



Crawley 2035

<p>Ref No:</p> <p><i>Office use only</i></p>
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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
Title:	<input type="text"/>	Mr
First name:	<input type="text"/>	Tony
Surname:	<input type="text"/>	Fullwood
Organisation:	The Bucknall Family	Tony Fullwood Associates Chartered Town Planners

Address line 1:	<input type="text"/>	Grove Cottage
Address line 2:	<input type="text"/>	Iden Green Road
Town/city:	<input type="text"/>	Iden Green
Postcode:	<input type="text"/>	TN17 4HB
Telephone:	<input type="text"/>	01580240715 07813303986
Email:	<input type="text"/>	tonyfullwoodrtpi@aol.com

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:	<input type="text"/>	Policy:	Policy H2: Land east of Balcombe Road/Street Hill, Pound Hill. Housing, Biodiversity and Heritage Site allocation criterion (v)	Other:	<input type="text"/>
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5. Do you consider the Local Plan to be: (Please tick)

- 5.1. Legally compliant? Yes No
- 5.2. Sound? Yes No
- 5.3. Compliant with the duty to co-operate? Yes No

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

See attached submission document.

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.

Amend wording to Policy H2 Housing, Biodiversity and Heritage Site creation (v) to that included in the adopted plan:

v. Limit harm to the species-rich meadows grassland which contributes to the Local Wildlife Sites (LWS);

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:

See support document attached.

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

Mr. Tony Fullwood of Tony Fullwood Associates Chartered Town Planners

Date

24/02/2020

Response to Regulation 19 Crawley Borough Local Plan 2020 – 2035, January 2020

Support

Policy H2: Land east of Balcombe Road/Street Hill, Pound Hill

I act on behalf of the Bucknall family – owners of the Housing, Biodiversity and Heritage Site allocated within Policy H2 (Key Housing Sites) in the Crawley Borough Local Plan 2015 – 2030. It is common ground with the Borough Council that the site remains suitable, available and achievable.

Site Suitability

There are no changes in national policy which either diminish the need for housing in the Borough or further constrain development. Up to date evidence in the form of the Standard Method Housing Need Calculation indicates a total need for 752 dwellings per annum during the Local Plan review period compared with the average annual requirement in the adopted Plan of 340 dwellings per annum. The draft Local Plan states that there will be an unmet housing need of approximately 5,925 dwellings within the Borough over the Plan period. It is clear from local evidence that effective use must be made of land already allocated in the adopted Local Plan.

The site remains eminently suitable to deliver 15 dwellings as previously confirmed by extensive evidence; the Local Plan Inspector's report and its allocation in the adopted Local Plan. The landowner accepts adopted Local Plan Policy H2.

Site Availability

The site remains immediately available and would already have been brought forward for housing development but for a frustration caused by the difficulties encountered by the Borough Council in the production of a satisfactory and lawful Development Brief referred to in Policy H2.

A Development Brief was first issued for consultation in July 2017. The lengthy document (62 pages) sought to go beyond the Local Plan in constraining development at the site to the point where Counsel advised the landowner that, in its present form, the Brief was unlawful because it is in conflict with the Local Plan. A second 58 page consultation draft Development Brief was issued in November 2018 with similar flaws to the first version. On both occasions, the landowner has sought to ensure that the requirements set out in the draft Brief do not go beyond those contained within Policy H2 or which may be legitimately imposed from other Local Plan policies. The Local Plan Inspector's Final Report to Crawley Borough Council (2 November 2015) states:

The fact that the principle of housing development on the site is established through a specific allocation is sufficient to allay concern about conflict with other local plan policies (Para 57).

There is an absence of any recognition in the draft Briefs that the Inspector accepted that the development would cause some harm, but considered that this was outweighed by the need

for housing and the environmental mitigation measures considered, and that an allocation for 15 houses represented an appropriate balance between those two considerations. Instead, the draft Briefs appeared to be seeking to eliminate any harm and to over-constrain development.

An acceptable and lawful Development Brief has still to be adopted by the Borough Council despite allocation of the site in the adopted Local Plan in December 2015 and consultation on the first draft Development Brief in July 2017. The SHLAA, January 2020, states that the council will continue to engage with the landowner and progress the Development Brief to adoption in order to facilitate the coming forward of a suitable scheme and the Bucknall family look forward to positive engagement in order to ensure an acceptable and lawful Development Brief that facilitates the early delivery of a sensitive and viable housing development.

Site achievability

The site can be, and should already have been, delivered and is considered to be viable and achievable provided the Development Brief does not impose further restrictions and requirements beyond those agreed by the Local Plan Inspector and contained within adopted Local Plan Policy H2. It is for the Local Planning Authority to enable the delivery of this allocated site by ensuring the requirements sought by the Inspector and the adopted Local Plan as necessary and justified mitigation measures are not supplemented in the Development Brief such that the allocation is no longer viable or deliverable.

