



# Crawley Local Plan

<p><b>Ref No:</b></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](mailto: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](http://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
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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:  Policy:  Other:

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

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

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

Please see attached representations.

*If required, please continue your response on an additional piece of paper and securely attach it to this response*

- 7. Please set out what modification(s) you consider necessary to resolve the issues you have identified above. You need to state why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to suggest how the wording of any policy or text should be revised. Please be as clear as possible. Any non-compliance with the duty to co-operate is incapable of modification at examination.**

Please see attached representations

*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:**

Our clients land is a strategic allocation which will contribute to meeting the District's housing need. It is necessary for us to attend to assist with discussions regarding the allocation, as well as related policies that influence its delivery as set out in the attached representations.

*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](http://www.crawley.gov.uk/localplanreview)

**Signature**

James Finn

**Date**

8 June 2021

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# **Crawley Local Plan Review Regulation 19 consultation**

Land to the southeast of Heathy Farm

June 2021

**Crawley Local Plan Review Regulation 19 consultation**  
**Land to the southeast of Heathy Farm**

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<b>Prepared by:</b>	JS	JS
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Date: June 2021

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## 1.0 Introduction

- 1.1 These representations are submitted on behalf of our client, The Sogno Family Trust ("The Trust"). The Trust are the owners of the Land to the southeast of Heathy Farm, contained within the Draft Local Plan as a proposed allocation under emerging Policy H2: Key housing sites.
- 1.2 These representations assess the Draft Local Plan against paragraph 35 of the National Planning Policy Framework (NPPF 2019), namely that to be found "sound", the Plan must be:
- 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.
  - d) **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 1.3 These representations support the Local Plan consultation document, are supportive of the proposed spatial strategy and demonstrate that the proposed allocation at Land southeast of Heathy Farm is "sound" and developable, having regard to national policy. It also reviews the Local Plan in terms of soundness of the Duty to Co-operate and other policies contained in the Plan, including for development management purposes.
- 1.4 To support the council in progressing a sound plan in Examination, these representations identify some matters where greater clarification or alternative wording/approach is recommended to better align with national policy.
- 1.5 We wish to participate at the oral part of examination as our client's land is a strategic allocation which will contribute to meeting the District's housing needs. It is necessary for us to attend to assist with discussions regarding the allocation, as well as related policies that influence its delivery.



## 2.0 Strategic matters

### *Plan Period*

2.1 The NPPF at paragraph 22 states that:

*"Strategic policies should look ahead over a minimum 15-year period **from adoption**"*  
(our emphasis)

2.2 As above, the council must be certain that the plan can meet the 15-year period. The draft Local Plan is proposed to cover the period of 2021-2037; a total of 16 years; which to comply with the NPPF would require adoption in 2022.

2.3 The December 2020 Local Development Scheme anticipates submission of the Local Plan to the Planning Inspectorate in March 2021 and adoption in March 2022. The Plan timetable has already been delayed by the extended consultation period on the Regulation 19 consultation, and in cases where authorities cannot meet their housing need, Plan Examination can be protracted. The Local Development Scheme further does not appear to account for any Main Modifications consultation and therefore would appear to be ambitious.

2.4 Given the delay to the Regulation 19 consultation, there appears to be limited opportunity for further delay without the plan period from adoption falling under 15 years. This is important as any extension to the plan period would require additional years of housing need to be accounted for within the emerging Local Plan strategy, and therefore could affect matters relating to housing need and unmet needs to be accommodated by neighbouring authorities.

2.5 Therefore, at this stage, the council should ensure they are confident the Plan can suitably accommodate a minimum of 15 year period from adoption to be legally compliant.

### *Housing need*

2.6 As set out in the Introduction, in order for a Local Plan to be found sound, it must be positively prepared, justified, effect and consistent with national policy.

2.7 With regard to the latter, paragraph 65 of the NPPF requires that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period.

