



Crawley

Local Plan

Ref No:

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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.

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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

Title:

First name:

Surname:

Organisation:

Address line 1:

2. Agent's details

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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: *see enclosed* Policy: *see enclosed* Other: *see enclosed*

5. Do you consider the Local Plan to be: (Please tick)

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

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

See enclosed representation

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 enclosed 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:

To ensure that matters raised in the enclosed representation, and the concerns of those who the proposed allocation under EC4 will directly impact, are fully considered.

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

17/6/21



Crawley Local Plan - Regulation 19 consultation

Detailed response on
behalf of [REDACTED]
[REDACTED]
[REDACTED]

Published: 11 June 2021

Prepared for: [REDACTED]

Document Information

About

This document has been prepared for J.Ewing & V.Lovell by Squires Planning.

Squires Planning is the trading name of Squires Planning Ltd. The company is registered in England & Wales with Company Number 11917764. The registered office is Home Farm, Purley on Thames, Reading, Berkshire, RG8 8AX. The office address is Squires Planning, The Long Barn, Poplars Place, Turners Hill Road, Crawley, RH10 4HH.

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Revision History

Revision	Revision date	Details	Authorised Release
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4	10 June 2021	Draft for external approval	Andrew Metcalfe (Director)
5	11 June 2021	Final Version	Andrew Metcalfe (Director)

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1. Introduction

- 1.1. This response has been prepared by Squires Planning on behalf of [REDACTED] who reside at [REDACTED]. The commissioning of this submission was in response to Crawley Borough Council's newly proposed employment allocation (Policy EC4). This allocation has emerged at a very late stage in the plan preparation process and is, we understand, the primary reason for this second Regulation 19 Consultation.
- 1.2. This document considers whether the Local Plan in its current state meets its legal and procedural requirements, and whether it is sound. It sets out the main issues with the plan, and why it is premature to include the allocation set out in EC4 for an employment use when it is needed for the potential delivery of a national infrastructure project – a second wide spaced runway at Gatwick Airport.
- 1.3. [REDACTED] are part of a wider group of local people who live and work in/around the most north eastern part of Crawley Borough who have come together as a result of the proposal now included in EC4. This group did not exist prior to January 2021 as there was no need for it, the situation in his area was well established with it being part of the Gatwick safeguarding area and the residents were aware that if/when the time came for Gatwick to expand their land would be compulsory purchased and they would need to move away. The group has been formed as the Local Plan as now proposed will lead to considerably damaging effects on the quality of local lives.

Public examination hearings

- 1.4. We can confirm that [REDACTED], or their advisors on their behalf, would like to participate in examination hearings. This is to ensure that the matters raised in this document, and the concerns of those who the proposed allocation under policy EC4 will directly impact, are fully considered.

2. Legal Compliance

- 2.1. It is with regret that we do not believe that the plan, as consulted upon, has been prepared in accordance with all legal and procedural requirements.
- 2.2. To be legally compliant the following should have been done:
- (i) The Local Plan should have been prepared in accordance with the Council's latest Local Development Scheme.
 - (ii) The Local Plan should be accompanied by a Sustainability Appraisal and Habitat Regulations Assessment.
 - (iii) Consultation on the Local Plan should have been carried out in accordance with the Council's Statement of Community Involvement.
 - (iv) The Council should have worked collaboratively with neighbouring authorities and prescribed bodies on strategic and cross boundary matters, known as the Duty to Cooperate.
 - (v) The Local Plan should comply with all relevant laws including the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3. Following our review, we would question whether the plan is legally compliant in the following areas:

(i) Local Development Scheme

- 2.4. The Council's Local Development Scheme has been the subject of numerous updates in recent years to take account of delays and changing circumstances. The latest update is dated December 2020. It is noted that some evidence base documents that were due to be published as part of the Regulation 19 consultation have yet to be included. It is our view that it would have been appropriate to wait until that evidence had been received before progressing to Regulation 19 consultation. It appears that evidence documents such as an up-to-date viability assessment and transport modelling have been left out in the drafting of the submission local plan. It is our view that this evidence informs local plan policies and had it of been received prior to consultation beginning may have resulted in changes to the local plan as published.
- 2.5. We also note that the current timetable set out in this document is not feasible given submission is due to take place before the Regulation 19 consultation is scheduled to end.
- 2.6. The overall result appears to be a Local Plan that is being rushed, lacking the necessary evidence that is needed to properly inform an appropriate strategy for meeting Crawley's needs. The lack of conformity with the current Local Development Scheme would result in the plan not being legally compliant which could not be addressed through retrospective changes.

(ii) Sustainability Appraisal and Habitat Regulations Assessment

- 2.7. A Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) Draft Report (January 2021) has been published alongside the Regulation 19 consultation.
- 2.8. The document confirms that Local Planning Authorities are required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents to ensure that the Plan is designed in a sustainable manner. It goes on to confirm that the process involves examining the likely effects of the Local Plan and considering how they contribute to the environmental, social and economic wellbeing of the town. Where problems are identified, mitigation measures should be proposed and put into place in the plan. It is noted that the report combines the SA, SEA, Health Impact Assessment (HIA) and Equalities Impact Assessment (EIA).
- 2.9. Carrying out a sustainability appraisal of a local plan is an essential part of the plan-making process. The sustainability appraisal is not a one-off exercise; it needs to be integrated into the various stages of plan making. It provides evidence, helps to test that evidence and helps with developing options. It cannot just be done as a 'looking back' exercise at the end and so it warrants consideration at the earliest stage of plan making. Failure to carry out the sustainability appraisal process properly will result in a local plan not being legally compliant.
- 2.10. One of the requirements of the Strategic Environmental Assessment (SEA) Regulations is to include an assessment of any reasonable alternatives, taking into account the objectives and the geographical extent of the plan or programme. Reasons must, however, be given for the rejection of "reasonable alternatives" so that consultees are able to know what those reasons are. (*Save Historic Newmarket Community v Forest Heath District Council* (2011) EHC 606).
- 2.11. It should therefore be clear within the SA why some policy options have progressed, and others have been rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for both chosen and rejected alternatives. The Council's decision-making and scoring should be robust, justified and transparent.
- 2.12. We provide detailed commentary below on the matters we have identified as being problematic in relation how EC4 has been considered and the final policy solution arrived at. It should be noted that we have not sought to review the whole document and there may therefore be other problematic areas within the document. The matters we wish to address are:
- Insufficient evidence to prepare SA.
 - The spatial approach to meeting Crawley's land use needs.
 - Prejudicing the delivery of a second runway, should it be required by national policy.

- Assessment of Economic Growth Options
- Assessment of Policy Options

Insufficient evidence to prepare SA.

- 2.13. Since the Draft Crawley Local Plan Regulation 19 consultation commenced a number of documents have been published including the Viability Study, Draft Duty to Cooperate Statement and Crawley Transport Study. The findings of these documents should be taken into consideration in an update to the SA/ SEA. However, the SA/SEA does not appear to have been updated since its publication in January 2021. We urge that this is rectified and that the latest evidence is incorporated into the SA/SEA. Without this happening, it is likely that the SA will fail to properly assess likely significant impacts of the policy approaches taken and as a result fail the legal compliance test.

The spatial approach to meeting Crawley's land use needs.

- 2.14. Page 137 of the SA/SEA sets out three scenarios for the 'Spatial Strategy and Vision' of the Local Plan.
1. A sub region with a South East regional focus. This scenario would maximise development opportunities within the borough and continue to work with others to encourage allocations of land outside the borough boundary to accommodate all of Crawley's emerging housing and employment needs, as well as potentially those of the wider area.
 2. Scenario 2: A sub regional focus. The sub regional focus is an 'At Crawley' approach for the purposes of Duty to Cooperate. This is reference to the 'At Crawley Study' (2009) which included areas of search immediately adjacent to the administrative boundary for meeting the land use needs of Crawley.
 3. Scenario 3: Crawley Borough focus. This would maximise development opportunities within the borough boundary.
- 2.15. The chosen option is a combination of a sub-regional focus and Crawley Borough focus which seeks to meet needs within the borough and adjacent to it through the Duty to Cooperate.
- 2.16. In following this approach, Crawley, in the previous draft submission consultation proposed an Area Action Plan to allocate employment land within the 15-year plan period. This consultation has removed that approach, following advice from the planning inspectorate. Instead, this spatial approach has resulted in allocation of an employment site (Policy EC4) within the borough boundary to meet employment needs over the 15-year plan period. However, to do so involves the removal of a large area that is safeguarded for a second runway should it be required by national policy. As is explained further on in this response, the approach lacks the evidence to justify that it would not be incompatible with delivery of a second runway and is therefore contrary to national aviation policy.

