



Homes
England

The Housing and Regeneration Agency

Crawley Borough Council
Strategic Planning
Town Hall
The Boulevard
Crawley
West Sussex
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16 June 2023

Dear Sir/Madam

CRAWLEY BOROUGH COUNCIL DRAFT LOCAL PLAN REGULATION 19 CONSULTATION – JUNE 2023

Please find enclosed at Annexe A representations by Homes England to the Draft Crawley Borough Local Plan Review 2024 – 2040 Regulation 19 consultation (herein referred to as the 'Draft Crawley Local Plan'). These supersede previous Regulation 19 representations dated 29th June 2021.

This response relates to Homes England's interests as a major landowner / promoter with a land interest at the Land West of Ifield, shown as SA101 in the Horsham District Council Regulation 18 Local Plan and which was identified as a preferred allocation site, Policy HA2, in the draft Horsham District Council Regulation 19 document (noting this was not consulted upon). The site falls both within and adjoining Crawley Borough Council's administrative boundary and directly impacts on, or is directly impacted by, proposals set out in the Draft Crawley Local Plan and supporting evidence base.

Within the context of a significant undersupply of housing land being proposed in the Draft Crawley Local Plan and the need for other identified development needs (such as education and health) and delivery of strategic infrastructure to be facilitated by development outside of the Crawley, West of Ifield can demonstrably and proactively respond in a timely manner to the strategic growth priorities and unmet development needs within the Borough.

This response is therefore targeted, focusing on potential soundness issues that may impact on the delivery of the emerging Land West of Ifield proposals, or set out where changes to the Draft Crawley Local Plan should strengthen commitment to and support delivery of Land West of Ifield as an urban extension required to meet identified development needs within Crawley and satisfy the authorities Duty to Cooperate.

Separate responses will be submitted by Homes England in relation to its other land interests within the Crawley administrative area.

Summary of Representations

The following points raise issues of potential soundness that need to be addressed:

- **Duty to Cooperate:** It is noted that at the time of this Regulation 19 consultation, a Statement of Common Ground (SoCG) with Horsham District Council has not been published. As per the National Planning Policy Framework (NPPF) and national guidance, to be found sound it is necessary for plans to be positively





prepared in a way that seeks to accommodate identified needs with a SoCG prepared and updates to be published throughout the preparation of the Plan. Therefore, until such a time as a SoCG is published to demonstrate ongoing discussions have been held with Horsham District Council and how significant shortfall in housing supply is being considered by adjoining authorities, the Plan is not considered to be sound and may not demonstrate legal compliance.

- **Paragraph 12.23** sets out a number of conditions that any future urban extensions must meet in order for Crawley Borough Council to support. As currently worded the supporting text is unsound as they are neither **justified** or **effective**. Given the significant undersupply of housing land over the Plan period and the substantial reliance on adjacent urban extensions to meet unmet housing needs and other development needs over the Plan period, the Plan should be proactive in supporting the delivery of urban extensions adjacent to the boundary, working with neighbouring authorities rather than seeking to resist them in the event that a detailed list of fixed criteria cannot be met. To be sound, the list should be presented as desired outcomes, ways in which the authority will work collaboratively with neighbouring authorities to meet the unmet needs rather than a series of ‘tests’ that necessitate or require that certain conditions ‘must’ be met, in order for Crawley Borough Council to support proposals - without the necessary evidence being available.

Against the assessment criteria set out in Para 12.23, the following further comments on soundness are made:

- **criterion ii:** the requirement for the scoping design and delivery of the Western Multi-Modal Transport Link prior to completion of any dwellings is **not justified**. The approach is not supported by the evidence set out in the Crawley Transport Study June 2022 (Scenario 3). To be justified, the triggers and requirement for tripartite agreement to any delivery strategy should be removed from the supporting text and amended to allow the scope and delivery of the Crawley Western Link to be informed at application stage by evidence and assessments, with potential for phased delivery if supported by the evidence at that time.
- **criterion vii:** The provision of affordable housing targets for developments outside the council’s administrative area should be removed in the context that the requirement is **not justified** and should be identified and tested through the relevant Local Plan of the adjoining authority in which the allocation is to be made, in which the full impact of setting affordable housing requirements at 40% can be tested in full and alongside other policy requirements.
- **criterion xi:** additional wording should be included to ensure **consistency with national policy**. The criterion should be updated to be clear that development that results in the loss of ancient woodland / veteran trees should be refused “unless there are wholly exceptional reasons, and a suitable compensation strategy exists” in line with NPPF Para 180 (c).
- **criterion xiii:** whilst Homes England supports the delivery of high quality and well-designed places, the requirement on urban extensions to demonstrate exemplar standards is **not justified** in as much as ‘exemplar’ is not defined and has not been tested alongside other policy requirements as part of the relevant Local Plan evidence base.





