

Local Plan Representation

FPLP522116261

PART A Personal details

Title	
First name	
Last name	
Is the address	
Enter postcode or street name to lookup	
Address	
House name or number	
Street	
Neighbourhood	
Town	
County	
Postcode	
Email	tonyfu woodrtp @ao .com
Confirm email	tonyfu woodrtp @ao .com
Mobile number	
Other phone number	
Has a planning agent been appointed?	Yes

PART A Agent details

Title	Mr.
First name	Tony
Last name	Fu wood
Organisation	Tony Fu wood Assoc ates
Need to enter address manually?	
House name or number	
Street	
Neighbourhood	
Town	
County	
Postcode	
Email	tonyfu woodrtp @ao .com
Confirm email	tonyfu woodrtp @ao .com
Mobile (Please remove spaces)	07813303986
Other Phone	01580240715

PART B Your representation

Which document would you like to make a representation on?	C aw y s b m s s o L o c a P a
Which part of the Local Plan does this representation relate to?	P o c y
Please give details.	P o c y H o s g , B o d v s t y a d H t a g S t
Legally compliant?	Y s
Sound?	No
Compliant with the duty to co-operate?	Y s
Please give details explaining your response.	P a s s a t t a c d

Please set out what modification(s) you consider necessary to resolve the issues you have identified above

The Borough Council are requested to accept a minor amendment to the wording of Policy H2 Housing, Biodiversity and Heritage Set-Back (v) to revert to that included in the Adopted Local Plan as follows: v. 'no harm to the species-rich meadow grass and which contributes to the Local Wildlife Sites (LWS)

If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings?

Yes, I wish to participate in the examination hearings

If you wish to participate in the public examination hearings, please outline why you consider this to be necessary

An appearance to explain the issue would only be necessary if the Borough Council did not accept the minor amendment sought.

Do you wish to upload any supporting documentation or files?

Response to Crawley Borough Local Plan 2024 - 2040 Regulation 19 Consultation^J 2023.pdf

Form submitted by:

Mr. Tony Fuwood of Tony Fuwood Associates on 07/06/2023

Response to Crawley Borough Local Plan 2024 - 2040 Regulation 19 Consultation, 2023

Policy H2 Housing, Biodiversity and Heritage Site - Land east of Balcombe Road/Street Hill, Pound Hill

Tony Fullwood Associates

Chartered Town Planners



Introduction

Tony Fullwood Associates act on behalf of the Bucknall family – owners of the Housing, Biodiversity and Heritage Site allocated within Policy H2 (Key Housing Sites) in the Crawley Borough Local Plan 2024 – 2040. This representation updates that submitted to the Regulation 19 Crawley Borough Local Plan 2021 – 2037, January 2021.

The representation continues to strongly support the allocated site and requests that Crawley Borough Council accept a minor amendment to Policy H2 Housing, Biodiversity and Heritage Site - criterion (v).

Support

Policy H2: Land east of Balcombe Road/Street Hill, Pound Hill

It is common ground with the Borough Council that the site remains suitable, available and achievable (Strategic Housing Land Availability Assessment, February 2023).

Site Suitability

There are no changes in national policy which either diminish the need for housing in the Borough or further constrain development. Recent evidence (Worth Conservation Area Statement, February 2018, Non-designated Heritage Asset Assessment: Historic Parks and Gardens, September 2020, Flood Risk and Sequential Test for Site Allocations, October 2020 and Crawley Transport Study, May 2021) confirms that the site remains suitable for development. The site lies outside the Sussex North Water Supply Zone and therefore water abstraction is not an issue. The site is not affected by water neutrality requirements.

The scale of unmet need in the Borough over the Plan period has increased to approximately 7,050 dwellings since publication of the Regulation 19 Draft Crawley Borough Local Plan 2020 – 2035. It is clear from local evidence that effective use must be made of land already allocated within the Borough in the adopted Local Plan.

The site remains eminently suitable to deliver 15 dwellings as previously confirmed by extensive evidence, the Local Plan Inspector's report and its allocation in the adopted Local Plan.

Site Availability

The site remains immediately available and would already have been brought forward for housing development but for a frustration caused by the difficulties encountered by the Borough Council in the production of a satisfactory and lawful Development Brief referred to in Policy H2. The site is currently attracting developer interest and is correctly classified as deliverable.

A Development Brief was first issued for consultation in July 2017 and has still to be adopted by the Borough Council despite allocation of the site in the adopted Local Plan in December 2015. The Borough Council should continue to engage with the landowner and progress the Development Brief to adoption. The Bucknall family look forward to positive engagement in order to ensure an acceptable and lawful Development Brief that facilitates the early delivery of a sensitive and viable housing development.

Site achievability

The site can be, and should already have been, delivered and is considered to be viable and achievable provided the Development Brief does not impose further restrictions and requirements beyond those agreed by the Local Plan Inspector and contained within adopted Local Plan Policy H2.

Conclusion

There is strong justification for retaining Land east of Balcombe Road/Street Hill, Pound Hill as a deliverable Housing, Biodiversity and Heritage Site allocation within Policy H2 (Key Housing Sites) and the Bucknall family wish to strongly support its retention in the emerging Crawley Borough Local Plan 2024 - 2040.

Objection to policy wording: Policy H2 Housing, Biodiversity and Heritage Site criterion (v)

The Bucknall family wish to object to the proposed amended wording in criterion v. The criterion now seeks to '**avoid**' rather than '**limit**' harm to grassland on the site - as currently worded in the adopted Local Plan H2 allocation.