- 2.17. The Crawley Borough/sub regional “At Crawley” focus has led to the current decision to allocate the ‘Gatwick Green’ site contrary to national policy. This must be accepted by Crawley and a different approach undertaken to meet employment needs.
- 2.18. SA/SEA is an iterative process and in the face of not being able to deliver employment land under scenario 2 and 3, a review of strategic approach regarding employment needs should have been undertaken and assessed within the SA/SEA. It is likely that this would have led to an in-combination approach with Scenario 1 as this wider geographical focus and joint working could have resulted in successfully meeting employment needs outside the borough. However, this was not pursued and as a result has led to the inappropriate allocation of employment land on an area that is safeguarded for a second runway. The approach to the Spatial Strategy and Vision, is therefore considered unreasonable as it fails to maximise sustainable development opportunities in line with national policy and against the objectives of the SA/SEA.
- 2.19. Page 329-356 of the SA includes an assessment of the only accepted employment site ‘Gatwick Green’ and all the rejected sites, against the SA objectives. It is clear from reading the assessments that the overarching basis for the proposed allocation of ‘Gatwick Green’ and the rejection of most the other potential locations is that the ‘Gatwick Green’ site is considered by Crawley Borough Council to be in an area that is not needed for a second runway and the other locations are. Without this distinction other sites could be preferable such as Land at Rowley Farm or a combination of sites.

Prejudicing the delivery of a second runway, should it be required by national policy.

- 2.20. As covered elsewhere in this response, the ‘Gatwick Green’ area has not been proven to be surplus to requirements for the delivery of a second runway at Gatwick Airport. On this basis the site should also be rejected alongside the other potential employment sites listed. The ++ economic benefits identified are questioned as there is no certainty that the allocation would not prejudice the delivery of a second runway leading to economic damage on a national scale.

Assessment of Economic Growth Options

- 2.21. What the assessment of sites highlight is that should safeguarding be lifted in the future, the ‘Gatwick Green’ site would likely not be the most sustainable location to meet employment needs. It appears short sighted to allocate this land when, in the next few years, safeguarding could be lifted, and all sites can at that time be assessed in an equal way, with the most sustainable option chosen. Whilst this is not the right time to compare sites within the safeguarded area, it is evident from the SA that a strategic employment site north of Manor Royal would be the most sustainable location should safeguarding be lifted.
- 2.22. It is noted that under the assessment of the ‘Gatwick Green’ site the impact on Objective 3 - Protect and/or Enhance the Built Environment, is scored as a possible positive impact. This is contested as there are a number of Listed and Locally Listed Buildings within and

adjacent to the site. A major industrial employment site cannot possibly protect and/or enhance these historic buildings some of which are surrounded entirely by the proposed allocation area. The proposed industrial/warehouse use is fundamentally in conflict with the listed buildings and no amount of good design, landscaping and screening will protect and enhance these buildings as claimed on page 330 of the SA.

- 2.23. Whilst the site is geographically close to Gatwick Airport and the M23 there is no obvious connection to the strategic road network which is crucial for the industrial/warehouse use proposed. The stated 'possible positive' impact for SA Objectives 7 and 9 are therefore disputed for the reasons set out in the Transport section of this consultation response.

Assessment of Policy Options

- 2.24. The policy options assessed for Policy EC4 (p181-183) compare the policy mechanisms for allocating a Strategic Employment Location. The removal of safeguarded land for the proposed 'Gatwick Green' allocation is contrary to national aviation policy (APF) and the NPPF (para 104). It cannot therefore be an appropriate strategy and is lacking in evidence to justify it in any event. There is no certainty that the removal of this large area of safeguarded land would not impact on the sustainability of development at Gatwick. Nor is there any evidence that the allocation would not damage the national and regional economy as well as the local economy through the loss of significant positive employment opportunities that would arise from a nationally significant infrastructure scheme. This is set out in detail in 'soundness' section of this response.
- 2.25. Unfortunately, the assumption of CBC that a 47.3ha area of safeguarded land can be removed and allocated for employment use without prejudicing the delivery of a second runway is not supported by any evidence and the chosen policy option for GAT2 is therefore unjustified and contrary to national policy. This assumption undermines the entire sustainability appraisal as it does not recognise the likely significant impacts of removing a large area of safeguarded land or consider reasonable alternatives to meeting employment needs other than within the borough boundary or the narrowly defined sub region.
- 2.26. The result of the above assumption made by CBC is that the SA contains errors in the assessment of the 'Gatwick Green' site and GAT2 policy options which have resulted in the inclusion of 'Gatwick Green' as an allocated site rather than being correctly rejected. Its rejection should then lead to a review of scenarios for the 'Spatial Strategy and Vision' of the Local Plan by focusing Duty to Cooperate on a wider geographical area to meet employment needs.
- 2.27. The SA does not properly assess the impacts of removing a large area of safeguarded land which results in chosen policy options that do not secure the objectives of the local plan, The SA therefore fails the legal compliance test.

(iii) Statement of Community Involvement

- 2.28. To be legally compliant, consultation on the Local Plan should be carried out in accordance with the Council's Statement of Community Involvement.
- 2.29. The Crawley Borough Council Statement of Community Involvement was updated in June 2020 and sets out a guide to participating in the planning system. Paragraph 4.6 states:
- 'when the council produces a local planning document, it will seek to involve people as early as possible and will invite feedback on draft documents'.*
- 2.30. It is considered that inclusion of a major employment site at the Regulation 19 stage of the plan preparation is too late in the process to allow sufficient appraisal of its acceptability and meaningful engagement with stakeholders and the local community. This issue is highlighted by the late inclusion of key pieces of evidence and statements of common ground. The process appears rushed, perhaps to ensure the Council does not have an out-of-date local plan. Whilst we sympathise with the 5-year life of a Local Plan, we believe it is in the interests of the community to carry out the proper plan process by allowing sufficient time for meaningful engagement and joint working with neighbouring authorities and GAL before consulting on a draft local plan for public consultation, in line with the Statement of Community Involvement.
- 2.31. We believe that there has been insufficient consultation with stakeholders and preparation of the necessary evidence to support the proposed policies and therefore allow meaningful engagement with the public through this Regulation 19 consultation. This is not in the spirit of the Council's Statement of Community Involvement and may therefore fail the legal compliance test in this regard.

(iv) Duty to Cooperate

- 2.32. This requires that councils preparing development plan documents 'engage constructively' and 'on an ongoing basis' with each other. The Duty to Cooperate is not just a procedural hurdle. In *Central Beds Vs SOS Justice Patterson* stated;
- "To come to a planning judgment on a duty to co-operate involves not a mechanistic acceptance of all documents submitted by the plan-making authority but a rigorous examination of those documents and the evidence received so as to enable an Inspector to reach a planning judgment on whether there has been an active and ongoing process of co-operation".*
- 2.33. Three Statements of Common Ground (SCG) were published in January 2021 as part of the Crawley Submission Draft Local Plan Consultation. These are with Mole Valley, Reigate and Banstead and North West Sussex (Horsham, Mid Sussex and West Sussex). Further SCGs were published as part of the 15th April update within the Draft Duty to Cooperate Statement. These are with West Sussex (April 2020), Tandridge December 2018) and Ashdown Forest (April 2018). It is noted that in preparation of the adopted Local Plan 2015-2030 there were 10 statements of common ground/memorandum of

understanding documents submitted which also included details of constructive and ongoing dialogue between the LEP and Gatwick Diamond LPAs.