- **criterion xiv:** The requirement for a ‘bespoke Area Wide Design Assessment tool’ should be removed from the supporting text as it is **not justified**. Whilst Homes England supports the delivery of integrated and distinctive places, national policy is clear that the appropriate tools shall be determined by the strategic plan-making authority, and the wording is ambiguous, contrary to paragraph 16 of the NPPF.
- **Policy CL8:** this policy should recognise the need for housing across the wider area and the role of the rural fringe to provide sustainable and active travel connectivity. The policy should recognise the importance of connectivity and the opportunity to contain essential sustainable active travel links to new sustainable urban extensions outside of the built-up area in support of other policies in the Plan. The wording should further be updated to be clear and unambiguous, as required by NPPF paragraph 16, to be **consistent with national policy**.
- **Supporting text to Policy IN2:** The Local Plan should be flexible to ensure that it remains up to date and **justified** against evidence across the plan period. As such, the specificity in number of forms of entry required for secondary education is recommended to be removed as is best dealt with through the supporting Infrastructure Delivery Plan.
- **Conflict between GAT2 and ST4:** Homes England welcomes the changes to the policy ST4 that seeks to resolve or minimise potential conflict between the Gatwick safeguarding area and area of search for the Western Multi-Modal Transport Link. Homes England support the flexible approach at the eastern (A23) end of the proposed link that seeks to balance the risk of safeguarding conflict against the potential loss of employment land and ability to deliver the CWL as a strategic transport link in the timescales set out in the West Sussex Local Transport Plan. The feasibility study shows alternative options that could be deployed in the event a southern runway does come forward which is considered sound given the wider land use impacts that would need to be considered as part of any runway proposal at that time.
- **Policy ST4:** recognition of the strategic importance of the Crawley Western Link and refinement of the area of search is welcomed. However, the policy is not **effective** as it does not consider the necessary delivery issues in as much as it does not set out how development coming forward within the safeguarded corridor will be required to take account of the CWL or how the necessary funding will be secured through the proposed infrastructure delivery requirements set out in Policy IN1. Furthermore, as a strategically important scheme that is identified as being ‘developer led’ in the West Sussex Transport Plan 2022 -2026, reference to potential land assembly mechanisms – including potential use of CPO or supporting development proposals that help facilitate the Western Multi-Modal Transport Link should be included within the policy wording rather than the supporting text.
- **Policy GI3:** In order to be **effective** and **consistent with national policy**, this policy should be updated to remove reference to a 2020 biodiversity net gain baseline for development sites. Unless surveys have already been completed, it would not be possible to retrospectively determine the baseline in 2020 and this would not provide an accurate pre-development baseline for developments coming forward across the lifetime of the plan. Any baseline assessment should be undertaken with the DEFRA metric published at that time.





- **Policy GI4:** while the policy intention and identification of Local Green Spaces is supported, the current wording is not **effective** as it is not consistent with wider plan objectives and policy requirements. Wording should be updated to *“The above area will be safeguarded from development other than in very special circumstances or where the development is to enhance Local Green Space functions, for example, through improvements to access, recreation and wildlife or where it supports other policies in this Plan”*.
- **Policy EP4** – the current wording to restrict noise-sensitive development above the 60dB contour for aviation transport noise is not **justified** by evidence, particularly when considered against national guidance and standards. A more flexible approach to allow development within 60-63dB where suitable mitigation measures can be demonstrated, with the UAEL increased to above 63dB, is recommended.
- **Policy H8:** As per Policy EP4 above, a more flexible approach to the assessment of noise impacts is recommended in order for the policy to be **justified** against national guidance and recent decisions related to Gypsy and Traveller Sites in proximity to airports.

