



Crawley Local Plan

<p>Ref No:</p> <p><i>Office use only</i></p>
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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 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:	Mrs.	
First name:	Rebecca	
Surname:	Bishop	
Organisation:	Natural England	
Address line 1:	Customer Services, Hornbeam House	

Address line 2:	Crewe Business Park, Electra Way	
Town/city:	Crewe	
Postcode:	CW1 6GJ	
Telephone:	0300 060 3900	
Email:	consultations@naturalengland.org.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: 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.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

- **Draft Crawley Borough Local Plan 2021 – 2037 January 2021 - For Submission Publication Consultation: January – February 2021**

We welcome the further opportunity for involvement in your Local Plan process and our comments are given below.

Overarching comments

Plan- Making for Biodiversity in the Climate Emergency

Given the severity of the decline in biodiversity and the Climate Change emergency, Local Plans have a key role to play in planning for resilience, forecasting, and making space for

nature to adapt to a changing climate. Plans should seize the opportunity to help to reverse this decline through ambitious and integrated Plan-making which demonstrably avoids and minimises impacts and seeks all opportunities to help reverse the biodiversity decline. Plans must adopt a strategic approach through multifunctional Green Infrastructure provision and Nature Recovery Networks.

Opportunities for securing strategic resilient and multi-functional solutions to climate change must be secured through the Local Plan. We therefore advise that this section should reflect these requirements which will be essential for resilient Plan making. In this regard, we welcome the aims of your environmental objective, as set out in 3.1 of the above submission draft Local Plan document. However, this objective detail is not fully represented in the strategic objectives set out in the related **Strategic Policy SD1: Presumption in Favour of Sustainable Development**. Although SD1 objectives 1 and 4 address the aims of carbon neutrality, climate change adaptation and green infrastructure (GI) protection, enhancement and expansion; other elements of your sustainable development objective are missing. We therefore recommend that Strategic Policy SD1 be strengthened, so as to comply with the NPPF requirements. Of particular concern is the inclusion of objectives relating to natural resource use and the minimising of pollution; in view of the borough's water resource and air pollution constraints.

Other Policies

Please note that we have only provided comments on policies that are within our remit. However, please don't hesitate to contact us again, if you would like our comments on matters not covered in this response.

Policy OS3: Rights of Way and Access to the Countryside

We welcome the inclusion of this policy but are disappointed that this constraint has not been recognised as such in relation to some of the site allocations (see specific site comments below).

Policy CL9: High Weald Area of Outstanding Natural Beauty (AONB)

We welcome the inclusion of this policy but again, are disappointed that this constraint has not been recognised as such in relation to some of the site allocations (see specific site comments below). In addition, we advise that in order to fully comply with the provisions of the NPPF (para 172) and to demonstrably protect the statutory purpose of the AONB, your Local Plan Landscape Policy needs to be strengthened. A robust policy needs to not only protect and enhance the AONB and its setting but also its statutory purpose and Special Qualities.

We further note that your policy refers to potential development within the AONB. To be robust, the policy should include a requirement for alternative options for development to be included before proposing development which deleteriously affects nationally significant landscapes, for example by providing higher densities and/or different locations within your plan area.

Strategic Policy DD1: Normal Requirements of All New Development

We welcome the inclusion of this policy and note that our previous comments have been addressed.

Strategic Policy GAT1: Development of the Airport with a Single Runway

GAT1: ii. We advise strengthening this environmental impact section, to include avoidance of impacts. We suggest wording along the lines of; '...climate change, are avoided where possible, minimised...'. Without such amendment, for example, the areas of priority habitat (deciduous woodland, some of which is ancient woodland) which are located within the Airport site (as shown on the Crawley Local Plan Map), would not be sufficiently protected, as required by the NPPF (para 174).

Strategic Policy GI1: Green Infrastructure

We welcome the inclusion of this policy.