2.34. We comment on the published SCG's below:

- (i) With regard to the Mole Valley SCG, the two authorities agree that they are in separate functional economic market areas (FEMA) and therefore there are no influential economic connections between Crawley and Mole Valley. *“Mole Valley is, therefore, not able to physically or effectively accommodate any unmet business land needs from Crawley, should these arise.”* (p13).
- (ii) With regard to the Reigate and Banstead SCG there is agreement that the Crawley Submission Draft Local Plan seeks to meet the most recently identified office and industrial (storage and distribution) needs in their borough.
- (iii) The North West Sussex SCG highlights employment and economic development as a strategic matter and commits the authorities to work together on employment issues and meet regularly. There is agreement that ‘...the approaches to employment development in currently adopted Local Plans support the economic growth of the Functional Economic Area’ (p4). There is no updated agreement on the current approach although the recently published North West Sussex EGA is evidence of jointly commissioned work, the results of which have been accepted by each council.
- (iv) The West Sussex SCG is signed by all the Local Authorities within West Sussex. It states in paragraph 2.4 of Appendix J to the Draft Duty to Cooperate document that *‘each LPA will prepare a SCG that addresses strategic matters relevant to the preparation of local plans, neighbourhood plans, and infrastructure delivery plans (IDPs) in their plan areas. As necessary, they will address joint working and cooperation with WSCC in relation to the strategic matters identified in this SCG’*. It does not appear that such SCGs have been completed. Further to this paragraph 6.2 states that a template be completed throughout plan preparation for submission, setting out where an agreement has been reached and where there are any outstanding matters that need to be resolved. It does not appear this tool of ongoing and constructive engagement has taken place. Paragraph 6.4 states that *‘WSCC will identify what, where, and when new or improved infrastructure provided by WSCC (on a statutory basis or as a service provider) is needed to mitigate the impact of planned development’*. It does not appear that WSCC have confirmed whether such new or improved infrastructure is needed to service the ‘Gatwick Green’ allocation. There is concern that WSCC have not been properly engaged in the plan making process which has led to uncertainty over the impacts of the ‘Gatwick Green’ allocation and what mitigation is appropriate. This concern is highlighted under Table 3.3 of the Draft Duty to Cooperate Statement which states the outstanding action with regard to employment:

Outstanding Issues & Ongoing Cooperation: Ongoing discussions in relation to strategic employment locations, particularly related to transport

implications with West Sussex County Council, Reigate and Banstead Borough Council and Surrey County Council.

(v) The Tandridge SCG and Ashdown Forest SCG do not cover employment matters.

- 2.35. There are no statements of common ground with Horsham, Croydon Borough Council, East Sussex or Coastal West Sussex authorities which are part of the Gatwick Diamond and Coast to Capital Local Enterprise Partnership.
- 2.36. The Gatwick Diamond Strategic Statement 2016 (published June 2017) aims to help fulfil the Duty to Cooperate (para 1.3). It provides a broad consensus on the relevant challenges and issues affecting the economic area alongside a strategic direction for joint working and cooperation for delivering the approach laid out in the statement (para 1.11). The Gatwick Diamond comprises Surrey County Council and West Sussex County Council, and the local authorities of Crawley Borough, Epsom and Ewell Borough, Horsham District, Mid Sussex District, Mole Valley District, Reigate and Banstead Borough, together with Tandridge District. The broad area is shown on the diagram below:



Figure 1 - The Gatwick Diamond

- 2.37. The Statement covers broad themes and aims. The short-term priority for the Gatwick Diamond is to co-ordinate employment land policies to secure and support the retention of employment land necessary to provide a mix and choice of high-quality sites (p42) and the longer-term priority is agreeing the delivery of a Science and Technology Park (p50). There is no spatial element to the statement in terms of employment land supply and there appears to be no timetable or mechanism for achieving the goals. The Statement was published almost 4 years ago in 2017. It is not apparent what has happened since

that time regarding engagement between the Gatwick Diamond Authorities and so this statement does not satisfy the duty to cooperate as it is not an active and ongoing process of seeking to meeting employment needs.

- 2.38. Gatwick 360 - The Coast to Capital Strategic Economic Plan 2018-2030, covers a large area between Brighton and Croydon as the name suggests. The plan highlights the importance of Gatwick Airport and encourages maximising its economic potential (p16). The Strategy largely focuses on promoting the 'knowledge economy' – high tech manufacturing, education, digital and communications businesses. There is no mention of providing warehouse and distribution services and there is no spatial direction or agreement on provision of employment land. This does not satisfy the duty to cooperate as there is no evidence of constructive engagement between its members in an active and ongoing process of seeking to meet employment needs.
- 2.39. Paragraph 27 of the revised NPPF states that *“strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these”*. It advises that *“these should be produced using the approach set out in national planning practice guidance and be made publicly available throughout the plan-making process to provide transparency”*.
- 2.40. It is noted that the previous Regulation 19 consultation in early 2020 included no SCGs. Reigate and Banstead, in their response to that consultation stated that they had not yet been approached to produce one. An SCG has now been produced late in the plan preparation agreeing that the Submission Draft Plan seeks to meet the most recently identified office and industrial (storage and distribution) needs in Crawley Borough.
- 2.41. The very recently proposed allocation of 'Gatwick Green' within the borough provides a solution for the plan to meet employment needs without needing to properly engage through the Duty to Cooperate. Indeed, without the proposed allocation the emphasis on the duty to cooperate to meet the unmet needs would be in focus and the available evidence, or lack of, demonstrate that there has been little effort to meet employment needs in other LPAs. It appears that this cross-boundary issue should have been dealt with through effective joint working rather than through a last minute and unjustified attempt to meet employment needs within the borough by removing a large part of the safeguarded area. The plan is in danger of failing the test of soundness which states that plans should be 'positively prepared'.
- 2.42. It is considered that, whilst Crawley's attempt to meet employment needs within its own boundary is short sighted and could result in far greater economic damage than benefits (see safeguarding section). This could potentially have been avoided if there had been effective joint working on cross-boundary strategic matters with LPAs with influential economic linkages including Reigate and Banstead, Mole Valley, Tandridge, coastal West Sussex and East Sussex as well as the North West Sussex Area.
- 2.43. Employment land delivery is a sub-regional/regional issue affecting a wide area and Crawley should therefore be engaging constructively and on an ongoing basis with the Gatwick Diamond and LEP. Crawley falls short of this requirement with a lack of

constructive and ongoing dialogue with these areas. There has been a failure to engage adequately on addressing their unmet employment needs in neighbouring LPAs which has resulted in an attempt to address the issue by allocating land which is safeguarded for nationally important infrastructure. The last-minute proposal is highlighted by the fact there is no evidence to suggest it is not needed for a second runway and there does not appear to have been any engagement with Gatwick Airport Ltd (GAL) regarding the proposal. GAL, having gone through an extensive process to establish plans for a second runway for the Airport Commission is best placed to understand the land take for an additional runway.

- 2.44. The plan currently fails the legal 'duty to cooperate test' as set out in Localism Act 2011 and should progress no further in its current state. Only once constructive engagement with the wider Gatwick Diamond and LEP areas with regard to meeting the unmet need for employment land should the plan proceed. Substantive, early engagement takes lots of time, resources and mutual political will but is crucial in achieving the best outcome. We believe that this, alongside maximising the use and intensifying existing employment sites within Crawley is the appropriate way forward in line with national policy, which protects land that may be required for airport development in the future (Aviation Framework 2013).

3. Soundness

- 3.1. NPPF paragraph 35 confirms that local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. It goes on to confirm that plans are 'sound' if they are:
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 3.2. Should the plan be considered to be legally compliant we would flag the following areas where we do not consider the plan to be sound.

Safeguarding for a second runway at Gatwick Airport

- 3.3. The early engagement draft local plan and initial publication local plan are not available to view on the council's website. However, the published Topic Papers provide a useful chronology of how the strategy has evolved over time. The early reg 18 consultation draft echoed the adopted Local Plan in protecting and maximising the economic function of the designated main employment areas whilst supporting small extensions to Manor Royal. That consultation identified a shortfall of employment land supply of between 44.6ha and 57.63ha of business land between 2020 and 2035. An area of search for employment land was identified but with this area being within the land safeguarded for a second runway it could only take place once safeguarding had been clarified at a national level.
- 3.4. The draft aviation strategy 'Aviation 2050' (December 2018) states in para. 3.66,
- “...it is prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth”.*
- 3.5. It also references the National Planning Policy Framework (NPPF): “
- “Planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development,”* (para104 of the 2019 NPPF).