Homes England considers that the changes set out in this response are necessary to address the above to ensure that the draft Crawley Local Plan is sound, legally compliant and to provide further clarity on how the policies will be applied to future development proposals. Homes England would like to participate at the Examination in Public in relation to the above points.

Please contact me if you would like to discuss any points raised in this submission. In the meantime, I would be grateful if you could continue to keep Homes England informed in relation to the Draft Crawley Local Plan and progression towards Examination.

Yours faithfully,

Kate McBride

Interim Regional Development Director
Homes England



Annexe A

Draft Crawley Borough Local Plan Regulation 19 consultation (May 2023) Homes England Representations: Land West of Ifield

Introduction

Homes England is an executive non-departmental public body, sponsored by the Department of Levelling Up, Housing and Communities, and the governments' Housing and Regeneration Agency. Homes England has the aspiration, influence, expertise and resource to drive positive market change. By releasing more land to developers who want to make homes happen, Homes England assists in the delivery of the new homes England needs and helps to improve neighbourhoods and grow communities. Homes England works in collaboration with partners who share our ambition, including local authorities, private developers, housing associations, lenders and infrastructure providers.

As set out in our new Strategic Plan 2023-28, our mission is to drive regeneration and housing delivery to create high-quality homes and thriving places. This will support greater social justice, the levelling up of communities across England and the creation of places people are proud to call home.

A key focus for Homes England is the quality of what is being delivered, including championing environmental sustainability, design and beauty in homes and places that we support to create distinctive places and spaces that are designed for people to use and thrive. We also recognise that mixed-use regeneration to deliver housing alongside employment, retail and leisure space helps to create vibrant and successful places.

Purpose of Representations

Pursuant to Regulation 19 of Town and Country Planning Act (Local Planning) (England) Regulations 2012 these representations are made in respect of the Draft Crawley Local Plan to confirm our position in respect of our land interests at Land West of Ifield. We also confirm that we wish in due course to participate in the relevant sessions of the public examination.

These representations set out our position of support for the Draft Crawley Local Plan as a whole and identifies the changes we consider to be necessary to make the Plan sound, legally compliant and/or provide further clarity on how the policies will be applied.

Where amendments are proposed, these are considered necessary to ensure that the Draft Crawley Local Plan fully meets the soundness tests as set out in Paragraph 35 of the National Planning Policy Framework 2021 (NPPF) (paragraph 35).

These representations are written only in regard to Homes England's interests at Land West of Ifield. Separate representations for the other sites have been submitted where necessary.

Documents Reviewed

In preparing these representations, the following documents have been reviewed:

- Crawley submission Draft Local Plan (May 2023)
- Topic Paper 1 – Unmet Needs and Duty to Co-operate (May 2023)
- Strategic Housing Market Assessment November 2019
- Strategic Housing Land Availability Assessment February 2023
- Housing Trajectory March 2023
- Economic Growth Assessment supplementary update for Crawley January 2023
- Employment Land Availability Assessment 31 March 2023

- Employment Land Trajectory 31 March 2023
- Compact Residential Development Study May 2023
- Retail Commercial Leisure and Town Centre Needs Assessment 2020
- Topic Paper 7: Development and noise technical appendix
- Planning Noise Advice Document Sussex (2021)
- Topic Paper 2: Gatwick Airport
- Crawley Infrastructure Plan May 2023
- Draft Duty to Cooperate Statement May 2023
- Sustainability Appraisal SA SEA Report May 2023
- Crawley Transport Study June 2022
- Gypsy, Traveller, and Travelling Showpeople Accommodation Needs Assessment Consultation Draft May 2023
- West Sussex Transport Plan 2022 - 2026

Land West of Ifield

For clarity and through this representation, 'Land West of Ifield' is the site shown as SA101 in the Horsham District Council Regulation 18 Local Plan and which was identified as a preferred allocation site, Policy HA2, in the draft Horsham District Council Regulation 19 document (noting this was not consulted upon). This site is under the majority control of Homes England. The site is ideally located to make a significant contribution to the housing and infrastructure needs, and economic priorities of Crawley, respond proactively and in a timely manner to the strategic growth priorities and unmet development needs within the Borough.