- 2.8 Further, paragraph 35 of the NPPF 2019 requires the council to demonstrate that the strategy as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities so unmet need is accommodated.
- 2.9 In this regard, the Local Plan identifies a housing need of 750 dwellings per annum (dpa), totalling 12,000 homes across a 16 year plan period (2021-2037). The 750 dpa figure is derived from the government's standard method for housing need, as required by paragraph 60 of the NPPF. Therefore, the method for calculating the *minimum housing need* for the Plan period is considered to be sound. The council should review and revise this figure as necessary once the updated Affordability Ratios are published.
- 2.10 Whilst the baseline housing need, as per the standard method, is considered to be sound, the council must be certain they have suitably considered other strategic matters that could influence the actual housing need that will be present across the proposed plan period.
- 2.11 As set out in the National Planning Practice Guidance (NPPG) paragraph 010 Reference ID: 2a-010-20201216, there are circumstances where it might be appropriate for authorities to plan for a higher housing need figure than the standard method, and that this should be assessed prior to and separate from considering how much of the overall need can be accommodated within the Borough. This is then translated into a housing requirement figure for the strategic policies in the plan. Examples of where this might be appropriate includes "*where strategic infrastructure improvements that are likely to drive an increase in the homes needed locally.*"
- 2.12 In this regard, Gatwick Airport lies within Crawley Borough Council's authority area and in August 2019 submitted a Scoping Report to the Planning Inspectorate for the use of the Northern Runway to grow capacity of the airport. It is understood that Gatwick are now preparing the environmental information and a planning application through the Nationally Strategic Infrastructure Project (NSIP) Development Consent Order (DCO) route. The proposed use of the northern runway is anticipated to grow passengers by more than 10 million per year<sup>1</sup>, which in turn would create approximately 20,000 new jobs (both direct and indirect)<sup>2</sup>. According to the airport's Masterplan (2019), the anticipation is that the runway could be operational by the mid-2020's. Therefore, given

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<sup>1</sup> <https://www.gatwickairport.com/business-community/future-plans/long-term-plans/>

<sup>2</sup> Making Best Use of Gatwick, August 2019

the Crawley Local Plan period runs until 2037, there is a clear potential that Gatwick will be planning for growth that will require supporting housing within the Plan period.

- 2.13 The Gatwick Diamond Local Strategic Statement, provided as evidence to the draft Local Plan, states at paragraphs 2.16 that *"The national and international importance of Gatwick Airport as a global business and leisure aviation hub will continue to remain central to the economic development of the area."* However, given the age of this document, it does not reflect up to date positions on Gatwick's influence on future growth within Crawley. Whilst the Northern West Sussex Statement of Common Ground (May 2020) states that the authorities are working collaboratively with the Airport in relation to their DCO application, there does not appear to be any Statement of Common Ground or evidence which has clearly considered the potential future needs arising from growth at Gatwick Airport within the emerging Plan period.
- 2.14 Given the proposed scale of growth, which is known at the time of the drafting of this Local Plan, there is a likely need to plan for additional housing over and above the local housing needs arising from the 'standard method'. As per the NPPG paragraph 010 Reference ID: 2a-010-20201216, this should be accounted for prior to any decisions about the amount of housing that may be accommodated within the Borough.
- 2.15 Therefore, it is recommended that further or updated evidence is provided to ensure the draft Local Plan can be considered sound and positively prepared; particularly to demonstrate it has been shaped by early, proportionate and effective engagement with local infrastructure providers such as Gatwick (paragraph 16 of the NPPF) and does not *"provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy"* (our emphasis).

