

Crawley 2037

Draft Crawley Borough Local Plan 2021 – 2037

June 2021

Regulation 19 Consultation

Representation on behalf of the Wilky Group



GatwickGreen

WHERE THE FUTURE WORKS

Policy IN1

Infrastructure Provision

June 2021



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:	Ms	Mr
First name:	Sally	Simon
Surname:	Fish	Fife
Organisation:	Wilky Group	Savills
Address line 1:	Fetcham Park	Wessex House

Address line 2:	Lower Road	Priors Walk
Town/city:	Leatherhead	Wimborne
Postcode:	KT22 9HD	BH21 1PB
Telephone:	01483 230320	01202 856912
Email:	Sally.fish@Wilky.co.uk	sfife@savills.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 <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.

Please see attached response and appendices

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 response and appendices

*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 Planning Inspectorate's procedure guide for Local Plan Examinations (Feb 2021) states at para 3.10 that a representor has a right to appear at Hearings where a change to the Plan has been sought.

Policy IN1 is an important policy that sets out the requirements for development to be supported by infrastructure and the means by which such infrastructure is to be delivered through the planning process. In the context of the proposed allocation of Gatwick Green, TWG is seeking an important change to the supporting text to the policy to provide for some flexibility in the means by which such infrastructure is to be delivered. It is therefore considered that the representation raises important and significant planning matters relating to the need for some flexibility in the delivery of infrastructure related to new development, which justify the attendance of TWG at the Hearings.

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



Date

29/06/2021

**Draft Crawley Borough Local Plan 2021 - 2037
January 2021**

Regulation 19 Consultation

Representation on behalf of the Wilky Group

Strategic Policy IN1: Infrastructure Provision

June 2021



1.0 Introduction

Background

- 1.1 This representation is submitted on behalf of The Wilky Group (TWG), which has a long-standing interest in the promotion of strategic employment land within the Crawley Borough Council (CBC) area. This representation relates to Strategic Policy IN1 Infrastructure Provision in the draft Crawley Borough Local Plan, 2021 (DCBLP / the Plan).
- 1.2 TWG owns about 48 ha (119 acres) of land east of Gatwick Airport as shown the plan at **Appendix 1**. The land has been promoted by TWG as a strategic employment opportunity known as Gatwick Green (the Site). The Site is proposed for allocation as a Strategic Employment Location (SEL) of 47 ha (116 acres) in the DCBLP under Strategic Policy EC4 as a comprehensive industrial-led development of predominantly storage and distribution uses under use class B8. The extent of the SEL allocation is identified on the plan at **Appendix 1**.

Scope of representation

- 1.3 This representation sets out the evidence in support of Strategic Policy IN1 with reference to:
- The National Planning Policy Framework (NPPF, 2019).
 - The planning Practice Guidance (PPG).

2.0 Strategic Policy IN1

Intention of policy

- 2.1 The purpose of Strategic Policy IN1 is to ensure that development on specific sites and across Crawley is accompanied by the delivery and maintenance of on-site and off-site infrastructure, including any infrastructure provided outside the Borough. 'Infrastructure' is defined in the DCBLP glossary and covers a wide range of physical public facilities¹, but does not include services, although this is referenced in the Reasoned Justification

¹ Includes transport facilities; such as roads, rail stations and bus stations; utility services, including water supply and wastewater and its treatment; waste management and disposal; telecommunications infrastructure; social and community infrastructure such as educational facilities and health facilities, cultural facilities, sports and recreational facilities and open space, parks and play space, libraries, cemeteries, and places of worship; emergency services; and flood defences.

at paragraph 8.7 – for consistency, the definition ought to be adjusted. The policy has four parts:

1. Development will be permitted where it is supported by, and coordinated with, the delivery and maintenance of infrastructure on or off-site or outside Crawley Borough, including the need to address any cumulative effects of development.
2. Protects existing infrastructure facilities and services from loss to development, unless an equivalent replacement can be provided.
3. Community Infrastructure Levy (CIL) applies to certain development as required in the Council's adopted CIL charging schedule.
4. Where appropriate, developer contributions will be sought in the form of Planning Obligations to address site-specific issues in accordance with the tests in the CIL Regulations – the anticipated contributions are set out in the Planning Obligations Annex associated with policies in the DCBLP.

2.2 The cross reference to the Planning Obligations Annex is important – the policy must be read and interpreted as an integrated policy with the Annex to ensure development within Crawley is served by, and helps provide, infrastructure of a suitable scale, quality and location so as to avoid harmful impacts. The Annex sets out the basis for planning obligations under various policies in the form of works, derived from contribution amounts based on formulas or generic approaches. This includes a formula for a sustainable transport contribution, which applies to all residential and commercial developments outside of the Gatwick Airport Boundary.

National planning policy and guidance

2.3 Strategic Policy IN1 is considered to be in accordance with the policy and guidance contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The need to plan for and protect infrastructure features throughout the NPPF. In relation to strategic infrastructure related to strategic land use policies such as Strategic Policies EC1 and EC4, it requires strategic policies to make sufficient provision for, *inter alia*, infrastructure to serve strategic development; such infrastructure includes transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, the provision of minerals and energy (including heat), and community facilities (such as health, education and cultural infrastructure) (para 20). The NPPF requires joint working between strategic policy-making authorities and other bodies to determine where additional infrastructure is necessary (para 26).

