



Crawley

Local Plan

Ref No:

Office use only

Crawley Submission draft Local Plan Representation

Please return your completed representation form to Crawley Borough Council
by 5pm on 17 February 2021.

Representations can be made via this form and emailed to 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. 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="MS"/>
First name:	<input type="text"/>	<input type="text" value="Vilna"/>
Surname:	<input type="text"/>	<input type="text" value="WALSH"/>
Organisation:	<input type="text" value="AGGREGATE INDUSTRIES,
BRETT AGGREGATES LIMITED,
CEMEX, DAY GROUP"/>	<input type="text" value="FIRSTPLAN"/>

Address line 1:	C/O AGENT	BROADWALL HOUSE
Address line 2:		21 BROADWALL
Town/city:		LONDON
Postcode:		SE1 9PL
Telephone:		02030967000
Email:		VWALSH@FIRSTPLAN.CO.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:	9.46 12.53	Policy:	EC1, EC2, EC3, EC3, H2, EP4	Other:	Policies Map
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5. Do you consider the Local Plan to be: *(Please tick)*

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

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

Introduction and Relevant Background

Firstplan are instructed by Aggregate Industries UK Ltd, Brett Aggregates Ltd, Cemex UK Operations Ltd, and Day Group Ltd, the Operators of the Crawley Goods Yard, to provide the following response to the Crawley Submission Draft Local Plan 2021.

A response was previously made on behalf of the Operators of the Goods Yard to the Submission Consultation Draft as issued in January 2020. As detailed then the Operators were supportive of the draft Plan in the context of those parts/policies relevant to their site and operations. The changes proposed by the Submission Publication 2021 make some wording changes to Policies previously commented, make welcome additions to Policy EP4 (not previously commented on) and result in some policy/paragraph numbering changes. For

avoidance of doubt the comments previously made (Firstplan Letter dated 27 February 2020) have been updated and added to as relevant in light of the changes made to provide the full response on behalf of the Operators of the Goods Yard. It is confirmed that this response can supersede in full that previously submitted.

The Crawley Goods Yard is an established rail aggregates depot and safeguarded railhead. The goods yard has the capacity to handle a million tonnes of aggregate a year with the potential for expansion in the future. The site supports additional key minerals infrastructure and related development including two concrete batching plants, an asphalt plant and a construction and demolition waste recycling plant.

The operators of the Goods Yard were fully involved in the last Local Plan review which led to specific wording in the adopted version of Policy H2 in respect of the Tinsley Lane housing allocation site. This requires that development on this site must be *“planned, laid out and designed to minimise potential future conflicts and constraints on the important minerals function of the adjacent safeguarded minerals site”*.

The operators were subsequently also involved in providing comments in response to consultation undertaken on the Tinsley Lane Development Brief (Adopted April 2017). This now includes at Section 7 guidance on Noise.

The critical requirement of the Operators of the Goods Yard in considering the ‘soundness’ of the Crawley Submission Local Plan 2021 is in terms of ensuring that their safeguarded site is appropriately recognised not just in plan (map) form but in terms of how new development is considered in the surrounding area which could prejudice the future operation of their facility by the introduction of sensitive uses. Safeguarding of such sites is a requirement of the National Planning Policy Framework and sits in tandem with requirements under the ‘Agent of Change’ Principle.

Local Plan Map

The Local Plan Map identifies the Crawley Goods Yard as a ‘Safeguarded Railheads and Buffer (as per the WSCC and SDNPA Joint Minerals Local Plan 2018)’. This defines the safeguarded Goods Yard and the 250m buffer surrounding the site. This approach is strongly supported as it signposts those accessing the Local Plan to this important designation within the Joint Minerals Local Plan and therefore raises awareness of the need to take our clients’ site into account when proposing new development within this area. This approach was taken in the currently adopted Local Plan and found sound by the previous Local Plan Inspector. The protection of the Crawley Goods Yard is supported by the NPPF and joint Minerals Local plan and therefore the approach taken by the Council in expressly identifying the site in plan form is considered ‘sound’.