### **Housing requirement and accommodating need within Crawley Borough**

- 2.16 Draft Policy H1 states that of the 12,000 homes identified from the standard method (assuming no uplift from Gatwick or an extended plan period), 5,320 homes can be met within the Borough, and therefore 6,680 homes will need to be met elsewhere.
- 2.17 As set out in para 123 of the NPPF:

*"where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies avoid homes being built at low*

*densities, and ensure that developments make optimal use of the potential of each site.*

*In these circumstances:*

- a) plans should contain policies to **optimise the use of land in their area and meet as much of the identified need for housing as possible**. This will be tested robustly at examination, and should **include the use of minimum density standards** for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*
- b) the **use of minimum density standards should also be considered for other parts of the plan area**. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range;...”*

- 2.18 It is understood that the Borough is significantly constrained by the tight administrative boundary, the presence of Gatwick in the north of the Borough and its respective stand-off, and other ecological, historical and environmental constraints.
- 2.19 Given the extent of constraint to delivering homes within the borough’s administrative boundary, it is imperative that the Local Plan policies support the optimisation of housing on all development sites.
- 2.20 In this respect, we are supportive of policies CL2, CL3 and CL4 which set a minimum density for development and promote efficient use of land and optimisation of sites (consistent with paragraph 123 of the NPPF).
- 2.21 In addition, given it is identified that the council cannot meet their housing needs in full within the Borough administrative area, it is critical that the draft allocations policy H2 is positively prepared to provide flexibility to accommodate as much need within the Borough as possible.
- 2.22 Policy H2 as currently worded provides the indicative capacity of each proposed allocation site as a fixed number. Whilst the capacities are identified as ‘indicative’, in order for the plan to be consistent with national policy as above and unambiguous, we recommend the policy is worded more flexibly, such that it is clear the capacities can be exceeded where feasible.
- 2.23 This is particularly relevant as Topic Paper 4 sets out at paragraph 3.4 how a number of sites that were previously allocated within the adopted Local Plan with indicative capacities have since been capable of delivering a larger number of homes after more

detailed site assessment work was undertaken. Based on past evidence, and the high level nature of technical work undertaken to support plan-making, it is reasonable that the key sites under Policy H2 may also achieve additional housing numbers once detailed site work is undertaken. To be found sound, effective and consistent with national policy, the council's policy should not be worded ambiguously (paragraph 16d of the NPPF 2019) such that the allocations may be conceived by the public, and officers, as an upper 'limit' to housing on any site.

### **Duty to Cooperate**

- 2.24 Statements of Common Ground have been signed with Reigate and Banstead, Mole Valley and the Northern West Sussex authorities (Horsham, Mid Sussex and West Sussex). An updated Duty to Cooperate Statement was published in April 2021 which has been considered below.
- 2.25 Whilst Reigate and Banstead Borough and Mole Valley District are within separate HMAs according to the Statements of Common Ground, it is appropriate for the authorities to consider whether they can accommodate unmet needs of Crawley given their close relationship. Both authorities have stated they are unable to accommodate any unmet needs due to Green Belt constraints. As per paragraph 137 of the NPPF, it is agreed that prior to concluding exceptional circumstances to remove land from the Green Belt, all other reasonable options for meeting the identified need should be examined fully, such as other locations or authorities who are not constrained as such.
- 2.26 The Northern West Sussex Statement of Common Ground (May 2020) identifies that Horsham and Mid Sussex will seek to accommodate unmet needs arising from Crawley in their emerging Local Plans. However, at the time of these representations, the amount of need that can be accommodated within Horsham and Mid Sussex is unknown.
- 2.27 In order for the draft Local Plan to be found effective, in accordance with paragraph 35 of the NPPF, that "*cross-boundary strategic matters have been dealt with, not deferred*", it is necessary for the council to have confidence that their unmet housing need can be accommodated by the Horsham and Mid Sussex District Councils. Otherwise, in the absence of other reasonable options, further engagement with Mole Valley and Reigate and Banstead will be necessary to understand whether there are any sites which do not contribute to the purpose of the Green Belt, and are suitable for release to meet Crawley's unmet needs. In providing this additional supporting evidence, the plan can be found effective.

2.28 On this basis, it is recommended that an updated Statement of Common Ground be agreed which confirms the extent of unmet needs that can be accommodated by the neighbouring authorities, in order for the plan to be found effective and positively prepared, and therefore sound.