- 3.6. The Aviation 2050 consultation document then goes on to state that:
- “The government believes that this provides sufficient guidance for local authorities to consider the future needs of airports and their associated surface access requirements, when developing local plans.”*
- 3.7. It is therefore clear that the draft national guidance is to retain a safeguarding policy to maintain a future supply of land for national requirements. Paragraph 104(c) of the NPPF does however, qualify that guidance by requiring that policies should identify and protect such land only where there is ‘robust evidence’ that the area is critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.
- 3.8. The view of Crawley Borough Council is that this does not ‘provide a definitive steer as to whether or not the council would be required to safeguard land moving forward’ (para 4.10 Topic Paper 5).
- 3.9. Considering this interpretation, Crawley Borough Council through the Regulation 18 consultation sought views on two options. Option 1 to continue with the current safeguarding policy, or Option 2, not to include a policy to safeguard land for a potential future wide-spaced runway and instead to designate the area for a future Area Action Plan. It was hoped by the council that the principle of lifting safeguarding would be considered first through the Local Plan Examination. The onus would be on the airport operator (Gatwick Airport Ltd) to provide the “robust evidence” to justify the growth needs of the airport (i.e. a second runway) and the extent of the area needed to accommodate that growth.
- 3.10. The issue with Option 2 is that there is a definitive steer as to whether the council is required to safeguard land. There has been no suggestion from Government that safeguarding of land at Gatwick for a possible new runway is no longer required and therefore paragraph 5.9 of the Aviation Policy Framework 2013 (APF) is extant:
- “Land outside existing airports that may be required for airport development in the future needs to be protected against incompatible development until the Government has established any relevant policies and proposals in response to the findings of the Airports Commission, which is due to report in summer 2015”*
- 3.11. The Airports Commission report (July 2015) shortlisted 3 schemes, one new northwest runway at Heathrow Airport; a westerly extension of the northern runway at Heathrow Airport; and one new runway at Gatwick Airport. Whilst the Gatwick option was found to be a credible option with lower environmental impacts, the commission felt that there were broader advantages to Northwest Runway at Heathrow Airport and concluded in favour of that option. The Government at that time neither supported nor rejected the recommendation.
- 3.12. The current Crawley Local Plan was adopted in December 2015 after the airport commissions’ recommendation and continued to safeguard the extent of land identified in the Gatwick Airport Masterplan as needed for the delivery of a second runway. The “Gatwick Green” site was, at that time, being promoted for an employment use, but the

inspector rejected the proposals as the land may be required should a second runway be required. He commented in his [Report to Crawley Borough Council \(Nov 2015\)](#):

“there is no compelling evidence to suggest it would not all be required should a second runway be built” and concluded that “it is difficult to identify on a contingent basis the precise area of land required for such a complex major project and it is not unreasonable to include some flexibility even if not all the land is ultimately used”.

- 3.13. The Government confirmed support for the Heathrow option on 25th October 2016 and subsequently published the Airports National Policy Statement (ANPS) in July 2018. This statement covered development required to 2030 and chose a new runway at Heathrow as the option to provide additional runway capacity in the south east. The Government has not ‘*established any relevant policies and proposals in response to the findings of the Airports Commission*’ (para 5.9 APF) beyond the Heathrow option. There is no strategy/policy after 2030 which would remove the need to protect land for future aviation needs. Indeed, the evidence suggests otherwise. The ANPS states:

‘All major airports in the South East of England (Gatwick, Heathrow, London City, Luton and Stansted) are expected to be full by the mid-2030s with four of the five full by the mid 2020s...There is relatively little scope to redistribute demand away from the region to less heavily utilised capacity elsewhere in the country’ (para 2.12).

- 3.14. The governments’ aviation strategy ‘Aviation 2050’ has not progressed further and therefore the Aviation Policy Framework 2013 remains the relevant national policy guidance regarding safeguarding land for new runways, as it is not dealt with in the ANPS beyond 2030. Therefore, beyond 2030, a second runway at Gatwick could be needed and, in line with paragraph 5.9 of the APF, the land that may be required should be protected from incompatible development.
- 3.15. In response to the DFT’s aviation forecasts (2017), which predicted higher levels of growth than those taken account of in the Airports Commission’s work due to accelerated growth at London’s main airports, the government *published “Beyond the Horizon - The Future of UK Aviation”* (June 2018) which supports airports making the best use of existing runways to meet aviation demand to 2030. The document does not look beyond 2030.
- 3.16. Further to this, the government states in Aviation 2050:

While the government is not at the point of making a decision on long term need, it wants to seek views on how best to make any future decision, should that be required (3.12)

The government will need to consider whether there is a need for further runways. Based on the current evidence, the government believes that any new framework for growth could accommodate additional runways beyond 2030 if a needs case is proven and suitable conditions are met in respect of sustainability (3.13)

- 3.17. It is clear therefore that there may be a need for further runways beyond 2030 so it seems prudent to safeguard land that may be needed until further work has been undertaken. 2030 is only 9 years away and as land has been safeguarded for a possible second

runway at Gatwick Airport for such a long time it would be premature and short-sighted to lift safeguarding.

- 3.18. Crawley Borough Council 'Topic Paper 2: Gatwick Airport' which is submitted by the council as part of this consultation confirms this in paragraph 3.3.2 and 3.3.3:

"...the Inspector at the council's Advisory Visit from the Planning Inspectorate in April 2020 did not support the AAP approach. He advised that the Local Plan had to include a strategy to address Crawley's employment needs and stated that the removal of safeguarding cannot be regarded as certain."

"...the Inspector advised that the submitted plan should continue to safeguard and instead contain a review trigger enabling the plan's whole development and spatial strategy to be reexamined should certainty be gained over national aviation policy on safeguarding and additional land become available for possible development."

- 3.19. This advice is entirely correct and in accordance with national policy, existing and emerging as set out above. In addition, and about the need for 'robust evidence' as stated on para 104(c) of the NPPF to justify the extent of the safeguarded area, this is provided in the Gatwick Airport Masterplan 2019 which is based on extensive work over a number of years to identify the land needed to deliver a second runway should it be required.

- 3.20. The council, in response, has sought to retain the principle of safeguarding in line with the Inspector's advice, but crucially, proposes to meet Crawley's employment needs within the borough by reducing the area currently safeguarded, as shown on the adopted Local Plan Map. The area that has been promoted by and owned¹ by The Wilky Group for many years has been removed from the safeguarded area and allocated as an employment site under proposed Policy EC4. This, on the face of it, deals with both the issues of safeguarding and employment need.

- 3.21. The issue with this approach is that it is not supported by evidence and is therefore contrary to current national policy in the Aviation Policy Framework 2013 (APF) and the governments draft aviation strategy 'Aviation 2050' (December 2018). The APF requires that '*Land outside existing airports that may be required for airport development in the future needs to be protected against incompatible development*'. Existing Crawley Borough Council Local Plan Policy GAT2 does just that and defines 'incompatible development' in the supporting text:

"Incompatible development within safeguarded land is regarded as development which would add constraints or increase the costs or complexity of the development or operation of an additional runway" (paragraph 9.18).

- 3.22. The policy itself provides clarity on what type of development is acceptable:

¹ See page 24 of the Regulation 19 response from The Wilky Group. Available at https://crawley.gov.uk/sites/default/files/2021-01/Appendix_4_Initial_publication_representations.pdf

“Minor development within this area, such as changes of use and small scale building works, such as residential extensions, will normally be acceptable.”

