turning to the Council's housing trajectory appended to the Plan it is apparent that there are problems with the supply the Council has identified and relies upon to meet its heavily reduced housing target of 5,355 dwellings.

3.22 The Council proposes a stepped housing trajectory of:

- 500 dpa – Years 1-5
- 450 dpa – Years 6-10

⁷ Pages 167-169 of the SA – January 2020

- 121 dpa – Years 11-15
- 3.23 The application of the stepped housing trajectory is in order to engineer a rolling 5-year supply of deliverable housing land in accordance with Paragraph 73 of the Framework.
- 3.24 When the Council's supply sources are examined and, in the absence of any evidence from the Council to demonstrate compliance with the deliverability test set out at Annex 2 of the Framework, it is apparent that even with a stepped trajectory the Council is unable to demonstrate a rolling 5-year supply of deliverable housing sites.
- 3.25 The position is made worse if the Council was to seek to apply Paragraph 74 of the Framework⁸ and a 10% buffer is applied to the calculation.
- 3.26 The tables attached at Appendix 3 of these representations demonstrate the deficiencies in the Council's housing trajectory when the Annex 2 test is applied to the following supply sources:
- SHLAA Sites
 - Windfalls
- 3.27 Neame Sutton considers that a number of the Council's other supply sources may also fail the Annex 2 test, but it is clear from the headline analysis set out in Appendix 3 to these Representations that the trajectory fails even if only windfalls are reduced.
- 3.28 The Council therefore needs to rectify the deficiencies in its heavily reduced housing trajectory as a bare minimum for the Plan to be found Sound. The simple solution to this is to identify more supply.

⁸ It is unclear from the evidence whether the Council does intend to fix its 5-year housing land supply via Paragraph 74 of the Framework or not.

4.0 Site-Specific Representations in Relation to Land at Steers Lane, Crawley

Policy H2, Paragraphs 12.32 – 12.37, Policy CL4, Policy EP4, Noise Annex, SA – OBJECT: Unsound

- 4.1 At the point of the Regulation 18 consultation stage in September 2019 the Council included Danescroft's promotion site within the Plan as an allocation for a minimum of 75 no. dwellings.
- 4.2 In the context of this Regulation 19 consultation the Council has inexplicably removed the site as an allocation albeit that the land remains within the defined urban area on the draft Plan Proposals Map. The only evidence produced by the Council to support its removal if the site as a housing allocation is contained in Strategic Housing Land Availability Assessment ("SHLAA") (January 2020) wherein the Council concludes the site is not suitable due to the presence of a noise constraint relating to the potential second runway at Gatwick Airport⁹.
- 4.3 The justification set out in the SHLAA for the removal of the site is based on a revision to the Council's Noise Annex contained at Page 270 of the draft Plan, which lowers the previously accepted predicted noise level for the proposed second runway from 66 dB down to 60dB. No evidence is presented by the Council to support this change in the noise level that it now considers is the threshold for residential development.
- 4.4 The change is particularly odd given that the Council remains of the opinion (as set out in the draft Noise Annex) that 66dB is the appropriate noise level in relation to surface transport. In other words it is acceptable for a residential proposal to come forward in an area affected by road transport noise upto 66 dB, but not if aviation noise is at 60 dB. This cannot be right.
- 4.5 Setting aside the above points the Council has made the changes to the Plan to remove the promotion site as an allocation in the full knowledge that its Development Management team had been processing a planning application on the site, which has recently gained consent at Appeal for upto 185 no. dwellings. In giving consideration to the matter of noise the Inspector concluded that the living environment for the proposed dwellings would be acceptable having regard to both road and aviation noise.

⁹ Page 146 of SHLAA January 2020

- 4.6 The promotion site should therefore be reinstated as a Commitment for upto 185 no. dwellings to reflect the planning consent that has been achieved.
- 4.7 All of the above points relate to Area A of the promotion site, which equates to just over half of the area.
- 4.8 The remainder of the land (Area B on the plan attached at Appendix 1) has the capability to deliver upto a further 100 no. dwellings. The only constraint on this land relates to the potential second runway at Gatwick Airport and the consequent impact in terms of noise contours.
- 4.9 Danescroft's acoustic specialists Aecom have undertaken an up-to-date noise assessment of Area B (attached at Appendix 2), which confirms the current noise environment for the land and also deals with the current intentions of GAL in relation to the use of London Gatwick Airport's standby runway for normal activities. The Approach that GAL is now taking to the expansion of the airport will remove the constraint on Area B in terms of aviation noise and therefore enable the land to be developed for residential purposes.
- 4.10 The Council has not considered the potential of Area B within its SHLAA nor has it considered the change in approach by GAL and the implications it has in releasing potential for further residential development.
- 4.11 Area B should therefore be included as land suitable for residential development subject to GAL concluding its current Scoping Exercise to release the constraint on the standby runway for normal activities.
- 4.12 The inclusion of Area B as a housing allocation would enable the Council to deliver upto another 100 no. dwellings (40 no. of which would be affordable) making a valuable contribution to the significant housing needs in the Borough.
- 4.13 Danescroft would welcome the opportunity to work with the Council in relation to the allocation of Area B for housing as part of the emerging Local Plan.

5.0 Areas Where Changes are Required for Plan to be Legally Compliant and Sound

- 5.1 As set out in Section 2 of these representations the Plan is currently not legally compliant.
- 5.2 The Council therefore needs to rectify the significant deficiencies in the Plan's evidence base, particularly in relation to DtC, and then restart the Regulation 19 consultation stage. This is essential to ensure that the Plan does not fail at the Examination stage.
- 5.3 As part of addressing the significant deficiencies in the Plan's evidence base the following key changes are required to the Plan for it to be made Sound:
1. Restarting the SHLAA process to properly assess the potential from all land sources within the Borough to accommodate the housing needs of the Borough;
 2. Include land at Steers Lane (Area A) as a Committed Site in the housing trajectory for upto 185 no. dwellings to reflect the planning consent that exists on the land;
 3. Consider the opportunities for allocating further land that may be released from the Gatwick Airport noise constraint as a result of the approach that GAL is now taking regarding the use of the standby runway i.e Steers Lane Area B;
 4. Ensuring that the evidence base is complete before proceeding to a fresh Regulation 19 consultation;
 5. The SA needs to be undertaken again once the evidence base is complete to avoid unsubstantiated assumptions being applied to the assessment process; and,
 6. Addressing the delivery deficiencies in the housing trajectory to ensuring a rolling 5-year housing land supply can be achieved across the Plan period i.e. addressing the Annex 2 deliverability test.
- 5.4 Without the above changes/actions the Plan fails the Legal Compliance test in terms of the DtC and the evidence base and is also unsound.
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