



Crawley 2035

Ref No:

Office use only

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:	Miss	
First name:	Catherine	
Surname:	Rylands	
Organisation:	Reigate & Banstead Borough Council	

Address line 1:	Reigate & Banstead Borough Council, Town Hall	
Address line 2:	Castlefield Road	
Town/city:	Reigate, Surrey	
Postcode:	RH2 0SH	
Telephone:	01737276049 07800541520	
Email:	catherine.rylands@reigate-banstead.gov.uk	

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:	Local Plan (As a whole)	Other:	
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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.

We have raised issues on the above three in relation to the Regulation 19 Publication Local Plan which we trust will be resolved prior to submission.

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.

As stated in our response (submitted via email).

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:

Please see our response submitted via email.

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

Miss Catherine Rylands
completed online

Date

02/03/2020

Planning Policy

By email

Our Ref: CLP/19/0320

Date: 2 March 2020

Dear Strategic Planning,

Crawley 2035 – Local Plan Review – Regulation 19 Publication, draft Sustainability Appraisal/ Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Thank you for the opportunity to comment on the Regulation 19 Crawley Borough Local Plan 2020-35 (January 2020), draft Sustainability Appraisal / Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report. We have the following comments.

Outstanding Evidence

We appreciate the need for swift adoption of the Local Plan Review to ensure that Crawley Borough Council (CBC) retains an up-to-date Local Plan in accordance with Paragraph 33 of the revised National Planning Policy Framework (NPPF). However, we think that it may be prudent to consider completion of further evidence before finalising and submitting the draft Local Plan for examination.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”), require at Regulation 19 Publication a copy of each of the “proposed submission documents” (and a statement of the representations procedure) to be made available in accordance with Regulation 35 of the Regulations.

As part of this publication, we have been invited to consider whether the Local Plan complies with legal requirements, the duty to co-operate and is sound. For reasons of

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-

Manager: Lucinda Mould, Head of Places and Planning
Town Hall, Castlefield Road, Reigate, Surrey RH2 0SH

legal compliance, we are concerned that there are a number of key pieces of evidence that are key to assessing needs within the borough and identifying an appropriate strategy to meet the identified needs, that we would expect to be included as “proposed submission documents” to inform the Plan review which have not been made available. These include Plan viability; transport modelling; open space, sport and recreation; heritage; Gatwick sub-region Water Cycle Study and Strategic Flood Risk Assessment; and Gypsy and Traveller Needs Assessment. Given that these studies have not been made available, we and other specific and general consultees will not have had an opportunity to consider these evidence documents (save the Gatwick Water Cycle Study which we are jointly commissioning), nor how their findings may justify the strategy in the Plan to be submitted. Part of the test of soundness (NPPF Paragraph 35) is for the Plan’s strategy to be based on proportionate evidence.

Legal Compliance and Duty to Co-Operate

Section 33A of the Planning and Compulsory Purchase Act 2004 places a duty upon local authorities and other prescribed bodies to co-operate on strategic matters that cross administrative boundaries. In order to demonstrate compliance with duty to co-operate, Paragraph 27 of the revised NPPF states that “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”. It advises that “these should be produced using the approach set out in national planning practice guidance, and be made publicly available throughout the plan-making process to provide transparency”. Compliance with national policy, which includes the NPPF, is part of the test of soundness of a Local Plan.

As part of the Regulation 19 publication we note that no statements of common ground have been produced, and this Council has not been approached yet by CBC to produce one. This is contrary to Paragraph 020 Reference ID: 61-020-20190315 of the national planning practice guidance (PPG) which specifically advises that “authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated”.

It also leads to questions regarding the soundness of the plan proposed. Paragraph 35 of the revised NPPF which outlines the tests of soundness states that for plans to be “positively prepared”, plans should provide a strategy which is informed by agreements with other authorities and that in order for plans to be “effective” they should be based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

Without statement of common ground(s) it is difficult to understand what the strategy will be to meet unmet needs in the borough, which again raises questions of soundness.

Housing Needs

As part of this Regulation 19 Publication RBBC have been asked to formally confirm whether we can meet any of CBC’s unmet housing need.