The emerging allocation (SA101) is located within Horsham District, but a small portion of the wider site under Homes England's ownership lies within Crawley Borough (Ifield Brook Meadows Local Wildlife Site (Policy GI2) and Local Green Space (Policy GI4)).

Land West of Ifield provides the opportunity to realise significant opportunities and benefits for Crawley and meet a number of the significant unmet needs identified in the Draft Crawley Local Plan and Topic Paper 1 Unmet needs and Duty to Co-operate – including housing, education, health – and other strategic infrastructure provision, in a manner which aligns with the Vision within the Draft Crawley Local Plan, to create high quality facilities and strong communities, improve job opportunities, meet housing needs and protect the environment, including:

- 3,000 market and affordable homes, to help meet the needs of Horsham and Crawley
- 2 New Schools, 1 Primary and 1 Secondary
- up to 2,700 jobs on/off site, providing skills and training opportunities
- A Neighbourhood Centre, with community space, opportunities for health provisions
- Delivery of part of Western Multi-Modal Transport Link and investment in sustainable and active travel opportunities identified in the supporting Infrastructure Delivery Plan.

The emerging allocation aligns with the objectives found in Homes England's Strategic Plan 2023 to 2028, to deliver "key enabling infrastructure in place to unlock development" and to deliver "mixed-use places that create value and benefit local communities". Working with a range of delivery partners, Homes England will act as a master developer to accelerate the delivery of key infrastructure to facilitate housing delivery in an efficient and effective manner, achieving the highest design and sustainability standards across the scheme through the construction process as well as delivering significant social, economic and environmental benefits to the existing neighbourhoods of Crawley.

Wider Strategic Opportunity – Land West of Crawley

Land West of Ifield is located within a broader area of search identified as 'Land West of Crawley' in the Horsham Draft Local Plan Regulation 18 Consultation March 2020.

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Subject to the detail and final decisions on strategic allocations within the Draft Horsham Local Plan, this wider growth opportunity could continue to play an important role in meeting future development needs over multiple plan periods. The Draft Crawley Local Plan and supporting evidence base sets out the importance of long-term working with neighbouring authorities and the role of sustainable urban extensions in meeting immediate and longer-term unmet development needs and infrastructure delivery. It is therefore important that the Draft Crawley Local Plan does not prejudice the delivery of Land West of Ifield.

Response to the Draft Crawley Local Plan Regulation 19 consultation document May 2023

Spatial Strategy and Duty to Cooperate

Policy H1 (housing provision) states that the Draft Crawley Local Plan shall provide for a minimum of 5,030 dwellings across the plan period to 2040, with a resultant unmet housing need of approximately 7,050 dwellings. Homes England recognises that given the tightly drawn boundaries of Crawley there are challenges in meeting the full housing needs as set by the standard methodology within the council's administrative area and that the unmet need increases overtime in line with the stepped housing trajectory.

Homes England notes that since the previous consultations, Crawley Borough Council has sought to increase the amount of housing that can be accommodated within the administrative area through the Compact Residential Development Study. While no view is taken as to what the exact requirement for meeting the unmet need is at this stage, there is unquestionably a significant unmet housing needs from this authority, with the unmet needs having to be met through working with neighbouring authorities and proactively identifying locations for sustainable urban extensions close or adjacent to the Crawley boundary.

Furthermore, the Infrastructure Plan (May 2023), Economic Growth Assessment and Duty to Cooperate Statement (May 2023) set out that there are wider unmet needs arising that cannot be accommodated within the borough's administrative area due, predominantly, due to the tightly drawn boundary:

- A site for a 6-8FE secondary school, catering for 180-240 places per year group
- Special Educational Needs
- GP provision (noting reorganisation into Primary Care Networks is being sought to increase resilience and enhance capacity)
- Employment land required to support the unmet housing needs (the evidence suggests that additional employment land would be required to support any future urban extensions).

