



Sussex
Wildlife Trust

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By email only

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Attn: Strategic Planning
Crawley Borough Council

Sussex Wildlife Trust Response to Jan 2021 Regulation 19 Submission Version – Crawley Local Plan.

Having reviewed the Submission Local Plan, the Sussex Wildlife Trust (SWT) wish to submit these additional comments. It is our understanding that our comments from our first Regulation 19 response in March 2020 will also be sent to the Planning Inspector, therefore unless stated otherwise, our comments in that response will not be duplicated in this response and still stand.

Where we are proposing a change to policy or the supporting text, recommended additions are highlighted in **bold** and deletions are ~~struck through~~.

SWT recommends that CBC is brave in setting out the constraints in the district to delivering housing. The Government have made it clear in their response to the changes to the current planning system consultation on the standard method (<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/governmentresponse-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>), that:

‘Within the current planning system the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.’

This response also states that ‘It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints.’

Crawley Local Plan

Spatial Context – Environmental Sustainability

We note that section 2.35 of the plan discusses sewage stress. SWT is pleased to see this discussed, given the potential harmful impacts on biodiversity and water quality. We assume the council is consulting positively on the emerging Drainage and Waste Water Management Plans being produced by Southern Water/Thames Water.

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Sustainable Development

Strategic Policy SD2: Enabling Healthy Lifestyles and Wellbeing

SWT note that our comments relating to the inclusion of the term high quality when discussing open space policy have been incorporated into the policy wording. Therefore we withdraw our comments related to this policy from our March 2020, Regulation 19 response.

When reviewing the revised Regulation 19 Submission Plan we have observed that policy **Strategic Policy SD3 North Crawley Area Action Plan** has been removed from this submission version. It appears that GAT 2 safeguarding land has been bought back into the plan within section 10 of the revised submission plan. Therefore please see comments relating to GAT 2 Safeguarding Land, further down within our Jan 2021 Regulation 19 submission.

We note the evidence base for the Local Plan includes a North West Sussex Statement of Common Ground. We note that this statement does not identify Biodiversity or Green infrastructure as a Strategic Matter under section 4 of the document. SWT seek clarity on the reasoning for the absence of these topics when they clearly are cross boundary matters and referenced as so within section 171 of the National Planning Policy Framework 2019.

We ask the Inspector to consider our comments in our original Regulation 19 response and our further comments in this Regulation 19 response to ensure there is clarity on the Council's position and we can determine the soundness of this approach for that area of land.

Section 4 Character, Landscape & Development Form

Strategic Policy CL6: Structural Landscaping

We note our comments relating to first regulation 19 stated that:

Strategic Policy CL6: Structural Landscaping This policy was previously within section 5 under policy LC1. We note that our proposed amendments have been incorporated and now sit within section 4.70.

SWT notes this amendment still stands, but now sit with paragraph 4.56.

Section 5 Design & Development Requirements

Strategic Policy DD1: Normal Requirements of All New Development

The comments submitted in SWT's original Regulation 19 response (March 2020) seem to suggest that our Regulation 18 comments had been incorporated in Strategic Policy DD1: Normal Requirements of All New Development. In the amended Regulation 19 version we note that the wording now no longer fully reflects our original amendments, but we do acknowledge that bullet point (g) does reference that all development should meet Biodiversity Net Gain requirements set out in Policy GI3.

Policy DD7: Crossovers

We question whether this policy or supporting text should also acknowledge the potential biodiversity and or flooding impacts of increasing hard standings, if the cross overs result in the loss of grass verges. We note Policy HA2: Conservation Areas, does reference the importance of grass verges.

Section 10 Gatwick Airport

GAT1 Development of the Airport with a Single Runway

SWT does not believe that the sustainable expansion of Gatwick Airport is possible against the backdrop of the legal requirement to reduce carbon emissions and meet net zero targets. We recognise that the policy does now reference biodiversity value in bullet point (ii), however we feel that the policy does not reflect the

need to demonstrated the requirement to avoid impacts as the first step, instead it references the need to minimise. This does not comply with section 175 of the National Planning Policy Framework.

SWT therefore propose the following amendment to the policy in bullet point (ii)

*The impacts of the operation of the airport on the environment, including noise, air quality, flooding, surface access, visual impact, biodiversity and climate change, are ~~minimised~~ **avoided**, where **this is not possible suitable** ~~necessary~~ ~~satisfactory~~ safeguards are in place to ensure they are appropriately mitigated and, as a last resort, **like for like** ~~fair~~-compensation is secured; and*

Policy GAT2: Safeguarded Land

We note that there has been uncertainty from the LPA about this policy throughout the consultation process, but that it has now been incorporated back into the submission version of the plan. SWT is concerned that points we raised in our original early engagement consultation September 2019 have not been clearly addressed. We highlighted that CBC have not currently made it clear what the safeguarded land would be considered potentially suitable for if the safeguarding was removed. SWT does not support the expansion of the airport, it must be made clear what the potential impacts on the land, and in particular those areas of high biodiversity value, will be if the safeguarding is removed to ensure that the policy is in line with section 170 and 174 of the NPPF.

Section 12 Housing

We note that the submission version of the Crawley Local Plan, has now had the Strategic Policy H3g: Urban Extensions removed. Instead pages 152-154 appear to consider similar points to those incorporated into the policy. We welcome Crawley's acknowledgement that the matter of Urban Extensions will be a significant cross boundary matter and that the policies of adjoining Local Authorities will be imperative in this process. SWT ask whether it is prudent to still consider the inclusion of a formal policy in relation to this issue to ensure a consistent and accountable approach. We make this statement as we are unclear of the weight given to the supporting text and want to ensure that the potential impact of this form of development is captured appropriately within the Local Plan.