Conclusion

There is strong justification for retaining Land east of Balcombe Road/Street Hill, Pound Hill as a deliverable Housing, Biodiversity and Heritage Site allocation within Policy H2 (Key Housing Sites) and the Bucknall family wish to strongly support its retention in the emerging Crawley Borough Local Plan 2020 – 2035.

Objection to Policy H2 Housing, Biodiversity and Heritage Site allocation criterion (v)

The Bucknall family wish to object to the proposed amended wording in criterion v. The criterion now seeks to '**avoid**' rather than '**limit**' harm to grassland on the site. The inclusion of this wording would result in this part of the Regulation 19 Local Plan not being effective or consistent with national policy – consequently making this part of the Local Plan unsound.

Effective

The restriction to avoid harm to grassland within the housing site could be detrimental to the site being deliverable over the plan period.

In considering the allocated site, the adopted Local Plan Inspector stated:

The most important attribute of the SNCI, the species-rich meadow grassland, has diminished appreciably since designation as a result of encroaching bramble scrub. Without intervention all the meadow grassland habitat will in time be replaced by bramble and, ultimately, woodland. Proper management of the two-thirds of the SNCI not affected by development would enable the decline of the remaining species-rich meadow habitat to be

arrested. Mitigation of this nature, secured as part of the development, would offset the harm caused by the loss of part of the meadow and (as with the heritage assets) represents a balanced approach to meeting the housing needs of the area.

It is clear that the Inspector's decision was based on an acceptance that the grassland within the housing area would be lost, and that the objective of securing net gains for biodiversity would be delivered on the other parts of the Site (hence the allocation of the wider Housing, Biodiversity and Heritage Site). The attempt to impose the revised wording to 'avoid harm' would severely undermine the ability of the site to deliver housing development in line with the Inspector's conclusions.

The Local Plan Inspector clearly had in mind the wider tests of achieving sustainable development when allocating this site. In particular he referred to the social benefits of achieving a "nonetheless significant contribution towards meeting Crawley's housing need on a site within Crawley". He was also clearly mindful of the environmental benefits which can be achieved as a result of development but was no doubt aware that achieving a certain scale of development would result in some limited and acceptable harm to the grassland. This is reflected in his proposed modification (now included in the Local Plan) which sought to '**limit**' harm in the adopted Local Plan.

This is confirmed in the Sustainability Appraisal which in relation to the Housing, Biodiversity and Heritage Site states:

*...it is essential that appropriate mitigation measures are in place and secured to **limit** the negative impacts of development (**my emphasis**).*

It is not acceptable, and should not be necessary, to rely on the phrase at the foot of Policy H2 which states that where impacts cannot be avoided adequate mitigation and compensation measures will be provided to offset any harm caused to the site's important assets. This leaves greater uncertainty over how the Borough Council will apply criterion (v) in their interpretation of NPPF Para 175 (a) in the future. In any event, in the case of the allocated Housing, Biodiversity and Heritage Site the change to criterion (v) represents an unnecessary change to Policy H2 when it has already been accepted by the Local Plan Inspector and in the adopted Local Plan that, as a consequence of this allocation, there will be limited harm to the grasslands. The proposed amendment by the Council is reminiscent of the approach to the draft Development Briefs which in places seek to eliminate any harm rather than accept the Inspector's and the Local Plan approach that there will be limited harm (and compensatory benefits) which are outweighed by the need for housing and the opportunity to achieve this on a suitable site in Crawley.

The need for this change is compounded by the revisions to Policy CL8: Development Outside the Built Up Area. Policy H2 Housing, Biodiversity and Heritage allocation sits within the Tilgate/Worth Forest and Fringes. This part of Policy CL8 has been amended to include reference to biodiversity:

*Proposals within Tilgate Country Park and Worth Conservation Area/Worth Way LWS should conserve and enhance their high landscape **and biodiversity** value and potential for improved green infrastructure links to other areas. (**my emphasis**)*

There is no caveat to this policy to allow for mitigation.

The restriction to avoid harm to grassland within the housing site adds unnecessary uncertainty and could severely undermine the delivery of this otherwise suitable, available and achievable site in the early part of the plan period - rendering this part of the plan ineffective.

Consistency with national policy

The NPPF (Para 170) states:

Planning policies ... should contribute to and enhance the natural and local environment by:

a) protecting and enhancing ... sites of biodiversity... (in a manner commensurate with their statutory status or identified quality in the development plan)...

d) minimising impacts on and providing net gains for biodiversity...

The attempt in Criterion (v) to avoid harm is not consistent with national policy for a site of this status.

Modification necessary to resolve the issue identified

Amend wording to Policy H2 Housing, Biodiversity and Heritage Site creation (v) to that included in the Adopted Local Plan:

v. **limit** harm to the species-rich meadow grassland which contributes to the Local Wildlife Sites (LWS);