The NPPF recognises at paragraph 73 that the delivery of large numbers of new homes can often be best achieved through planning for larger scale development where they are well located, designed and are supported by necessary infrastructure. The NPPF further encourages authorities to work together to identify suitable locations for such development where it can meet identified needs in sustainable way (paragraph 35a and 73).

In this context, to address the above unmet needs, Homes England welcomes Policy H1 which provides a commitment for Crawley Borough Council to work closely with neighbouring authorities to explore opportunities, particularly with regard to urban extensions. Given the shortfall in housing supply increases across the plan period, there is a real opportunity for neighbouring large-scale extensions to deliver the homes and supporting infrastructure when they are most needed.

As such, *in principle* the proposed approach through the Draft Crawley Local Plan and within Policy H1 to meet as many homes as possible within the authority's boundary, and otherwise engage with neighbouring authorities to address any unmet needs, is considered to be consistent with national policy, justified and effective, and, in this regard, to be sound against paragraph 35 of the NPPF.

Indeed, the Land West of Ifield would align with and support the approach taken within Policy H1 and the NPPF in this regard, as being capable of sustainably delivering homes, schools, employment, facilities, greenspace and new sustainable connections to Crawley as set out previously in these representations. In particular, the 'action' within

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the Duty to Cooperate Statement May 2023 to continue ongoing discussions between Crawley Borough Council, Horsham District Council and Homes England as part of the Horsham District Local Plan Review process and through pre-application for Land West of Ifield proposals is particularly welcomed.

However, the NPPF is clear that in order for the Draft Crawley Local Plan to be positively prepared and effective, and therefore sound, the strategy should be informed by agreements with neighbouring authorities, and in particular Statements of Common Ground. Indeed, the NPPG paragraph 009 Reference ID 61-009-20190315 further makes it clear that “*authorities should produce, maintain and update one or more statements of common ground throughout the plan making process*”.

In this regard, whilst the Duty to Cooperate Statement details the engagement that has been held with neighbouring authorities and ongoing actions, it is noted that at the time of this Regulation 19 consultation no Statement of Common Ground between Crawley Borough Council and Horsham District Council has been published (confirmed in Table 2.1 of the Duty to Cooperate Statement). On this basis, it is not possible to understand those matters (including housing and wider infrastructure delivery) which have been agreed or are part of ongoing discussions with Horsham District Council, which has particular relevance to the requirements sought in paragraph 12.23 of the Draft Crawley Local Plan, as discussed below.

It is therefore strongly recommended that a Statement of Common Ground is published at the earliest opportunity with the remaining authorities, and in particular Horsham District Council, and until then the Plan **cannot be considered legally compliant or sound**.

Paragraph 12.23: ‘At Crawley’ Urban Extensions Key Considerations

Given that it is not possible to set policy for development outside the authority’s administrative boundary, addressing urban extensions through supporting text is appropriate.

Homes England recognise the purpose of this text is to allow Crawley Borough Council to articulate the expectations of the council should development come forward in areas adjoining its administrative boundary. This is particularly important given the ongoing commitment within Policy H1 for Crawley Borough Council to work closely with its neighbouring authorities and consider the unmet needs of Crawley over the Plan period and potentially beyond.

However, as currently worded the supporting text is unsound as they are neither **justified** nor **effective**. Given the significant undersupply of housing land over the Plan period and the substantial reliance on adjacent urban extensions to meet unmet housing needs and other development needs, the Plan should be proactive in supporting the delivery of urban extensions adjacent to the boundary, working with neighbouring authorities rather than seeking to resist them in the event that a detailed list of fixed criteria cannot be met.

To be sound, the list should be presented as desired outcomes and ways in which the authority will work collaboratively with neighbouring authorities to meet the unmet needs rather than a series of ‘tests’ that necessitate or require that certain conditions ‘must’ be met in order for the council to support them, without the necessary evidence being available and proposals being fully tested at this time.

Whilst recognising its reduced weight, comments are made on the following ‘considerations’ or criteria, which are considered to be unsound as currently drafted:

- ii. *If development is proposed to the western side of Crawley, the scoping, design and delivery of the comprehensive Western Multi-Modal Transport Link (connecting from the A264 to the A23, north of County Oak, Policy ST4) should be agreed and provided prior to the completion of properties unless otherwise agreed by the three local authorities: Horsham District, Crawley Borough and West Sussex County Council.*

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Homes England supports the delivery of the Western Multi-Modal Transport Link. However, the proposed requirement and expectation for the full link road to be delivered prior to completion of any properties is unsound as it is **not justified** against the Council's evidence base, contrary to paragraph 35 of the NPPF.