Whilst we appreciate the challenges and constraints faced by CBC, we note that the scale of potential unmet housing need in the Regulation 19 Crawley Local Plan is significant. RBBC also faces considerable constraints, including significant extent of Green Belt, AGLV and flooding, which limits our own ability to accommodate growth. The constrained nature of our borough was acknowledged and accepted through Examination of our adopted Core Strategy (2014, reviewed 2019) which recognised that we were unable to fully meet our objectively assessed housing needs in a sustainable manner, giving rise to a shortfall of our own of 2,100-2,700 over our plan period. As such, whilst we are committed to maximising housing supply (as demonstrated through our recent delivery record and housing delivery test score), and to working together to understand how housing needs can be met as fully as possible, we are not in a position to accommodate any of Crawley’s identified unmet housing needs.

Whilst we appreciate that our Core Strategy recognises that migration between our respective boroughs (and beyond) would continue and be facilitated within the Core Strategy housing requirement of at least 460 dwellings per annum, we would reiterate that there is no specific quantified allowance for Crawley’s unmet needs within our adopted housing requirement.

Although there is an allowance within our housing requirement for between 90-130 dwellings to cater for net in-migration into the borough, there is no specific quantified allowance for in-migration from individual boroughs. Notably, the Strategic Housing Market Assessment (SHMA) used to inform our Core Strategy showed that the greatest numbers moving into RBBC were from Greater London and Tandridge, not Crawley. Given this position, to ensure that it is clear for readers that the strategy for meeting Crawley's unmet needs does not include allowances within RBBC's housing requirement, we request that Paragraph 2.27 of CBS's Regulation 19 Local Plan is amended to reflect the fact that there is no specific requirement within our adopted housing requirement to specifically cater for unmet needs within the Crawley / the North West Sussex Housing Market Area.

Similarly, in order to be explicit with regards to the strategy to meet Crawley / North West Sussex Housing Market Area unmet housing needs, we also request that Paragraph 2.30 of the Regulation 19 Crawley Borough Local Plan is amended to make it clear that the new neighbourhood level extensions to Horley (the adopted Sustainable Urban Extensions within RBBC's DMP) are to meet RBBC's housing needs and not Crawley / North West Sussex Housing Market Area unmet needs. We also note that Figure 2 below this Paragraph which refers to "Planned Development Adjacent to Crawley" depicts the Horley Strategic Business Park and not the adopted Sustainable Urban Extensions in / around Horley.

For reasons of soundness, we request that with regards to housing market areas, that Paragraph 2.26 of the Regulation 19 Crawley Local Plan is amended to accurately reflect only localised links between Horley and the North West Sussex Housing Market Area (and not our borough as a whole). Whilst we accept that there are some very localised linkages between Horley and the North West Sussex authorities, as defined in the 2008 East Surrey SHMA, RBBC forms part of an East Surrey HMA with Elmbridge, Epsom & Ewell, Tandridge and Mole Valley. As drafted, Paragraph 2.26 could be interpreted as suggesting a much greater degree of interaction between our housing market areas than the evidence supports.

Notwithstanding our position, more generally we support the strategy of neighbouring authorities accommodating Crawley's unmet need where they can deliver this near to the administrative boundary of Crawley (subject to sites being identified as suitable,

sustainability appraisal etc.). We also support the strategy of affordable housing provision in these areas being delivered to meet Crawley's affordable housing needs as otherwise Crawley's unmet affordable housing need (which the SHMA identifies as a substantial 739 dwellings per annum) may remain unmet as Crawley residents may be unable to qualify for affordable housing in adjoining boroughs.

Housing Trajectory

We note that the Housing Trajectory includes a windfall allowance of 55 dwellings per annum for each year of the plan period. Whilst we recognise that this is the same provision as that currently included within Crawley's Local Plan (2015-2030), taking into consideration the tests of soundness, we question whether this windfall allowance is justified. Paragraph 70 of the revised NPPF states that "where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply" and that "any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends". We note that no evidence has been provided as to whether the current windfall allowance continues to be an appropriate level going forward (no evidence for example has been provided on previous levels of windfall delivery).

In relation to windfalls we also note that the January 2020 Strategic Housing Land Availability Assessment (SHLAA) identifies three potential sites as coming forward as windfalls: 46-48 Goffs Park Road; 102-112 London Road and 2-4 Tushmore Lane; and 116-136 London Road. We consider that these sites should all be excluded from any windfall allowance: the later two are identified as not currently available due to multiple landownership and the former is already included within the trajectory as an identified site to come forward within the plan period (we also question whether it should be included in the trajectory as it has uncertain landownership).