2.4 Local Plans should set out the contributions expected from development, including for infrastructure such as that needed for education, health, transport, flood and water management, green and digital infrastructure. Such policies should not undermine the

deliverability of the Plan (para 34). Paragraphs 54 – 57 deal with planning obligations to bring about the delivery of infrastructure related to new development. The policy guidance states that planning authorities should use conditions on a planning permission where possible, or otherwise, where a condition is not appropriate, use planning obligations. Where planning obligations must be secured, they must only be sought where they meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, i.e. they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

- 2.5 NPPF paragraph 57 goes on to confirm the importance of up-to-date policies that identify contributions expected from development – planning applications in accordance with such policies will be treated as being viable in line with the viability assessment of the Local Plan. The weight to be given to scheme-specific viability assessments at the application stage will depend on how up-to-date the Plan and related viability assessment are and any changes in the circumstances of the site since the Plan was adopted.
- 2.6 The importance of providing infrastructure features throughout the NPPF in relation to achieving sustainable development (para 8a); building a strong and competitive economy (para 81); promoting healthy and safe communities (para 91c); promoting sustainable transport (Section 9); supporting high quality communications (Section 10), and meeting the challenges of climate change (Section 14).
- 2.7 The NPPF policy is supplemented by more detailed guidance in Planning Practice Guidance (PPG) on planning obligations². PPG sets out guidance on the scope, nature and use of planning obligations under CIL or developer contributions. On planning policy, PPG states that policies should be set out in plans and examined in public and informed by evidence of infrastructure and viability assessments.
- 2.8 It is considered that Strategic Policy IN1 provides an appropriate basis for securing reasonable and proportionate planning obligations from new development. It is therefore consistent with national policy and guidance on infrastructure and planning obligations, and so represents a sound policy in the context of the tests at paragraph 35 of the NPPF.

The need to retain flexibility in application

- 2.9 PPG states that the evidence of need for infrastructure can be standardised or formulaic, and plan-makers should consider how needs and viability may differ between site

² <https://www.gov.uk/guidance/planning-obligations>

typologies and may choose to set differential requirements. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. It states that developers may be asked to provide contributions for infrastructure in several ways (Paragraph: 003 Reference ID: 23b-003-20190901), implying that there should be flexibility in how that is achieved.

2.10 PPG goes on to state that *“...if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development”*. Whilst this guidance implies a binary approach to the funding and delivery of infrastructure, in reality the picture will be somewhat less clear. In the case of Gatwick Green, some infrastructure ‘projects’ may be clearly required, whilst others may in part/full be triggered by past/future underlying growth or other development; in such cases, this may require a more nuanced approach. This therefore implies that the DCBLP should include some text that reflects the need for a flexible approach to the application of Policy IN1 and the Planning Obligations Annex. This supports the wording in Strategic Policy IN1 that:

- Developer contributions will be sought ‘where appropriate’.
- That contributions should be in accordance with the tests in the CIL Regulations.
- That the Planning Obligations Annex collates the ‘anticipated’ planning obligations associated with the DCBLP policies.

2.11 The policy therefore offers suitable room for reasonable and flexible application in the context of the tests in the CIL Regulations and other factors relevant at the time a planning application is made.

2.12 However, this flexibility is not reflected in the reasoned justification for Strategic Policy IN1. Paragraph 8.9 of the DCBLP sets out the approach to planning obligations and CIL, but it is considered that the Plan would benefit from some text to summarise the core of the Council’s approach and its role in working with developments to bring infrastructure forward. Aligned with the need for some flexibility, TWG has made representations to Strategic Policy EC4, Policy EC5 and the planning Obligations Annex variously seeking adjustments to policy/supporting text to provide more flexibility in the means by which infrastructure is to be secured, and the need for the developer and the Council to work together in that regard.

3.0 Proposed changes to Reasoned Justification to Strategic Policy IN1

- 3.1 In order to reflect the need to ensure a flexible approach to the identification of the most appropriate form of planning obligations and the Council's role, it is proposed that the following text be added to the end of paragraph 8.9 of the DCBLP:

“In summary, infrastructure will be funded via CIL or development contributions under s106, or otherwise provided as works undertaken by developers so as to make development acceptable in planning terms. Crawley Borough Council will work with developers to secure the delivery of infrastructure.”

- 3.2 Consistent with the above change, it is considered that the Infrastructure Plan (IP - part of the Council's evidence base) should contain the text noted above under the section headed 'How will infrastructure be delivered?'. The IP should also be updated with regard to any specific infrastructure projects required to make Gatwick Green acceptable in planning terms.

Appendix 1

Site Plan





GatwickGreen

WHERE THE FUTURE WORKS



Gatwick Green - Site Plan

Key

-  Proposed Strategic Employment Location under policies EC1 and EC4
-  Land owned by the Wilky Group

Scale 1:10000