The Crawley Transport Study June 2022 assesses three scenarios of growth on the strategic highway network. Scenario 3 assesses the cumulative impact of 6,730 new homes within Crawley Borough, an employment allocation at Gatwick Green to meet the identified employment needs of the area, an assumed increase in retail provision, and additional housing and employment promoted by Horsham to the west of Crawley, specifically including Land West of Ifield (3,750 homes) and West of Kilnwood Vale (c. 1,500 homes).

It is relevant to note here that the number of homes assessed within the Transport Study appear to exceed that proposed within the Draft Crawley Local Plan, which seeks to plan for 5,030 dwellings across the plan period. In addition, the Land West of Ifield is currently being promoted for c. 3,000 homes. As such, the assessment undertaken represents a worst-case scenario.

To mitigate the impacts of additional growth on the highway network, the Crawley Transport Study first considers the impact of increasing investment in sustainable transport measures. The interventions identified align with the *Crawley Transport Strategy, New Directions for Crawley – Transport and access for the 21st century (March 2020)*, which emphasises encouraging the use of public transport, cycling and walking in preference to increasing highway capacity. Similarly, car trip reductions have been applied to the Land West of Ifield and West of Kilnwood Vale developments to account for high-quality bus, walking and cycling infrastructure to be provided.

In the model for Scenario 3 that excludes the Western Multi-Modal Transport Link but includes the above sustainable transport measures, the modelling confirms (paragraph 11.5.3) that the level of growth to 2037 **can be accommodated on the highway network, with physical mitigation required at just one location: the Ifield Roundabout/Ifield Avenue/A23 Crawley Avenue junction**. A local widening scheme of this junction has been identified which would mitigate the impacts of forecast growth. It is noteworthy that this mitigation is required regardless of whether the Land West of Ifield or West of Kilnwood Vale development comes forward, as it was also required for the lower growth projection assessed under Scenario 2.

Whilst the modelling confirms that Scenario 3 growth projections can be accommodated without the need for the Western Multi-Modal Transport Link, the implications of providing a 30-mph link from the A264 to the A23 London Road with a single traffic lane and single bus lane in each direction has been tested as a sensitivity. As per paragraph 9.5.1 of the Transport Study, the results suggest that the main beneficiaries of the Western Multi-Modal Transport Link are the western minor roads, predominantly Faygate Lane and Rusper Road, with lesser flow changes within the Crawley urban network and on the M23.

Overall, the Council's evidence therefore confirms that the full Western Multi-Modal Transport Link is not required prior to the completion of any homes to the West of Crawley, as currently sought in paragraph 12.23.

Nevertheless, it is recognised that the study mentions at paragraph 9.5.5:

"There is potential for more future development west of Crawley beyond the levels of development that have been assumed in Scenario 3 of this study. This would likely have greater impact on the network and hence the need for a CWLR to relieve these impacts may become more evident."

In this regard, Homes England continues to consider that the scoping of the Western Multi-Modal Transport Link is critical to unlocking further major strategic development to the West of Crawley beyond the Draft Crawley Local Plan period and the Land West of Ifield site. Therefore, Homes England considers there to be reasonable justification for paragraph 12.23ii) to include the expectation for the Western Multi-Modal Transport Link to be safeguarded.