We also note that the Housing Trajectory includes a number of deliverable and developable "suitable SHLAA sites". We note that a number of the developable sites (such as Rear Gardens Dingle Close/ Ifield Road and Rear Gardens Snell Hatch/ Ifield Road) are included in the trajectory despite not being promoted for housing development. We question therefore, whether in line with the NPPF glossary, there is a reasonable prospect that these sites will become available for development at the

point envisaged. Whilst we appreciate the importance of identifying suitable sites as part of the SHLAA, we question whether they should be included in the trajectory as deliverable / developable sites and whether instead they should be treated as windfall sites.

Gatwick Airport

GAT1 “Development of the Airport with a Single Runway”

We consider that the overarching strategy proposed in Policy GAT1 is sound. It is in line with the strategy in our Core Strategy (Policy CS9 “Gatwick Airport”) which the Core Strategy Inspector considered sound.

We agree that, as set out in proposed Policy GAT1 and Paragraphs 10.12 and 10.13, it is important that any future growth minimises the impacts of operation of the airport on the local environment and surrounding residents and that any future growth is supported by appropriate infrastructure and maximum benefits across surrounding authorities. In line with our own Core Strategy policy, we would therefore welcome reference in Policy GAT1 to the importance of joint working with neighbouring authorities and partners across the Gatwick Diamond through existing mechanisms such as Gatwick Officers Group to ensure that these shared strategic objectives are achieved for all.

GAT2 “Gatwick Airport Related Parking”

We strongly support the approach set out in this policy and consider that the proposed approach is sound. The proposed policy is aligned with our adopted DMP Policy TAP2 “Airport Car Parking” which our DMP Inspector considered sound, and reflects the long-standing, cross-boundary approach to the management of parking associated with the airport.

GAT3 “Employment Uses at Gatwick”

We strongly support the approach outlined in proposed Policy GAT3 and welcome the recognition within this policy and the supporting text of the importance of demonstration that new non-airport related commercial floorspace within the airport boundary will only be permitted where it can be demonstrated that it will not have an unacceptable impact on the role and function of town centres and employment areas beyond Crawley’s boundaries.

We consider that this approach is sound and in accordance with the sequential test for main town centre uses, seeking to ensure that the role of town centres and employment areas is not impacted by non-essential airport related office provision at Gatwick Airport.

Safeguarded Land

We note that the draft submission Local Plan no longer proposes safeguarding land to the north of Crawley and south and east of Gatwick Airport for a potential future second runway. We note that instead Strategic Policy SD3 “North Crawley Area Action Plan” proposes designating this area for the preparation of an Area Action Plan which will commence within three months of the adoption of the Plan. The AAP will assess the needs for future growth and operational needs of the airport alongside other development needs arising in Crawley including economic growth, housing, infrastructure, community/ recreational facilities and any other uses identified through the evidence gathering and consultation on the Area Action Plan.

Whilst we understand that this is being proposed as CBC does not consider that there is, at this time, robust evidence within the draft Aviation Strategy, Aviation 2050, to continue the safeguarding of the land and that continual safeguarding is restricting the provision of land to meet economic, housing, infrastructure, community/ recreation and other needs, we have historically tentatively supported maintaining the safeguarded land in order to provide future flexibility for airport expansion (please note however that this should not be interpreted as Council support for a new southern runway).

Economic Needs

We welcome the amendment requested at Regulation 18 stage to proposed Policy EC1 “Sustainable Economic Growth” which removes the hierarchy for delivering new strategic employment land. We remain committed to joint working on strategic employment needs, but this amendment removes potential uncertainty for residents living within RBBC.

We support in broad terms of the commitment in proposed Policies EC1 “Sustainable Economic Growth” and EC2 “Economic Growth in Main Employment Areas” to make best use of and intensify existing employment areas. We note that the intention of these policies is in line with our DMP Policies EMP1 “Principal Employment Areas”,

EMP2 “Local Employment Areas” and EMP4 “Safeguarding Employment Land and Premises”.

Thank you for the opportunity to comment earlier on a previous draft version of the Northern West Sussex Economic Growth Assessment Update as part of duty to co-operate discussions. We note that the study has identified a need for -1.1ha employment needs (baseline job growth scenario), 33.0ha past development rates scenario) and 113.0ha (baseline labour supply scenario) and that Lichfields (Paragraph 8.74 North West Sussex Economic Growth Assessment Update) considers that for Crawley “the baseline job growth scenario does not appear to provide a robust scenario for positively planning for future employment space” and “that the Council [should] consider planning to accommodate the past take-up based requirement as a minimum, to enable historically strong levels of employment development to continue in the Borough over the new plan period”.