Section 14 Green Infrastructure & Biodiversity

We note that the numbering of the policies within this section of the plan has change since the March 2020 Regulation 19 Consultation.

Policy GI2 Biodiversity Sites

GI2 has now changed to Biodiversity Sites. SWT's previous comments relating to this policy are captured under policy amendments GI3, in our March 2020 consultation response. Having looked at the Jan 2021 submission plan, we can see that amendments have been made to this policy in line with our comments. However, we wish to highlight again that SWT would ask CBC to consider an amendment to the policy that removes the final part of the sentence relating to past ecological surveys. This is because it may be the case that the site has not been previously surveyed, but it has features that are recognised as valuable for wildlife, for example veteran trees and species rich grassland.

We therefore recommend the following amendment to the first paragraph of the policy;

Up-to-date habitat and species surveys and associated reports will be required to accompany planning applications which may affect the areas listed below or sites showing likely ecological value. ~~based on past ecological surveys~~

GI3 Biodiversity and Net Gain

SWT previously submitted comments relating to this policy which was referenced as GI2 in the March 2020 consultation. We note that the local authority has made amendments to the policy in relation to information calculating net gain. However, SWT feels that this policy fails to adequately address what is required where Biodiversity Net Gain cannot be secured on site.

As stated in our previous consultation responses SWT would suggest that CBC ensure that they have a strategic plan in place for the delivery of Biodiversity Net Gain (BNG) that is required off site. SWT acknowledge that the Nature Recovery Network and BNG is still emerging through policy and legislation, however the plan will need to address the matter over its lifetime. A strategic approach is advised to ensure that where it is necessary to deliver biodiversity net gain, the gains are maximised and strategic in nature, in order to provide the best opportunities for biodiversity and the multiple benefits it can bring. SWT is aware of other local authorities within Sussex that have failed to take a strategic approach to biodiversity delivery, in terms of compensation for development, without the added need for net gain. This has result in developments that are unable to currently deliver the conditions of the approval. We therefore make this suggestion in order to ensure the plan is in line with section 174(b) of the NPPF 2019 and effective in delivery.

Section 16 Environmental Protection

Policy EP6: External Lighting

SWT is concerned that this policy does not reflect the need to consider the impact of light pollution on Biodiversity as required by section 180 of the NPPF. It is possible that bullet point 2 of the policy indeed has the potential to cause negative impacts for wildlife or causes uncertainty. This is because it states:

2) The means of lighting would be unobtrusively sited or well screened by landscaping or other site features;

It could be that the landscape features are actually being utilised by light sensitive species including bats and as such using the features could impact on their role in terms of connectivity and function for biodiversity.

Considering the policy does not address impacts to biodiversity from light pollution we suggest that it does not comply with 180 of the NPPF. We proposed an amended or additional bullet point to address this within the policy and make it sound. CBC could include:

- **ensure outdoor lighting is well designed; low impact; efficient; the minimum necessary with an appropriate balance between intensity, fittings, height and structures; and, not cause unacceptable detriment to public and highway safety, biodiversity, in particular priority habitat and species.**

Section 17 Sustainable Transport

Strategic Policy ST4: Safeguarding of a search corridor for Crawley Western Relief Road.

SWT is very concerned about the inclusion of this policy with very little explanation of the level of need, potential impacts or understanding of alternative options. The broad area appears to cover areas of known biodiversity value including a Local Wildlife Site and ancient woodland. We note that there have been a considerable number of updated evidence bases submitted alongside this plan, so if the council can point us towards the evidence related to this that we might have missed it would be appreciated.

We note further consultation has resulted in the availability of the Crawley Transport Study Report. We have looked at information relating to the Crawley Western Link Road Sensitivity Test in section 9 on the report. Whilst we are not familiar with all the technical detail used to assess these models as presented in this report, section 9.5.4 states : *A more detailed study is necessary to consider how the CWLR and its junctions may be designed in order to elicit the best attributes of the CWLR while minimising or eliminating any potential adverse impacts*

Adverse impacts could very well occur for the biodiversity in the area given the sensitives of the habitats in the safeguarded area, for example irreplaceable habitat such as Ancient Wood and Local Wildlife Sites. SWT are concerned that the current policy wording simply states that:

The design and route of the Western Link Road must take account of:

- a. *its impact on (but not limited to):*
- *residential and commercial properties close to the route;*
 - *the flood plain;*
 - *the rural landscape;*
 - *local biodiversity;*
 - *sports pitch provision and recreation facilities; and*
 - *heritage and heritage landscape assets and visual intrusion.*

We do not feel the current policy wording reflects the clear need with the NPPF section 175 to follow the mitigation hierarchy and avoid impacts in the first instance. SWT remain unclear about the true need for this Crawley Western Relief Road given the uncertainties presented in section 9 of the Crawley Transport Study Report. We would suggest that if the policy does proceed that amendments must be made to better reflect the requirements of the NPPF in relation to section 175. We do not believe in its current form that the policy wording is sound and therefore propose the following amendment to policy ST4 to better reflect this requirement:

*The design and route of the Western Link Road must **identify and avoid** ~~take account of:~~*

- a. *its impacts on (but not limited to):*
- *residential and commercial properties close to the route;*
 - *the flood plain;*
 - *the rural landscape;*
 - *local biodiversity;*
 - *sports pitch provision and recreation facilities; and*
 - *heritage and heritage landscape assets and visual intrusion.*

We hope our recommendations are adopted to ensure that the policies within the Crawley Local Plan are as robust and effective as possible. SWT would be happy to discuss any of the above points with CBC.

We do wish to attend the Examination in Public to ensure our views are given due consideration.

Yours sincerely,

Laura Brook
Conservation Officer
Sussex Wildlife Trust