However, it is important to ensure that the supporting text is neither overly prescriptive nor sets expectations as to the need for, or delivery programme for the Western Multi-Modal Transport Link. Given the majority of this Link

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Road falls outside Crawley Borough Council administrative area, will be subject to more detailed technical assessments as part of the planning process including opportunities for more sustainable transport connections, and could come forward over the lifetime of the Plan and beyond, the wording of paragraph 12.23 should be flexible. The presumption within the supporting text about the trigger points for delivery of the Western Multi-Modal Transport Link is **not justified** nor supported by the transport modelling published to date and therefore is **not sound. It should be deleted.**

Furthermore, whilst a collaborative approach to preparing any Western Multi-Modal Transport Link is supported by Homes England, it is not justified for the supporting text to specify that permission for a western urban extension should be conditional on all three parties (Horsham District Council, Crawley Borough Council and West Sussex County Council) approval. It is the responsibility of the determining planning authority for any planning application to take consideration of statutory consultee and neighbouring authority representations (alongside other representations made) to determine a proposal on its merits. The agreed approach for any discussions on cross-boundary matters are, again, best placed within a Statement of Common Ground with Horsham District Council and West Sussex County Council which will allow flexibility across the plan period and for the matter to be dealt with at the time of any future application.

In order for the wording to be sound, it is recommended that paragraph 12.23ii) is amended to recognise flexibility in relation to the form and delivery of the Western Multi-Modal Transport Link, to allow for a scheme that is based on design development, proportionate need and evidence:

If development is proposed to the western side of Crawley, the scoping, design and delivery of the ~~comprehensive~~ Western Multi-modal Transport Link (connecting from the A264 to the A23, north of County Oak, Policy ST4) should be informed by transport evidence and support wider objectives, including enabling high quality sustainable transport opportunities for both existing and new communities. The appropriate phasing of any link, in part or full, will be informed by a transport assessment. ~~agreed and provided prior to the completion of properties unless otherwise agreed by the three local authorities: Horsham District, Crawley Borough and West Sussex County Council.~~

Indeed, this approach is supported within the supporting text to Policy ST4, which at paragraph 17.23 states “It is anticipated that detailed impacts of further development onto the Crawley road network would be modelled through the Horsham District Local Plan Review process.”

Finally, references throughout the Draft Crawley Local Plan to the delivery of the Western Multi-Modal Transport Link and any impacts of wider junction improvements should be amended to be **justified** and allow for detailed technical considerations to occur at planning application stage, particularly given the potential for more sustainable modes of travel and changing travel patterns across the plan period. This is notably requested at paragraph 17.24.

The second criterion which requires amendment in paragraph 12.23 is criterion vii as below:

- vii. The development helps to address unmet development needs arising from Crawley, including in relation to housing mix, type, tenure and affordability (including the 40% affordable housing levels and agreements in relation to the nomination rights for those on the Crawley housing register); complementary employment and economic growth needs; social, education and health needs; and strategic recreation and leisure requirements.*

Whilst Homes England recognises the important role that sustainable urban extensions could play in meeting Crawley’s unmet housing needs, Homes England is concerned about the level of prescription and detail within the Plan before being fully tested by the relevant plan making authority alongside other policy requirements.

Homes England is fully committed to ensure more homes are built in areas of greatest need and to improve affordability. However, the Draft Crawley Local Plan cannot lawfully set the policy requirements in relation to affordable housing on land outside of the council’s administrative area, nor can it require that any affordable housing in an urban extension include agreements for nomination rights to go to those on the Crawley housing

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register. In setting the expectation in the Draft Crawley Local Plan, this could lead to confusion for applicants, developers and importantly the community about the remit of the Plan and the policy position for future discussions under any planning application.

This will be a matter for neighbouring authorities to consider in the preparation of their Local Plans, albeit clearly involving close collaboration and working with Crawley Borough Council. The provision of affordable housing forms a key topic for the Duty to Cooperate Statement, and any agreed or ongoing discussions about how Crawley Borough Council and neighbouring authorities would agree and nominate affordable housing would be appropriately contained within the respective Statements of Common Ground. This demonstrates the importance of preparing an up-to-date Statement of Common Ground with Horsham District Council, as referenced above.

Secondly, policy cannot be set in the absence of fully testing the implications on overall viability for any proposals emerging in the Horsham Local Plan. In accordance with the paragraph 57 of the NPPF, site allocation policies should set out the contributions (including affordable housing) based on viability testing as part of plan led process. Therefore, the inclusion of a requirement, even within supporting text, for 40% affordable housing on land outside Crawley Borough Council area is **not legally compliant, consistent with the NPPF, nor justified** and therefore is not sound. Any affordable housing requirements will need to be justified on the basis of the evidence around housing need as well as viability assessment as part of the relevant Plan led process.