The Regulation 19 Crawley Borough Local Plan therefore seeks as a minimum to provide employment needs in line with the past development rates scenario. When subtracting the available land supply pipeline, it is stated that this gives an outstanding business land need of 21ha. This outstanding business land need however does not take into account any employment needs that are proposed to be met on the Horley Strategic Employment Site, Policy HOR9 of RBBC’s Development Management Plan. In addition to helping to meet RBBC’s strategic office needs, the Horley Strategic Business Park was also allocated to help meet CBC’s unmet strategic office needs. Taking into consideration the 45,513sqm of CBC’s unmet strategic office needs proposed to be accommodated on the Horley Strategic Employment Site, we consider that there is no unmet need for office accommodation (surplus of 62,524sqm baseline job growth scenario; surplus of 69,884sqm past development rates scenario; and surplus of 40,279sqm labour supply scenario).

In relation to potential unmet need for industrial, manufacturing and distribution accommodation, given our policy position (i.e. an up-to-date Local Plan) we can confirm that we are not able to assist in meeting this unmet need. We note that one option proposed to meet the identified unmet manufacturing and distribution needs arising in the Crawley is to assess the future growth needs of the airport for the

safeguarded land to the north of Crawley and to the south and east of Gatwick Airport, and to determine whether the future growth needs of the airport require any, or all of the land. If not, it is proposed that a sustainable site/s within the area will be designated to accommodate strategic employment needs based on Crawley's unconstrained business land requirements. Should this land be designated for employment needs, to ensure the approach is justified / effective, we consider that this provision should be focussed to meeting Crawley's unmet strategic manufacturing, industrial and distribution uses.

Retail and Town Centres

We support and consider that the town centre first approach proposed in Policy TC5 "Town Centre First" is sound. We note that it is consistent with national policy and the approach set out in our DMP (Policy RET5 "Development of Town Centre Uses Outside Town and Local Centres").

We note that for retail and town centre policies to be found sound, Paragraph 85 of the revised NPPF requires planning policies to define a network and hierarchy of town centres. This is defined in Paragraph 11.28 of the Regulation 19 Crawley Borough Local Plan¹. We would welcome / question whether there is a need for greater clarity with regards to the policy position of neighbourhood centres. Paragraph 11.28 appears to suggest that neighbourhood centres will be treated as out-of-centre sites, however, criterion (b) of Strategic Policy TC5 "Town Centre First" appears to suggest that neighbourhood parades will be given the same policy weight as town centres. We note that the revised NPPF excludes neighbourhood parades from the town centre definition, but question whether in a Crawley context neighbourhood centres are considered as town centres and that the use of the word reflects the historic new town designation.

¹ "For the purposes of policy interpretation, for retail uses Town Centre sites are defined as those locations falling within the Primary Shopping Area as identified on the Local Plan Map. Sites falling outside of the Primary Shopping Area, though within the Town Centre Boundary, are defined as edge-of-centre sites and these are the next most sequentially preferable sites. All locations beyond the Town Centre Boundary, in retail terms, represent out-of-centre locations".

If neighbourhood centres within Crawley are not given the same policy position as town centres, to be in accordance with the revised NPPF “town centre first” approach, we consider that there is a need to amend Strategic Policy TC5 to ensure that centres within other authorities in the retail catchment of proposals (for example town centres in RBBC) are given the same policy position as town centres in CBC.

We also question whether Strategic Policy TC5 criterion (b) should be amended – in accordance with Paragraph 89 of the revised NPPF – to take into consideration the impact on local consumer choice and trade as part of the impact on town centre vitality and viability. Whilst we note that Paragraph 11.35 advises that the retail impact assessment should take into consideration forecast trade draw, given the decision in *Cherkley Campaign Ltd, R (on the application of) v Mole Valley District Council and Anor [2014]* confirmed that the supporting text to a policy does not have the same weight as policy, we suggest that this requirement would be better included within the policy.