- 3.23. The council is now, after protecting the safeguarded area from anything greater than minor development, proposing a major employment site within it without evidence that a second runway can still be delivered if required. By the council's own definition of 'incompatible development' the proposed allocation cannot possibly be considered in line with paragraph 5.9 of the APF and para. 3.66 of the governments' draft aviation strategy 'Aviation 2050'.
- 3.24. Historically the Local Plan Map has shown the safeguarded area and the extent of it has reflected that shown on the Gatwick Airport Masterplan of that time. If the council were to continue that approach the safeguarded area shown on the local plan map would reflect that of the Gatwick Airport Masterplan 2019. There is no evidence to suggest that the extent set out in that document is not needed and that Gatwick Airport Ltd are not best placed to determine the extent.
- 3.25. The Council's new approach does not address the inspector's advice that the plan should continue to safeguard. The inspector was advising a 'strategy' to address Crawley's employment needs, not that those employment needs must necessarily be met within Crawley's boundary through an allocation, as clearly, a lack of available land may justifiably preclude that possibility. It is perfectly reasonable and sound to continue to safeguard and instead contain a review trigger when there is certainty gained over safeguarding. Until that time it would be appropriate to provide employment land through intensification of existing employment sites, underutilised sites and working with other adjacent local authorities to deliver employment land within the Gatwick Diamond LPA's. The submission Local Plan and evidence base identifies a shortfall of 24.1ha of employment land that needs to be delivered by 2037. It is entirely possible through joint working and the suggested review trigger for that land to be identified and delivered within this timeframe either within Crawley and/or other LPAs.
- 3.26. The Gatwick Airport Masterplan (July 2019) identifies the area that is required to deliver a second runway in Plan 21 and the proposed layout on Plan 20.
- 3.27. The implication of requiring the extent of on off airport parking to be provided in a considerably smaller space is inevitably a significant increase in cost and complexity over the use of the existing safeguarding area.
- 3.28. Further to this, there is no evidence that this number of spaces can be provided within the remaining extent of safeguarded land. The GAL Masterplan 2019 paragraph 5.4.12 states:

“The area of land currently safeguarded for the additional runway was based on a much earlier scheme developed by the previous airport owners, BAA. This currently safeguarded area is illustrated in Plan 21. In developing our proposals for the Airports Commission, we sought to contain the development within this land boundary wherever possible. However, to meet operational requirements, we found it necessary to make some adjustments to this boundary. The revised land boundary for the additional runway is also shown in Plan 21. We recommend that the area safeguarded for the

additional runway by the Local Planning Authorities, is modified to conform to this latest boundary.”

3.29. It is clear therefore that GAL have sought to contain the development to within the existing Local Plan boundary but found that land is needed for additional parking and other operational needs to be able to deliver a second runway, should it be required. There is no reason to doubt this and there is no risk that GAL would be overproviding car parking spaces as a S106 legal agreement exists between GAL, CBC and WSCC that places a legal obligation on GAL to provide car parking commensurate with increasing public transport modal share.

3.30. Paragraph 2.3.4 of the Draft Duty to Cooperate states:

The extent of land required to be safeguarded for a potential future southern runway at Gatwick Airport has also been assessed, facilitating the identification of a Strategic Employment Location to meet Crawley’s employment land needs.

3.31. With regard to the above mentioned ‘assessment’, the Submission Draft Local Plan (para 10.21) explains that the justification for removing the area of safeguarded land is that its utilisation as surface car parking does not represent an efficient use of land. Decked/robotic parking is mentioned as a way of accommodating parking more efficiently. Topic Paper 5 (para 4.58 and 4.32) and Topic Paper 2 - Gatwick Airport (para 3.4.1) repeat this and also state:

The detail of the Gatwick Master Plan was assessed to determine whether there was an appropriate location to bring forward new employment land/ floorspace to meet the needs of the economy whilst still safeguarding land that may be required for the physical land take of a potential future southern runway and associated infrastructure including essential road diversions (para 4.32).

3.32. However, there is no evidence/assessment to show how efficiently space could be utilised, where the parking would go, what it would displace, the cost and the amount land this would ‘free up’ to demonstrate a quantity of land that can safely be removed from safeguarding. Paragraph 2.3.4 of the Draft Duty to Cooperate states:

The extent of land required to be safeguarded for a potential future southern runway at Gatwick Airport has also been assessed, facilitating the identification of a Strategic Employment Location to meet Crawley’s employment land needs.

3.33. There is no justification or assessment for the extent of the area allocated and remaining area being sufficient to deliver a second runway. The allocated area merely reflects the 47.3ha area of land owned of The Wilky Group which is ‘deliverable’ with no justification that it is surplus to requirements for a second runway and that it would not be incompatible with delivering a second runway. To have any certainty that this would not be incompatible with delivery of a second runway, this proposal would need to be demonstrated through a detailed assessment and a review of the safeguarded area in dialogue with GAL. Contrary to what Crawley Borough Council state, there has been no assessment. In addition, there does not appear to be any attempt to engage with GAL on the matter.

- 3.34. In our view, the cost and complexity of providing parking elsewhere would inevitably be substantial and at odds with the council's interpretation of 'incompatible development' being anything greater than minor development. Should GAL be unable to accommodate sufficient parking it would need to be provided off airport by other operators. This would not be in the most sustainable locations, may not be appropriate for parking and may lead to the loss of the countryside or employment sites elsewhere. Provision would not be in the context of proposals for achieving a sustainable approach to surface transport access to the airport as they currently are under GAT3. It is crucial that the safeguarded area includes land needed for operational development such as car parking not just the land take and essential road diversions needed. Not including operational land would undermine the principle of safeguarding and prejudice the delivery of a second runway.
- 3.35. Based on the above, the Inspectors reasoning in rejecting "Gatwick Green" in his report on the Crawley Local Plan 2015-30 still stands:
- "there is no compelling evidence to suggest it would not all be required should a second runway be built" and*
- "it is difficult to identify on a contingent basis the precise area of land required for such a complex major project and it is not unreasonable to include some flexibility even if not all the land is ultimately used".*
- 3.36. The proposed removal of safeguarded land lacks the evidence to demonstrate that it would not be incompatible with delivery of a second runway. The Submission Draft Local Plan is not consistent with national aviation policy (APF) and the NPPF (para 104), is not the appropriate strategy and is lacking in evidence and therefore unjustified. There is no certainty that the removal of this large area of safeguarded land would not impact on the sustainability of development and potentially damage the national and regional economy as well as the local economy through the loss of significant positive employment opportunities that would arise from a nationally significant infrastructure scheme. For these reasons the plan should be found unsound.
- 3.37. The most appropriate way forward, in line with national policy and the advice of the Inspector is to retain the safeguarded area with its extent reflecting that of Plan 21 of the Gatwick Airport Masterplan 2019, delete Policy EC4 and insert a trigger in the submission Local Plan:
- "Should changes to national aviation policy allow for the removal of the safeguarding of all the land for Gatwick Airport expansion, the opportunities and constraints of this land will be considered comprehensively through a review of the Local Plan, rather than as piecemeal development."*
- 3.38. The Crawley Local Plan, with regard to safeguarding land for a second runway, would then be considered sound.
- 3.39. As set out in the Duty to Cooperate section above, there is significant opportunity for the council to work with the Gatwick Diamond and LEP local authorities in the supply of employment land as well as protecting and intensifying existing employment sites within Crawley.

Economic Growth Assessment

- 3.40. Whilst joint working between local authorities is welcomed it is considered that purely focusing on Horsham, Crawley and Mid Sussex areas in meeting employment land needs is too narrowly defined.
- 3.41. There is no justification for CBC continuing with a West Sussex-centric approach that has taken no real account of the wider sub-regional area known as the 'Gatwick Diamond' or regional area known as the 'Coast to Capital'. These are widely accepted economic functional areas that Crawley sits within. The Gatwick Diamond straddles the 6 adjoining local authority areas: Crawley Borough; Mid Sussex District, Horsham District, Reigate and Banstead Borough, Tandridge District and Mole Valley District as far south as Brighton and north to Croydon.
- 3.42. Paragraph 025 of the Planning Practice Guidance states:
- Functional economic market areas can overlap several administrative areas so strategic policy-making authorities may have to carry out assessments of need on a cross-boundary basis with neighbouring authorities within their functional economic market area. Local Enterprise Partnerships (and county councils) can play a key role in this process.*
- 3.43. Paragraph 019 of the Planning Practice Guidance states that it is possible to define a functional economic market area taking account of factors including the extent of any Local Enterprise Partnership within the area.
- 3.44. On this basis the identified functional economic area of Crawley Horsham and Mid Sussex appears to be too narrowly defined. The lack of any meaningful engagement with LPAs outside this area or with the LEP demonstrates that the submission draft local plan is not based on effective joint working on cross-boundary strategic matters of employment land supply within the appropriate economic area.
- 3.45. Crawley Borough Council's approach therefore falls short of the approach required in both the NPPF and PPG and fails the test of soundness with regard to it being effective or consistent with national policy.