Strategic Policy EC1: Sustainable Economic Growth, Policy EC2: Economic Growth in Main Employment Areas and Policy EC3: Manor Royal and supporting Paragraph 9.46.

The Crawley Goods Yard is located within the Manor Royal Employment Area and as such Policies EC1, EC2 and EC3 and supporting paragraph 9.46 are relevant. These policies seek to protect the employment area for defined employment uses and are welcomed by the Goods Yard Operators. Protection of such areas for defined employment uses underpins the protection of the safeguarded operations and the specific reference at Paragraph 9.46 is supported in particular confirming the requirement to consult West Sussex County Council (WCC) as the minerals planning authority in relation to any planning proposals at or within the 250m Crawley Goods Yard consultation area.

Policy EC11 Employment Development and Residential Amenity

It is noted that Policy EC11 has similarities to the currently adopted Policy EC4 but with reworded and additional text referencing the 'agent of change' principle and confirming that residential development within the Main Employment Areas, except Town Centres, will not be supported. The policy also confirms that where residential or amenity sensitive development is proposed adjacent to the employment areas, the proposed uses must be designed to mitigate any impact from the existing or future employment use on the new residents. This approach is entirely consistent with the NPPF and 'agent of change' principle and is considered 'sound'.

Policy H2 Key Housing Sites

Policy H2 includes the Tinsley Lane, Three Bridges proposed housing site located in close proximity to the Goods Yard. Policy H2 replicates the same wording as appears in the currently adopted Local Plan and additionally references the now adopted Tinsley Lane Development Brief and requirement to comply with this. Additionally, supporting Paragraph 12.53 replicates paragraph 6.53 from the adopted Local Plan.

As was the case in respect of the Adopted Plan our clients continue to welcome specific wording within Policy H2, Tinsley Lane, and supporting text which requires that development must be carefully planned, laid out and designed to minimise potential future conflicts and constraints on the important minerals function of the adjacent minerals site. This wording was found sound by the previous Inspector and continues to be supported by National and Minerals Plan policy.

Policy EP4: Development and Noise

Policy EP4 in providing guidance both in terms of how noise sensitive and noise generating development will be considered is fully supported. In particular the additional wording now proposed by the Submission Publication 2021 (from that proposed in 2020) in the context of 'Mitigating Noise Impact' and specifically requiring that: *'Appropriate mitigation must be delivered as part of the development to ensure that the impacts of existing or known potential future noise sources are acceptable on the use being applied for by the applicant'* is fully consistent with NPPF 'agent of change' principle and is a helpful addition to the Policy.

Conclusions and Test of Soundness

The Goods Yard operators support the recognition of their site as a Safeguarded Railhead on the Local Plan Map and the identification of the buffer zone. They also support the wording of the policies referenced above. These are consistent with the policy approach found sound in respect of the currently adopted Local Plan and there has been no material change in the interim in terms of relevant NPPF or Minerals Plan requirements, other than the introduction of the 'agent of change' principle, which would support any different approach being taken in the new Draft Local Plan.

The Operators of the Goods Yard on this basis confirm their support for the Crawley Submission Draft Local Plan 2021 and consider it complies with the National Planning Policy Framework (NPPF) tests of soundness in terms of being 'justified', 'effective', 'positively prepared' and particularly with regard to the requirement to be 'consistent with national policy'. NPPF requirements in terms of the following are of particular relevance:

- That plans should be prepared with the objective of contributing to the achievement of sustainable development (Para 16a) – in this context ensuring that a highly sustainable operation (a rail served goods yard and associated plant) is appropriately safeguarded.

- Agent of Change Principle (Para 127 f) - That planning policies should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- Facilitating the sustainable use of minerals (Para 204 e) – critically, the requirement that planning policies should safeguard existing sites for: the bulk transport, handling and processing of minerals; manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

As previously confirmed, if there are any changes to the above policies or the Local Plan Map proposed during the course of the Examination in Public relevant to the matters raised, then our clients wish to reserve the right to make further 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.**

n/a

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 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

Signature

A handwritten signature in black ink, appearing to read "G. H. H. H.", is written on a white rectangular background. This white background is set within a larger grey rectangular box.

Date

18 March 2021