Similarly, we note that a retail impact threshold of 500sqm is proposed in Paragraph 11.34. We welcome and support the introduction of a lower retail impact threshold than the national standard to support / protect town centres and note that our adopted DMP includes a retail impact assessment threshold of 150sqm for comparison retail and 250sqm for convenience retail. Given the above appeal decision we suggest that this requirement would be better included in a policy rather than the supporting text.

Gypsies, Travellers and Travelling Showpeople

RBBC note that CBC is currently in the process of updating its 2014 Gypsy & Traveller Needs Assessment. We note that the current, 2014, Gypsy, Traveller and Travelling Showpeople Assessment identifies a potential need for up to 10 pitches and that this is the need that is currently being planned for in the Regulation 19 Crawley Borough Local Plan. We suggest that you may wish to consider the soundness of a proposed submission Local Plan policy “reserve” allocation, based on outdated evidence.

We note that the 2014 study sought to meet the needs of the Gypsies, Travellers and Travelling Showpeople as defined in the National Planning Policy for Traveller Sites. The current National policy is from August 2015, postdating CBC’s current evidence on G&T housing needs. Our DMP makes provision to meet the needs of households

who meet the National Planning Policy definition of “Traveller”, and also those who meet the wider equalities definition, and those for whom it was unclear. We would therefore urge CBC to also seek to meet the needs of both definitions in order to ensure that the needs of this wider group are properly planned for in accordance with the public sector equalities responsibility.

Should the updated G&T needs assessment study identify a greater need for Gypsy, Traveller and Travelling Showpeople than that currently being planned for, in order for the plan to be “justified” based on an appropriate strategy, and therefore sound, further sites may need to be identified to meet this updated need, a process which would require Main Modifications to be made to the proposed submission plan.

Whilst we note that proposed Policy H8 “Gypsy, Traveller and Travelling Showpeople Sites” allows windfall sites to come forward, subject to a criteria based approach, opportunities in the borough may be few given the land constraints and high land values.

We appreciate the land constraints within CBC, however, we would like to reiterate that whilst our DMP has sought to meet our pitch and plot needs through site-specific allocations and as part of wider housing/ employment/ community development on our Sustainable Urban Extensions, there is no surplus available to accommodate any potential unmet needs from CBC.

Strategic Policies

We note that from the table on page 10 of the Regulation 19 Crawley Borough Local Plan that adoption is anticipated for December 2020. Paragraph 22 of the revised NPPF advises that “strategic policies should look ahead over a minimum 15-year period from adoption (except in relation to town centre development), to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure”. Should the anticipated adoption slightly slip, the strategic policies in the plan will not look ahead over the minimum 15-year period.

Draft Sustainability Appraisal/ Strategic Environmental Assessment

We note that given that the Regulation 19 Crawley Borough Local Plan is largely a review of the current Crawley Local Plan, CBC have sought largely to only review the

previous SA / SEA conclusions, update where changes are proposed, and where new options are proposed consider these.

We recognise that the only policy that identified a potential negative impact is GAT2 “Gatwick Airport Related Parking”. As stated previously in this response, this policy is in line with Policy TAP2 “Airport Car Parking” in our adopted DMP and we support this approach and consider that it is sound as it reflects the historic and cross-boundary policy position to meet airport car parking needs.

More generally we have the following comments:

Measurability of criteria/ objectives: Whilst we appreciate that this is only a review of the current SA/ SEA, from reading the document there appears to be limited specificity with regards to the criteria and objectives used to assess the options.

Evidence: It is recognised that a number of evidence studies are still being finalised, the findings of these studies will need to be taken into consideration in an update to the SA/ SEA.

Paragraph 3.7: Incorrectly states that CBC has a 9.59 year land supply position, the Housing Trajectory produced to accompany the consultation identifies a land supply position of 5.80 years.

Paragraph A32: We question whether this paragraph should be amended to reflect the fact that as local authorities we work together to measure/ monitor/ mitigate air quality issues.

Paragraph C11: We note that the mix identified for affordable housing is different to that identified in Paragraph 13.14 of the Regulation 19 Crawley Borough Local Plan.

Paragraph C11: We note that only 0.5% of 4-bedroom properties have been delivered despite a need for 5%/5-10%. We are currently in the process of preparing a Affordable Housing SPD, as part of this our Housing Services Team suggested that we should require 3-bedroom accommodation to be provided as 3b6p accommodation not 3b5p as some of the need for 4-bedroom properties is due to families with three children not being able to be housed in 3b5p houses.