EC4 Allocation Site Constraints

- 3.46. There are a number of site constraints and policy requirements applicable to the 'Gatwick Green' site such as flood risk, landscape character, biodiversity, heritage, public safety zones and amenity. These impact the quantum of development that can be accommodated, the acceptability of the proposal and development viability.
- 3.47. It is evident from the information supporting the proposed allocation that this exercise has not been undertaken. The following sections set out the main constraints and demonstrate that the developable land is likely to be severely restricted to be policy compliant.

- 3.48. In addition, proposed Policy EC4 requires a high-quality public realm, landscape buffers, public open space, and protection of hedgerows/trees. There does not appear to be any masterplanning to determine the quantum of development within the site taking into account these constraints and policy requirements.
- 3.49. It is our view that this issue affects the soundness of the plan as there is significant uncertainty whether the site, consisting of a minimum 24.1ha of industrial land, is 'deliverable' (notwithstanding the conflict with national aviation policy that makes the allocation undeliverable).

Impact on the Highway

- 3.50. Strategic Policy EC4: Strategic Employment Allocation, requires that the 'Gatwick Green' Strategic Employment Location will be required to demonstrate through a Transport Assessment that there will be no severe residual impact on the local and strategic road network, taking into account the operation of Gatwick Airport as nationally significant infrastructure, the allocated Horley Strategic Business Park, and the impact of committed developments in the borough and surrounding areas.
- 3.51. Whilst the proposed 'Gatwick Green' site is close to the strategic road network it does not have immediate access to it. Routes to and from the site to the M23 would have to run through residential areas and local roads. This, as it stands, would clearly be inappropriate for B8/industrial uses which will include a high number of HGV movements.
- 3.52. The provision of a major employment site will lead to an increase in car travel particularly in the morning and evening peak hours. A full transport study to examine potential locations, site density and employment mix and how travel demand should be managed is required.
- 3.53. It is essential that transport modelling is undertaken to understand the impact on the local road network at the plan making stage. This approach was supported by WSCC at the Regulation 18 stage. Paragraph 102 of the NPPF states 'Transport issues should be considered from the earliest stages of plan-making'. However, transport modelling has not been part of the plan making stage. Since publication of the Draft Submission Local Plan in January 2021 a Transport Modelling Report has been prepared and published on 18th May 2021. It is unfortunate that the implications of the Transport Modelling will have to be addressed during the Local Plan Examination rather than the correct approach of undertaking as part of the plan preparation and shaping the policies and proposals within the draft Local Plan.
- 3.54. Our specific comments on the Crawley Transport Study (CTS) are as follows:
- 3.55. The CTS sets out three scenarios. Scenarios 2 and 3 are relevant in terms of the Gatwick Green allocation as the allocation has been included in the modelling for these two scenarios. Figure 5-1 shows the junctions where there are likely to be traffic issues. The relevant junctions regarding routes to/from the Gatwick green site are:
- A2011 Crawley Avenue/B2036 Balcombe Road (ID13)

- B2036/Radford Road (ID14)
- B2036/Steers Lane (ID15)
- M23 Junction 10 (ID34)

- 3.56. Table 5-1 and 5-2 analyses these junctions based on the increased traffic from each scenario in the AM and PM peak hours. The results show that each of the above junctions would be significantly above capacity in both the AM and PM Peak Hours and significantly worse than the reference case. Mitigation is therefore required to address these issues.
- 3.57. Appropriately, sustainable mitigation has been considered first as a potential approach to mitigate the impacts of the Draft Crawley Local Plan scenarios, with physical mitigation considered as a last resort. A number of options are outlined to increase sustainable transport and reduce car trips, many of which are aspirational or in the early stages of development and are unlikely to be delivered as part of this Local Plan (para 6.3.2). Feasible measures include school streets, car park exclusion zones outside schools, low traffic neighbourhoods, improved public transport services/frequency, and personalised travel planning delivered by developers. It is unclear exactly how far these mitigation measures go to resolving the junction capacity issues stated above, that are partly caused by the 'Gatwick Green' allocation and its associated HGV/lorry trips which are not incorporated within the Transport Study modelling. There are a number of assumptions on the application of sustainable mitigation which are relied upon to deliver a substantial improvement in active travel and public transport services and infrastructure (para 7.8.2) to justify a lack of physical improvements. Paragraph 1.3.3 confirms the uncertain outcome of these measures and recommends monitoring and review of them. It is our view that reliance on the above measures create a significant risk that there will be insufficient provision of infrastructure to address transport issues (NPPF para 20). Under the approach outlined in the Crawley Transport Study, it may not be known whether the proposed sustainable travel mitigation is effective until after development has been approved and implemented leaving issues unresolved and with no mechanism to address them.
- 3.58. Section 8.4 of the study assesses Junction 10 of the M23 and possible mitigation that will need to be discussed with Highways England. There does not appear to be any input or discussion with Highways England regarding the impacts of the scenarios on the M23. It is considered essential that Highways England are fully engaged in the Local Plan to ensure that the development proposed does not cause severe impacts on the strategic road network.
- 3.59. Specifically with regard to the 'Gatwick Green' allocation, the Transport Study suggests no left turn into Gatwick Green from the north and no right turn going north when existing the site to avoid HGV traffic through Horley. This means HGVs coming southbound on the M23 will either take a circuitous route through Shipley Bridge/Copthorne which would have an unacceptable impact on those rural country roads that are not part of the WSCC Transport Plan local or strategic advised lorry/HGV routes. Alternatively, the route would be along the A2011 from J10 to Hazelwick Roundabout and then exiting the slip road to the Balcombe road running through Forge Wood. This route is a well know hotspot for

traffic congestion and it does not appear that the Transport Study has identified this issue. It is our view that further work needs to be undertaken to understand the impacts of the 'no turn' approach on the transport modelling and identified areas of overcapacity along this route (ID12, ID13, ID14 and ID15).

- 3.60. In summary, it is considered that the preparation of the Crawley Transport Study, at the end of plan preparation and following publication of the Draft Submission Local Plan, undermines the proper plan preparation process of allowing the evidence to inform the most sustainable policy options/allocations. This further reinforces our view that the Crawley Local Plan has lacked the necessary evidence that is needed to properly inform an appropriate strategy for meeting Crawley's needs. We consider that a return to the Regulation 18 Stage to engage constructively with stakeholders and allow the recent evidence to shape the Local Plan proposals is required.

Impacts on Landscape and Biodiversity

- 3.61. The proposed allocation covers much of the landscape character area known as the North East Crawley Rural Fringe. Policy CL8: Development Outside the Built-Up Area, states:
- "...all proposals must recognise the individual character and distinctiveness, and the role of the landscape character area or edge in which it is proposed as shown on the Local Plan Map, established by the Crawley Borough Council Landscape Character Assessment."*
- 3.62. For the North East Crawley Rural Fringe Policy CL8 states:
- "This area has an important role in maintaining the separation of the distinct identities of Gatwick Airport, Crawley and Horley".*
- 3.63. The Crawley Green Infrastructure SPD (2016) states:
- "This area is of high landscape value which should be retained for public access benefits and maintaining the separate identities of Gatwick Airport, Crawley and Horley." (page 67)*
- 3.64. The proposed 'Gatwick Green' allocation would conflict with the character distinctiveness and perhaps most importantly the role of this area in maintaining the distinct identities of Crawley and Horley. The allocation would fill the countryside gap that currently exists between Crawley and Horley compromising its role in maintaining the separate and distinct identities of Crawley and Horley.
- 3.65. The area proposed to be allocated also undermines its designation as a Biodiversity Opportunity Area. Clearly a proposed industrial/warehousing use of the area does not create an opportunity to enhance biodiversity on this site above the pre-development baseline as proposed Policy GI3 requires. It is our view that the requirement for a net gain in biodiversity on-site is likely to be undeliverable as the area needed for protection and enhancement would affect the viability of the scheme and the ability to deliver the required extent of employment land required.

- 3.66. The impact of the proposed allocation on the designated landscape character and biodiversity opportunity areas are not adequately recognised in Policy EC4 and the Sustainability Assessment of the site resulting in requirements that cannot be delivered. The proposed allocation is therefore not justified or effective as it could be undeliverable against the Local Plan as a whole.