Strategic Policy GI2: Biodiversity Sites

We welcome the inclusion of this policy. However, although it is acknowledged that the plan area does not include any internationally designated sites, there are some in its vicinity. Therefore, potential detrimental impact on these sites needs to be considered in relation to potential development and should, therefore, be referred to in this policy, to comply with the NPPF:

“174. To protect and enhance biodiversity and geodiversity, plans should:

*a) ...safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of **international**, national and locally designated sites of importance for biodiversity:...”*

This is of particular relevance as the Plan will need to demonstrate that impacts to Arun Valley Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar Site will be avoided/mitigated as explained below.

Water Resources-Arun Valley SPA, Ramsar Site and SAC.

As stated above, we have previously provided advice regarding hydrological impacts, in relation to your ‘Report to Inform the HRA’. We also have the following related advice to offer, in relation to this current Local Plan consultation:

We welcome the ongoing engagement with your Authority regarding the requirement for all development served by Southern Water’s Sussex North Water Supply Area to demonstrate water neutrality.

As you are aware Natural England has reviewed data regarding the abstraction license at Hardham with the EA and the Water Company. Our role is to provide advice on potential impacts of abstraction operations on statutory wildlife sites.

In December 2019 Natural England wrote to Southern Water services to state that based on a recent evidence review of the Hardham groundwater abstraction, an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar features could not be excluded with certainty. This abstraction is a significant contributor during certain supply conditions to Southern Water’s Sussex North supply area. This area supplies Crawley and has clear implications for Plans and Projects in this area. Furthermore, the Gatwick Sub-Regional Water Cycle Study has concluded that water use within the district will need to demonstrate neutrality for enough water to be available to the district.

The Environment Agency and Natural England are working with Southern Water to try to identify a long term more sustainable water supply. In the meantime, whilst the adverse effect remains or is uncertain, development in Crawley must be certain not to add to this adverse effect.

This will need to be tested through Crawley Local Plan’s HRA, and again we welcome ongoing involvement in this process and the work that Crawley has undertaken thus far to assess this impact through the HRA. Once this has been completed it will support the test of soundness for the Local Plan. Therefore, in the absence of the completed HRA we cannot comment on soundness for this aspect of the Plan. As afore mentioned, we welcome the work you have commissioned thus far regarding water resources and look forward to continuing to work with you on this matter.

We advise that this requirement should be an essential target in the Sustainability Appraisal. With clear links to the quantum of housing numbers coming forward.

Policy GI13: Biodiversity and Net Gain

We welcome the inclusion of this policy and in particular, the requirement for development proposals to demonstrate the securing of a net gain in biodiversity. However, we recommend the addition of 'measurable' to this wording to strengthen the policy; as per the NPPF:

*"174...plans should...b)... identify and pursue opportunities for securing **measurable** net gains for biodiversity."*

We advise that the following should be included in the policy:

- We advise that this policy should include reference to the production of an SPD to provide details of how net gain will be effectively delivered and measured in practice with links to GI and Nature Recovery Strategies.
- We advise that Net gain should be incentivised for on-site delivery first demonstrating that the design and location of development has followed the mitigation hierarchy (as referred to in GI3:i) & ii)) but also demonstrating the securing of management for net gain in perpetuity for the lifetime of the development. Any residual impacts should be locally offsite, in line with Local Plan priorities/ Nature Recovery Strategy GI strategy. Funding for offsite delivery must demonstrate net gain with and be secured for at least 30 years via condition/agreement.

Strategic delivery of Net Gain

Key opportunities exist where net gain cannot be delivered on site to contribute towards strategic networks. This should be identified and cemented in Local Plans through GI Strategies. We advise partnership working for example with neighbouring LPA, wildlife trusts and Local Nature Partnerships will be key to establish strategic schemes.