Paragraph D5: Recognises that “the allocated Horley Business Park in RBBC will help to meet some of Crawley’s unmet business land needs”, this however isn’t reflected in the economic growth options.

Policy H5: Affordable Housing: We note that Option 4 “40% affordable housing with no threshold” has been identified as the “chosen option”. Whilst we recognise the need for affordable housing, we note that this is contrary to national policy which states that “the provision of affordable housing should not be sought for residential developments that are not major developments” (Paragraph 63 revised NPPF). Major developments are defined in the revised NPPF as sites “where 10 or more homes will be provided, or the site has an area of 0.5hectares or more”.

We note that the options include only the provision of either 30% or 40% affordable housing with/out a threshold. No rationale for these options is provided. The 40% threshold is a continuation of the current Local Plan policy. No testing of a higher percentage requirement/ rationale for not including a higher percentage threshold.

Policy H1: Housing Provision: It is noted that five options were tested:

- Option 1: Housing requirement of 1,848dpa based on identified affordable housing need of 739dpa (i.e. total housing required to meet need on basis of 40% affordable housing provision)
- Option 2: Housing requirement based on Government’s standard method for calculating housing need, excluding the cap (752dpa)
- Option 3: Housing requirement based on Government’s standard method for calculating housing need, including the cap (476dpa)
- Option 4: Supply-led locally determined housing requirement (minimum of 357dpa 2020-2035 stepped as a 500dpa requirement years 1-5; 450dpa years 6-10; and 121dpa years 11-15)
- Option 5: Supply-led locally determined housing requirement (minimum of 357dpa 2020-2035 stepped as a 500dpa requirement years 1-5; 450dpa years 6-10; and 121dpa years 11-15) with ‘unmet need’ expressed.

and that Option 4 was identified as the “chosen option”.

Following our comments on the affordable housing appraisal, we note that no options were considered to deliver the full amount of affordable housing with a different percentage requirement.

More generally we note that some of the commentary is quite general/ includes untested statements such as for Option 1 “housing delivery at this level would be well beyond what has been achieved in recent years, suggesting that market factors and the capacity of the construction industry are likely to prevent delivery at this level, which would involve excess provision of market housing ... kit is also a level unlikely to be met or sustained by the housing industry (with annual delivery levels traditionally averaging around a quarter to a third of this)”.

Habitats Regulations Assessment Screening Report

RBBC recognises that for the 2015 Local Plan, evidence was gathered to demonstrate that the possible effects of the local plan would not have a significant impact either on their own or “in-combination” with other plans on the three European Sites within 15km of CBC. We understand that due to the findings of the Lewes and South Downs Joint Core Strategy 2017 Legal Challenge in relation to how “in-combination” effects are considered that CBC will do further work to understand the possible impacts on the European sites arising from the Regulation 19 Crawley Borough Local Plan and “in-combination” with other plans.

We suggest that when considering the findings of the 2015 Habitats Regulations Assessment Screening Report, consideration is given to the ‘People over Wind’ judgement² which clarified that when making screening decisions for the purposes of deciding whether an Appropriate Assessment is required, competent authorities cannot take into account any mitigation measures.

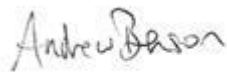
We note that Paragraph 5.6 states that “the following authorities have considered/ are considering the Habitat Regulation Assessment requirements as part of their plan-making processes in light of the legal judgement in relation to the “in-combination” effects ...”. As part of the preparation/ examination of our DMP, we also took into consideration “in-combination” effects. We then undertook an Appropriate Assessment which included consideration of the potential changes in air quality from

² Case C-323/17 People Over Wind and Peter Sweetman v Coillte Teoranta (‘People Over Wind’)

the “in-combination” effects on predicted traffic. It then assessed mitigation measures to protect the foraging habitat referred to as a ‘functional linkage’ of Bechstein’s bats surrounding the Mole Gap to Reigate Escarpment SAC. The Appropriate Assessment concluded that the DMP would not result in any adverse effect on the integrity of any European designated site within 15km of the borough boundary either alone or “in-combination” with other local authorities.

We hope that you find these comments helpful. Should you have any queries, please do not hesitate to contact us. We are very happy to discuss any of the points raised above in more detail.

Yours faithfully,

A handwritten signature in black ink that reads "Andrew Benson". The signature is written in a cursive style with a clear, legible font.

Andrew Benson

Head of Planning