Impacts on Flood Risk

- 3.67. The proposed allocation is situated within the Burstow Stream catchment, which is identified as being at a high risk of cumulative flood impacts, whereby multiple development sites, unless carefully planned, could result in increased flood risk to third parties. There is insufficient evidence provided at this stage to ensure that the allocation will not cause unacceptable flood risk and therefore be undeliverable failing the 'effective' test of soundness.
- 3.68. The photo below taken on January 2021 shows surface water flooding issues that occur throughout the site.



Figure 2 – Flooding on the Gatwick Green site (January 2021)

- 3.69. Draft Policy EP1 Development and Flood Risk states that *'Development must avoid areas which are exposed to an unacceptable risk from flooding and must not increase the risk of flooding elsewhere.'* As the 'Gatwick Green' site is in the Burstow Stream catchment area it is likely that significant mitigation will be required to make it acceptable. That would likely include extensive attenuation basins that would limit the developable area.

3.70. It is our view that further work must be undertaken to demonstrate that the proposed allocation would not increase flood risk elsewhere or impact the residential properties within this area. Without this information there no certainty that the proposed allocation EC4 is deliverable and therefore meets the test of soundness

Public Safety Zones

- 3.71. The DfT Circular 01/2010 Control of Development in Airport safety Zones sets out the extent of Public Safety Zones (PSZ). These are areas of land at the ends of the runways at the busiest airports, within which development is restricted to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing. The basic policy objective governing the restriction on development near civil airports is that there should be no increase in the number of people living, working, or congregating in Public Safety Zones and that, over time, the number should be reduced as circumstances allow.
- 3.72. There is a general presumption against new or replacement development which includes non-residential development. Exceptions are limited to extension or alteration to a dwellinghouse or a change of use of a building or land which would not increase the number of people working living or congregating at the building on the land in question. There is also an exception for long stay parking (para11(iv)). The Circular also *states* ‘The extent of Public Safety Zones and any 1 in 10,000 individual risk contours should be indicated on proposals maps accompanying regional spatial strategies and local development frameworks’. It is noted that the PSZ for Gatwick is not currently shown on the Local Plan Map.
- 3.73. The Civil Aviation Authority has recently consulted on a revised Circular (CAP1096) and standardised risk profile for PSZs (shown below) with consultation ending on 23rd December 2020. It is likely that this will be applied to the existing runway at Gatwick.

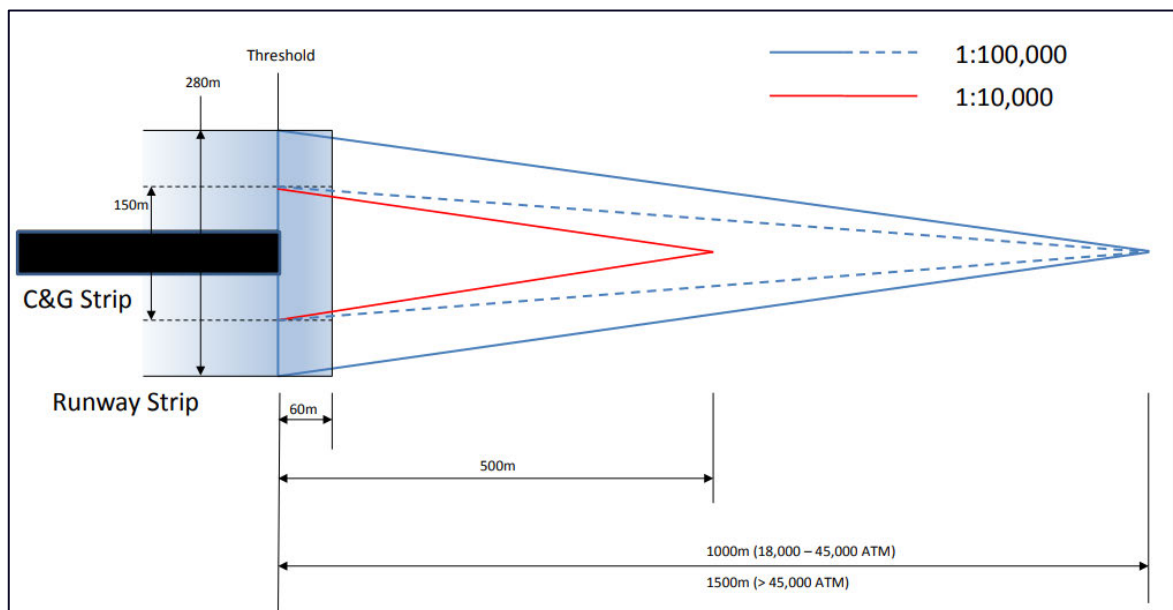


Figure 3 - Proposed runway Public Safety Zone

- 3.74. As Gatwick airport carries greater than 45,000 air traffic movements per year the safety zone extends 1500m from the end of the runway.
- 3.75. The proposed Circular maintains the previous approach to development within public safety zones which excludes new and replacement development within the 1:100,000 area.
- 3.76. As shown on the Wilky Group submitted plan 11/091/SK-62/E within Appendix 4b of their submission, the implication is that a large swathe of the 'Gatwick Green' site south of Fernhill Road is undevelopable. The area between the dotted lines represents the Public Safety Zone 1:100,000 area, where no new and replacement development should occur.



Figure 4 – EC4 Illustrative layout

- 3.77. This has not been considered as part of the EC4 site allocation and calls into question the sustainability appraisal of the site and its suitability for development. As the proposal stands it is not justified or consistent with national policy.
- 3.78. Notwithstanding the objections to the principle of this allocation, the Public Safety Zone must be fully considered in the assessment of the 'Gatwick Green' allocation during preparation of the Local Plan and inform the extent of the site boundary.
- 3.79. It is noted that the Gatwick Masterplan 2019 designates this area as long stay parking should a second runway be required. This type of development is acceptable in Public Safety Zones (Circular 01/2010 para 11(iv)).

"long stay and employee car parking (where the minimum stay is expected to be in excess of six hours);"

Heritage

- 3.80. There are two Grade II Listed Buildings situated along Donkey Lane which is close to the boundary of the 'Gatwick Green' site. These are Lilac Cottage (early C18) and Old Cottage (C17 timber framed cottage) which are listed for their architectural interest. A Locally Listed building 'Poplars' to the north of Fernhill Road, is outside the boundary of the allocation but surrounded on all sides by it. There are a number of other Locally Listed buildings situated along Peeks Brook Lane which forms the eastern boundary of the site. The closest to the site is Royal Oak House, a Queen Anne style villa of the 1880s which has historic and architectural value. Locally listed buildings are a material planning consideration when deciding planning applications.
- 3.81. Proposed policy HA4: Listed Buildings and Structures, requires that proposals demonstrate how they will protect the significance of the listed building, including its setting and its key features.
- 3.82. Proposed Policy HA5: Locally Listed Buildings, requires that all development maintain features of interest, and respect or preserve the character or setting of the building.
- 3.83. Paragraph "t" of proposed Policy EC4 requires that *'development proposals have regard to conserving the setting of the Listed Buildings at Donkey Lane and Fernhill Road and the locally listed building at Rivington Farm'*. This wording is too weak and should be strengthened to reflect the requirements of the wider local plan and national policy relating to heritage. It is also noted that it not clear where the Rivington Farm building is located on the Local Plan map or within the heritage assessment. A map showing the location and reference of the locally listed buildings would be useful.
- 3.84. The proposed 'Gatwick Green' allocation would consist of large industrial and warehouse buildings with its associated infrastructure and activity. Whilst it may be possible to create a buffer between the above listed buildings and the proposed development, the entire character of the area would be transformed, with the setting of the listed buildings changing from rural to industrial. This would amount to substantial harm to the listed buildings of Lilac Cottage and Old Cottage.

