



# Crawley

Local Plan

Ref No:

Office use only

## Crawley Submission draft Local Plan Representation

Please return your completed representation form to Crawley Borough Council.

Representations can be made via this form and emailed to [strategic.planning@crawley.gov.uk](mailto:strategic.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](http://www.crawley.gov.uk/privacy). Specific reference to the Local Plan and planning policy related public consultation can be found [here](#).

### 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"/>	<input type="text" value="Mr"/>
First name: <input type="text"/>	<input type="text" value="Tony"/>
Surname: <input type="text"/>	<input type="text" value="Fullwood"/>
Organisation: <input type="text"/>	<input type="text" value="Tony Fullwood Associates"/>
Address line 1: <input type="text"/>	<input type="text" value="Iden Green Road"/>

Address line 2:	<input type="text"/>	Iden Green, Cranbrook
Town/city:	<input type="text"/>	Kent
Postcode:	<input type="text"/>	TN17 4HB
Telephone:	<input type="text"/>	07813303986
	<input type="text"/>	01580240715
Email:	tonyfullwoodrtpi@aol.com	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:  Policy:  Other:

### 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 representation

*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.

See attached representation

*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:**

If the site is to be discussed at the Local Plan Inquiry, as site owners my clients would wish to be represented.

*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/localplanreview](http://www.crawley.gov.uk/localplanreview)

**Signature**

**Date**

# Response to Regulation 19 Crawley Borough Local Plan 2021 – 2037, January 2021

## Support

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

Tony Fullwood Associates 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 2021 – 2037. It is common ground with the Borough Council that the site remains suitable, available and achievable (SHMA, 2020).

#### *Site Suitability*

There are no changes in national policy which either diminish the need for housing in the Borough or further constrain development. Recent evidence (Worth Conservation Area Statement, February 2018, Non-designated Heritage Asset Assessment: Historic Parks and Gardens, September 2020, Flood Risk and Sequential Test for Site Allocations, October 2020 and Crawley Transport Study, May 2021) confirms that the site remains suitable for development.

The scale of unmet need in the Borough over the Plan period has increased to approximately 6,680 dwellings since publication of the Regulation 19 Draft Crawley Borough Local Plan 2020 – 2035. It is clear from local evidence that effective use must be made of land already allocated within the Borough 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 and has still to be adopted by the Borough Council despite allocation of the site in the adopted Local Plan in December 2015. The Borough Council should continue to engage with the landowner and progress the Development Brief to adoption. 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.

## *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 2021 – 2037.

## **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 - as currently worded in the adopted Local Plan H2 allocation.

This is the only change to the criteria wording for this allocation when compared with the adopted Local Plan. Whilst this single change may appear to be minor, inclusion of this proposed 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 part of 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 and the adopted Local Plan.

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.

Criterion (v) of the policy as worded even contradicts the Local Plan which states:

*'The potential impact of the development and long-term degradation of the valuable habitat on the site ... can be mitigated against through the appropriate high quality enhancement of the remainder of the site.'* (Para. 12.58)

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 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 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 Local Wildlife Site.

**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)