Nature Recovery Networks

We note and welcome, the recognition of the value of green infrastructure as part of a Nature Recovery Network (section 14.9). Biodiversity net gain can also be a key contributor to Nature Recovery Networks. Nature Recovery Networks (NRNs) are about delivering the Lawton principles of – bigger, better, more joined up network. They are local spatial frameworks to recover nature; aiming for a natural environment where the biodiversity, functioning and resilience of ecosystems are re-established in an expanding network of both urban and rural spaces for nature that are sustainable into the future. NRNs are spatial planning frameworks with the principal focus on biodiversity and nature aiming to deliver nature recovery and restoration outcomes. We encourage your authority to realise the potential of the Crawley Local Plan to contribute to NRN through partnership working. Local Plans provide the tools and framework to establish strategic, landscape scale networks.

Policy SDC3: Tackling Water Stress

We note that we have previously provided your authority with advice regarding this policy and subsequently, as part of advice in relation to the Habitats Regulations Assessment (HRA) in relation to your Local Plan, including detailed hydrological impacts advice. We are disappointed to see that your previous policy has been weakened by the removal of the following wording: *"...A tighter target of 80 litres/person/day should be met for significant, strategic scale developments."*

Development Sites

We note that an updated SHELAA will be published as part of the Local Plan submission and will be happy to comment regarding environmental constraints in relation to new allocations within it.

The following comments relate to the areas identified as development sites (identified as deliverable and without existing planning permission) on the 'Crawley Local Plan Map' and within 'Policy H2: Key Housing Sites', where relevant environmental constraints have not been

addressed within the constraints outlined in the current SHELAA.

Forge Wood – Proposed Housing

It is noted that the majority of the overall neighbourhood of Forge Wood site is already subject to outline planning permission. Constraints in relation to this area as shown on the above map, include a number of public rights of way and areas of deciduous woodland priority habitat, some of which is also ancient woodland.

Heathy Farm – from the map shown in the latest available SHELAA document, this entire site consists of deciduous woodland priority habitat, about which the National Planning Policy Framework states:

“Habitats and biodiversity

174. To protect and enhance biodiversity and geodiversity, **plans should:...**

b) **promote the conservation, restoration and enhancement of priority habitats**, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Priority habitat, is that identified on a list, (required by section 41 of the Natural Environment and Rural Communities Act 2006) of habitat type (and living organisms) that are in the Secretary of State’s opinion, of principal importance for the purpose of conserving biodiversity. In addition, these habitat types are identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan. We are, therefore, disappointed to see this site being allocated for development.

Town Centre Housing Sites

- Crawley Station and Car Parks (deliverable) – Public right of way through site.
- Cross Keys (developable) – Public right of way along southern boundary.

Housing and Open Space Sites

• Henty Close, Bewbush 24 dwellings – This site lies outside of the existing built up area and is in close proximity to the High Weald Area of Outstanding Natural Beauty (AONB). The proposed use of the site for the development of 24 dwellings would need to address any potential impact on the nearby AONB and would need to be in accordance with the requirements of the High Weald AONB’s Management Plan. In addition, there is a public right of way along the site’s western boundary.

Housing, Biodiversity and Heritage Site

• Land east of Balcombe Road/Street Hill, Pound Hill (deliverable) 15 dwellings - This site also lies outside of the existing built up area and is in close proximity to the High Weald Area of Outstanding Natural Beauty (AONB). The proposed use of the site for the development of 15 dwellings would need to address any potential impact on the nearby AONB and would need to be in accordance with the requirements of the High Weald AONB’s Management Plan. The site also contains several areas of deciduous woodland priority habitat, for which as outlined above, the NPPF requires that plans provide their conservation, restoration and enhancement. The constraints section in the SHELAA refers to the site also forming part of a Site of Nature Conservation Importance (SNCI). Although Natural England does not hold records of such sites, we advise that the NPPA requires that such sites should be safeguarded:

“171. Plans should: ... allocate land with the least environmental or amenity value,...” and

“174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity;...”

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.

(Our suggested modifications are incorporated in the above advice).

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

R Bishop

Date

11th May 2021