### **3.0 Land to the southeast of Heathy Farm, Balcombe Road, Forge Wood**

- 3.1 Land to the southeast of Heathy Farm is allocated under Policy H2 in the Draft Crawley Borough Local Plan 2021-2037.
- 3.2 The Trust are supportive of the site's allocation and as set out below, agree with the Strategic Housing Land Availability Assessment (SHLAA, 2020) that it is sustainable, suitable, achievable and available to deliver housing within the emerging Local Plan period. As per paragraph 32 of the NPPF 2019 and set out further below, the allocation of this site avoids significant adverse impacts and delivers environmental, social and environmental benefits.
- 3.3 In this regard, the plan is considered to be sound as the council has positively sought the opportunity to identify sites to accommodate housing in sustainable locations within the borough (consistent with paragraph 11 and 32 of the NPPF).

#### *Sustainable and suitable*

- 3.4 The site is comprised of two linked parcels which both lie adjacent to the Forge Wood neighbourhood that was allocated in the adopted Local Plan, and has since received planning consent and is in the process of being built out. Specifically, the site is located adjacent to Phase 3 of Forge Wood neighbourhood which will include sports provision, play space and will be served by a bus route connecting into the centre of Crawley. The wider Forge Wood development includes a local centre, school and other facilities which are within walking distance from land southeast of Heathy Farm. Therefore, given the relationship with Forge Wood, the site is sustainably located and has opportunities to support non-vehicular travel to meet the emerging policy CL3 requirements for being within an 8-minute walk of a bus service.
- 3.5 In this regard, we consider that the site should be upgraded to having a **positive impact** on promoting sustainable journeys (SA objective 7) within the Borough, and agree that the site would have a **significant positive impact** on promoting sustainable communities and encouraging active lifestyles (SA objective 9).
- 3.6 The M23 is located to the east of the site; acceptability of development adjacent to the M23 has been established to the north, and suitable noise mitigation achieved. Similar mitigation could be achieved on this site. Further, the sites relationship with Forge

Wood, and opportunities for active travel, means the site can contribute to minimising climate change from growth, and local pollution. Therefore, we consider the site should be upgraded to **positive impact** for SA objective 1.

- 3.7 The site is surrounded by woodland to the south and south west, some of which is classified as Ancient Woodland. An appropriate buffer could be incorporated into any development layout, to avoid harm to the Ancient Woodland.
- 3.8 No trees directly on the application site are subject to a Tree Protection Order or classified as Ancient Woodland. Whilst the proposal would result in the removal of trees in order to deliver an efficient scheme that supports the council in meeting their housing needs, at application stage a tree survey would identify any key trees within the site and wherever possible, these could be sensitively masterplanned into the proposal. Furthermore, as per the draft amendments to national policy consulted upon in early 2021, the development would be able to incorporate street trees to support climate mitigation and provide shade for pedestrians as well as occupiers of housing. Furthermore, as will be required by the Environment Bill, any development would be required to demonstrate 10% biodiversity net gain, either on or off site. Therefore, overall, the site would have a **positive impact** on conserving and enhancing biodiversity and landscape (SA Objective 6).
- 3.9 The site has potential to be accessed from either the B2036 or through Phase 3B of Forge Wood Neighbourhood to the north, which provided opportunity for connection onto Emerald Drive. The future access points can be evolved through detailed highways work and engagement with the council and West Sussex Highway Authority and is not considered to be constraint to delivery.
- 3.10 Wider infrastructure improvements, as necessary to mitigate the development, could be achieved through Section 106 agreement and CIL. Therefore, we consider the site should be upgraded to having a **neutral impact** on SA Objective 8 (providing sufficient infrastructure).
- 3.11 Overall, the site is considered to be otherwise unconstrained, with opportunities to deliver local open space and sustainable drainage solutions alongside a range of affordable and market housing. It is therefore considered to be suitable and sustainable for development now.



***Achievable***

- 3.12 Given the site has opportunity for direct access from the B2036 or the neighbouring Forge Wood development, and there are no overriding constraints that would impede the delivery of the site for housing, it is achievable for development to come forward within the emerging Local Plan.