- 3.85. The impact on the locally listed buildings, Poplars and Royal Oak House is also substantial with the proposed allocation surrounding both buildings. The Royal Oak House is the only surviving building of a small farm known as Royal Oak Farm². The conclusion in paragraph 3.6.9 of the Wilky Group Appendix 4B – Heritage Constraints appraisal, that the agricultural setting only makes a minor contribution to its significance, is therefore clearly wrong as the building and surrounding fields are intimately linked. In this regard it is advised that the Sussex Historic Landscape Characterisation (HLC) is consulted to properly determine the impact on this historic landscape.
- 3.86. It is concluded that the impact of the EC4 allocation has not had proper regard to its impact on heritage in determining the site area. We believe that the boundaries of the allocation should be reviewed to allow buffers between the allocation boundary and the heritage assets rather than include unnecessary land within the site.

Impact on Residential Amenity

- 3.87. Through all the documents available on the Council's website we have not seen any proper analysis of the harm which would result from the allocation on residential amenity. This alone is a considerable shortcoming which threatens the soundness of the plan.
- 3.88. As can be seen in Figure 5, there are a number of dwellings adjacent to the proposed 'Gatwick Green' allocation. Impacts on the residential property known as 'Poplars' (on Fernhill Road), other properties on Fernhill Road and residential properties along Donkey Lane would be acutely effected by the proposed allocation.
- 3.89. These properties are generally tightly encompassed by the proposed allocation. There is no detailed masterplan for 'Gatwick Green' (which is in itself an issue) and it is self-evident that these properties such as 'Poplars', being entirely surrounded by a B8 warehouse and storage would be inappropriate and cause substantial harm to the occupier's amenity with regard to issues such as overlooking, dominance, overshadowing, traffic generation and general activity, such as noise, smells and/or vibration.
- 3.90. Turning to the illustrative masterplan briefly, it cannot be called a masterplan. It illustrates a large development of warehousing as green fields and shows a tree lined distribution road through the area. We believe this plan is intended to mislead the viewer of the actual impacts on the proposal. What can be seen is that a major road is proposed adjacent to residential properties – without any mitigation or consideration of them.
- 3.91. Whilst some may point to the fact that the area is safeguarded for airport expansion in any event, this current proposal is substantially different regarding residential amenity for one key reason. Should airport expansion take place in line with national aviation policy, the residential properties present would be bought and likely demolished as part of the proposal – removing any negative impacts on the residential properties. This current

² Page 38, Non-designated Heritage Asset Review, Appendix A, Place Services and Crawley Borough Council (Dec 2020)

proposal would result in the residential properties remaining leading to significant and substantially harmful impacts on the amenity of them.

- 3.92. Residential amenity has not been considered in enough depth. A full review of the proposal and its impacts must be undertaken.

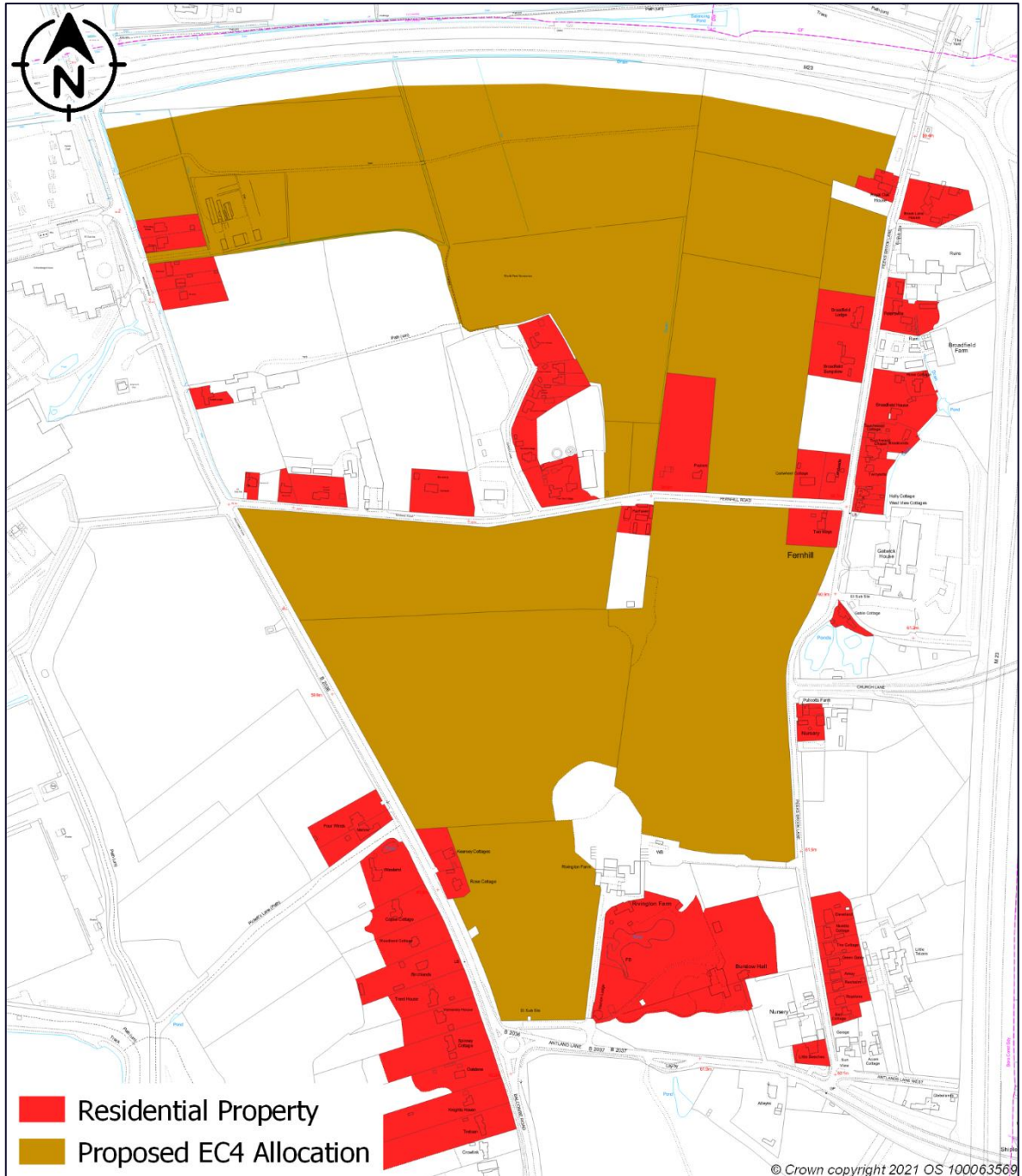


Figure 5 - Map showing residential property adjacent to the proposed EC4 allocation.

4. Conclusions

- 4.1. Our assessment of the proposed 'Gatwick Green' allocation has exposed fundamental issues with the legal compliance of the Submission Draft Local Plan and its soundness. As a result, we do not consider that the plan can proceed in its current state.
- 4.2. Should the Inspector consider that the proposed plan is not legally compliant we consider that a return to the Regulation 18 Stage to engage constructively and on an ongoing basis to meet employment needs outside the Borough.
- 4.3. Should the Inspector consider that the legal compliance test has been met it would be appropriate to adopt the Submission Draft Local Plan with safeguarding retained and the allocation proposed in EC4 deleted, with its extent reflecting that of Plan 21 within the Gatwick Airport Master Plan 2019, which is based on robust evidence of need.
- 4.4. As Local Plans should be reviewed every 5 years it would then be entirely possible to commence constructive and ongoing dialogue with the Gatwick Diamond and LEP local authorities through the Duty to Cooperate to explore delivery of employment land within the wider economic area.
- 4.5. Alongside this, it is possible that national aviation policy is published which changes the government's current position on requiring land to be safeguarded for a second runway. That would then open wide-ranging opportunities within the entire safeguarded area (613 hectares) to deliver a comprehensively planned and well thought strategic employment site, which includes the option of extending the existing employment area of the Manor Royal Business District northwards which would logically be the preferred location as it limits harmful impacts.
- 4.6. Nevertheless, continuation of the existing Local Plan Policy EC1 is the correct approach:

"The preferred location for strategic employment is within the borough, to the north of Manor Royal and south or east of Gatwick Airport, identified as the Area of Search on the Key Diagram. However, given current safeguarding of this land for a possible second runway at Gatwick, work required to identify an appropriate site, or sites, for further business development will take place after the government has issued a final decision on additional runway capacity in the UK, and has determined whether the area should still remain safeguarded".
- 4.7. With 24.1ha of employment land needed before 2037 there is ample time to achieve that target without resorting to an approach that conflicts with national policy.