This is the only change to the wording of policy criteria for this allocation when compared with the adopted Local Plan. There appears to be no justification for this amendment. Whilst this single change may appear to be minor, inclusion of this proposed wording would result in this part of the Regulation 19 Local Plan not being effective or consistent with national policy – consequently making this part of the Local Plan unsound.

Effective

In considering the allocated site, the adopted Local Plan Inspector stated:

The most important attribute of the SNCI, the species-rich meadow grassland, has diminished appreciably since designation as a result of encroaching bramble scrub. Without intervention all the meadow grassland habitat will in time be replaced by bramble and, ultimately, woodland. Proper management of the two-thirds of the SNCI not affected by development would enable the decline of the remaining species-rich meadow habitat to be arrested. Mitigation of this nature, secured as part of the development, would offset the harm caused by the loss of part of the meadow and (as with the heritage assets) represents a balanced approach to meeting the housing needs of the area.

It is clear that the Inspector's decision was based on an acceptance that part of the grassland within the housing area would be lost, and that the objective of securing net gains for biodiversity would be delivered on the other parts of the Site (hence the allocation of the wider Housing, Biodiversity and Heritage Site). The attempt to impose the revised wording to 'avoid harm' would contradict the Inspector's conclusions and unnecessarily constrain optimising the use of this site. The NPPF (Para. 125) states:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies ... ensure that developments make optimal use of the potential of each site.'

As now worded, criterion (v) of Policy H2 Housing, Biodiversity and Heritage Site allocation potentially undermines the ability of the site to deliver housing development in line with the Inspector's conclusions and the adopted Local Plan.

The Local Plan Inspector clearly had in mind the wider tests of achieving sustainable development when allocating this site. In particular he referred to the social benefits of achieving a *'nonetheless significant contribution towards meeting Crawley's housing need on a site within Crawley'*. He was also clearly mindful of the environmental benefits which can be achieved as a result of development but was aware that achieving a certain scale of development would result in *'harm caused by the loss of part of the meadow'*. This is accurately reflected in his proposed modification (now included in the Local Plan) which sought to **'limit'** harm in the adopted Local Plan.

The Local Plan Inspector accepted that, without intervention, all the meadow grassland habitat will in time be replaced by bramble and, ultimately, woodland. Since the Inspector's report in 2015, the areas of semi-natural grassland have indeed been encroached on by surrounding bramble scrub and now only small pockets remain within the indicative housing area as shown on the photographs below (May 2023). This makes this amended criterion even less justified.



Criterion (v) of the policy as worded even contradicts the Local Plan which states:

'The potential impact of the development and long-term degradation of the valuable habitat on the site ... can be mitigated against through the appropriate high quality enhancement of the remainder of the site.' (Para. 12.58)

This is confirmed in the Sustainability Appraisal which in relation to the Housing, Biodiversity and Heritage Site states:

*...it is essential that appropriate mitigation measures are in place and secured to **limit** the negative impacts of development (**my emphasis**).*

It is not acceptable, and should not be necessary, to rely on the phrase at the foot of Policy H2 which states that where impacts cannot be avoided adequate mitigation and compensation measures will be provided to offset any harm caused to the site's important assets. This leaves greater uncertainty over how the Borough Council will apply criterion (v) in their interpretation of NPPF Para 175 (a) in the future. In any event, in the case of the allocated Housing, Biodiversity and Heritage Site the change to criterion (v) represents an unnecessary change to Policy H2 when it has already been accepted by the Local Plan Inspector and in the adopted Local Plan that, as a consequence of this allocation, there will be limited harm to the grasslands.

The need for this change is compounded by the revisions to Policy CL8: Development Outside the Built Up Area. Policy H2 Housing, Biodiversity and Heritage allocation sits within the Tilgate/Worth Forest and Fringes. This part of Policy CL8 has been amended to include reference to biodiversity:

*Proposals within Tilgate Country Park and Worth Conservation Area/Worth Way LWS should conserve and enhance their high landscape **and biodiversity** value and potential for improved green infrastructure links to other areas. (my emphasis)*

There is no caveat to this policy to allow for mitigation.

The restriction to avoid harm to grassland within the housing site adds unnecessary uncertainty and could undermine the delivery of this otherwise suitable, available and achievable site in the early part of the plan period - rendering this part of the plan ineffective.

Consistency with national policy

The NPPF (Para. 170) states:

Planning policies ... should contribute to and enhance the natural and local environment by:

a) protecting and enhancing ... sites of biodiversity... (in a manner commensurate with their statutory status or identified quality in the development plan)...

d) minimising impacts on and providing net gains for biodiversity...

The attempt in Criterion (v) to avoid harm is not consistent with national policy for a Local Wildlife Site and the balanced approach to viewing the benefits and constraints of this site..

The NPPF (Para. 125) states:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies ... ensure that developments make optimal use of the potential of each site.'

The attempt in Criterion (v) to avoid harm contradicts the approach advocated in the NPPF as sought by the Adopted Local Plan Inspector.

Modification necessary to resolve the issue identified

The Borough Council are requested to accept a minor amendment to the wording of Policy H2 Housing, Biodiversity and Heritage Site criterion (v) to revert to that included in the Adopted Local Plan:

v. **limit** harm to the species-rich meadow grassland which contributes to the Local Wildlife Sites (LWS)