***Available***

- 3.13 The site is being promoted by the landowners, the Sogno Family Trust, who have confirmed they are willing to enter into discussions with developers to bring the site forward at the earliest opportunity. Therefore, the site is available for development.

***Draft allocation policy***

- 3.14 As set out in Section 2 above, draft allocation policy H2 sets an *indicative* capacity figure of 150 dwellings for Heathy Farm. It appears that this is derived from the SHLAA. Given the constraints within the Borough to meet their housing needs, and the drive towards densification and efficient use of land in accordance with the NPPG, it is critical that the allocation policy states the figures are indicative, but can be exceeded where feasible, such that the draft Local Plan be considered unambiguous (paragraph 16d of the NPPF 2019), positively prepared and effective to meet as much of Crawley's needs as possible, and therefore be found sound.
- 3.15 Supporting text paragraph 12.48 of the draft Local Plan states, in relation to Land south east of Heathy Farm, that "*the site is also likely to need to incorporate on-site open space, including allotment provision, which should be designed into a scheme from the outset to ensure its satisfactory accommodation*".
- 3.16 Given the relationship of the site to Forge Wood and the facilities that are secured within that development, there may be opportunity to generate more efficient use of land through an off-site contribution that supports or improves these facilities, as per draft Policy OS2. The flexibility of the allocation policy and open space policy, for detailed studies at application stage to determine appropriate on and off-site open space provision, is supported as it ensures that the Plan does not overly restrict the efficient delivery of homes.
- 3.17 A review of the wider detailed policies that are relevant to the proposed allocation of Land to the southeast of Heathy Farm is contained in Section 4.

## 4.0 Soundness of other Local Plan policies

- 4.1 The section below sets out our response to specific policies contained within the draft Local Plan, and our recommendations to ensure policies do not collectively affect the viability of developments, and therefore the Plan be found sound.

### *Policy CL6: Structural Landscaping*

- 4.2 Whilst not a matter of soundness, for clarity it is recommended that the Policy Map is updated to include the Structural Landscaping referenced within Policy CL6 within the key.

### *Policy H4: Housing Mix*

- 4.3 Policy H4 states in the first paragraph that the appropriate mix of house types and sizes for each site will depend on size, characteristics and viability of a scheme, taking account of the Strategic Housing Market Assessment (SHMA). This approach is considered to be sound as it provides flexibility to deliver a range of homes to meet up to date needs at the time of any application.
- 4.4 However, whilst the first paragraphs of the policy allow for flexibility, the third paragraph states that:

*The expected starting point for the market housing mix, both for schemes of owner occupation and private market rent, and the affordable housing mix is set out in the table below. Applications should explain how they have sought to meet this mix (or any subsequent delivery-adjusted update published with the council's Authority Monitoring Report) and provide strong justification for schemes which fail to provide a reasonable balance of property types and sizes, to promote mixed communities.*

- 4.5 The policy goes onto include a "Housing Mix Test" which seeks to ensure no mix is excessively distorted.
- 4.6 Whilst we recognise that the policy states strong justification is needed only where schemes fail to provide a reasonable balance of property types and sizes, it is not clear at what point Officers will consider the balance to be unreasonable. Therefore, the policy should be amended to be positively worded (as per paragraph 35 of the NPPF 2019), to allow for deviation where it is justified through evidence.

- 4.7 Given the limited land availability in the Borough and the need to optimise development sites, this is important to ensure the policy does not frustrate and delay the delivery of much needed homes.

***Policy H7: Self and custom build***

- 4.8 Policy H7 requires that all Use Class C3 residential developments of 50+ units provide 6% of the total area occupied by residential plots for self/custom housebuilding.
- 4.9 The supporting text states that as of 1 April 2019 there were 71 individuals on the self-build register. Therefore, the policy is based on a requirement for self-build housing that is over 2 years old at the time of this consultation closing.
- 4.10 In order to be underpinned by relevant and up to date evidence, as necessary under paragraph 31 of the NPPF 2019, it is recommended that the council update the evidence and policy to reflect more recent self-build requirements.
- 4.11 Furthermore, given the 16 year plan period, in order to be “justified” the policy should be clear that it is only relevant to provide self-build housing where there remains a demonstrable demand for self and custom build housing on the self-build register at the time of any application, in order not to delay the delivery of otherwise much needed homes.
- 4.12 To be found sound, it is recommended the policy is updated as follows:

*"Subject to the exceptions listed below, where there is evidenced demand on the self-build register at the time of an application, a residential (Use Class C3) development including 50 or more units will be required to provide up to 6% of the total area occupied by residential plots in the form of serviced plots for self-build and custom housebuilding.*

***Policy G13: Biodiversity and Net Gain***

- 4.13 The Trust are supportive of the delivery of Biodiversity Net Gain, in accordance with the Environmental Bill which is expected to be passed into law in late 2021. However, the policy as currently worded does not make provision for circumstances where Biodiversity Net Gain cannot be achieved (in part or full) on site. This circumstance is however referenced within paragraph 14.39 of the supporting text:

*"off-site financial provision, or alternative, will be delivered via an identified strategic mechanism for net gain, anticipated to be set out in national guidance".*

- 4.14 To be clear and unambiguous for this event, it is recommended this provision is included within policy.
- 4.15 The policy as currently worded also repeats the replacement tree planting policy DD4, referring to a commuted sum "per tree". In the context of biodiversity, and biodiversity net gain, tree planting may not be the only or appropriate solution to achieve biodiversity net gain. The policy goes on to require, "for landscaping purposes" the planting of one new tree per dwelling which similarly does not appear to relate to the purpose of biodiversity net gain.
- 4.16 As currently drafted, the policy is repetitive of other policies contained within the draft Local Plan and does not appear to directly relate to its intended purpose of Biodiversity Net Gain. Therefore, we recommend that the wording relating to tree replacement and landscaping is removed to avoid duplication.

***Policy EP4: Development and Noise***

- 4.17 Policy EP4 states that noise sensitive uses in areas that are exposed to Unacceptable Adverse Effect Levels (as defined in the Noise Annex) will not be supported. However, for lower levels of noise, mitigation can be applied to make development acceptable.
- 4.18 The above policy relies upon the PPG24 (Planning and Noise), which has been revoked, to define acceptable locations for development, prior to any consideration of mitigation. Given the shortfall in housing accommodated within the borough, it is not justified for the policy to define the noise levels (pre-mitigation) where development will be supported.
- 4.19 Indeed, the supporting text provides more flexibility than the policy, which undermines the strict approach to this policy. Rather, the acceptability of a location for development in relation to neighbouring noise generating uses should be determined at application stage, based on evidence of mitigation which can be achieved to maintain amenity for residents.
- 4.20 Therefore, in order for the policy to be found sound, flexible to accommodate progress in technology across the plan period, and not unduly restrictive, we recommend removal

of reference to acceptable noise levels for development, and reference instead to the requirement for a Noise Impact Assessment to demonstrate how a development would be acceptable, taking account of existing surrounding noise sources (i.e. the agent of change).

## **5.0 Conclusions**

- 5.1 Overall, the Trust are supportive of the draft Local Plan and consider the overall spatial and allocation strategy to be sound. The allocation of the Land southeast of Heathy Farm is sustainable, suitable, available and achievable for development within the plan period. Therefore, as a justified site without significant constraint and located sustainably to accommodate housing within the Borough, the allocation of the site is considered to be sound.
- 5.2 We have identified areas where clarification or updates to specific policy is recommended, in order to allow for flexibility on the delivery of homes whilst still meeting environmental, social and economic objectives. With these proposed amendments we consider the plan can be found sound, and would be effective at delivering new homes within the Borough to meet as much of the Borough's identified housing requirement as possible.