In order for paragraph 12.23vii) to be sound, it is requested that criterion vii) is amended so that it removes any specific targets.

The third criterion which requires amendment in paragraph 12.23 is criterion xi:

- xi. Ancient woodland or veteran trees would not be damaged or lost and an appropriate buffer, in accordance with national guidance, is provided between any such trees and the edge of the development's construction. Any TPO protected trees should be retained where possible and measures to avoid damage and root compaction should be implemented. Where the loss of existing trees is unavoidable, appropriate replacement trees are to be provided;*

Additional wording should be included to ensure **consistency with national policy**. The criterion should be updated to be clear that development that results in the loss of ancient woodland / veteran trees should be refused "unless there are wholly exceptional reasons and a suitable compensation strategy exists" in line with NPPF Para 180 (c).

The fourth criterion which requires amendment in paragraph 12.23 is criterion xiii:

- xiii. Development must be designed to exemplar sustainability standards, taking advantage of the potential of a masterplanned approach and economies of scale, and must design in tight energy and water efficiency targets from the outset in order to futureproof developments for a zero carbon future and a changing climate;*

The requirement on urban extensions to demonstrate exemplar standards is **not justified** in as much as 'exemplar' is not defined and has not been tested alongside other policy requirements as part of the relevant Local Plan evidence base. The following wording is suggested, retaining the sentiment and purpose of the criteria but providing greater flexibility for requirements to be tested as part of the relevant plan making process.

As a minimum, development must be designed to meet prescribed national ~~exemplar~~ sustainability standards, exploring opportunities to exceed these wherever possible, taking advantage of the potential of a masterplanned approach and economies of scale, ~~and must design in tight energy and water efficiency targets from the outset in order~~ to futureproof developments for a zero carbon future and a changing climate.

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The final criterion that requires amendment in paragraph 12.23 is criterion xiv:

xiv. Development proposals use bespoke Area Wide Design Assessment tools from the outset which will aim to set out and enable development proposals to identify, understand and fit in with the overall form and layout of their surroundings.

Homes England supports the ambition that development proposals adjacent to Crawley should promote high quality design and identify, understand and fit with the character, form and layout of the site's surroundings which, as per the NPPF, National Design Guide and National Design Code, is important to achieve high quality places.

However, paragraph 73 of the NPPF is clear that it is for the *strategic policy-making authorities* to identify suitable locations for larger developments, and that they should *set clear expectations for the quality of place and for use of appropriate tools such as masterplans and design guides/codes*.

In the case of developments outside of Crawley Borough Council administrative area, it would be for those neighbouring authorities to set the policy direction and tools to be used in guiding the quality of the place. Homes England are supportive of ongoing discussions with Crawley Borough Council and Horsham District Council through pre-application and under the Duty to Cooperate, but it is not within the remit of the Draft Crawley Local Plan to identify the tools, or type of tools, which should be used for developments outside its boundaries.

Furthermore, Homes England considers the wording of criterion xiv) to '*use bespoke Area Wide Design Assessment tools*' is unsound because it does not provide a 'clear expectation' of the appropriate tools to be used and is ambiguous to the extent it would be challenging for any determining authority to understand what is required. Therefore, it is **inconsistent** with the requirements of paragraph 16d and 73 of the NPPF.

For this reason, in order for this criterion to be sound it is requested that criterion xiv) is amended so that it removes the requirement to use 'bespoke Area Wide Design Assessment tools'.

Lastly, in line with the recommended amendments to the criteria under paragraph 12.23, the preceding supporting paragraphs 12.17-12.22 should also be updated, particularly in relation to the remit of the Crawley Local Plan, and to recognise the positive and proactive opportunity for urban extensions to Crawley, such as at the Land West of Ifield.

In particular, given any allocation policy for an urban extension adjacent to Crawley would be subject to a detailed allocation policy, ongoing discussions with Crawley Borough Council and a thorough examination as part of the neighbouring authority's Local Plan, the proposal of a Joint Area Action Plan in paragraph 12.22 is not considered necessary. The preparation of such a Plan could instead add significant delay to the delivery of much needed homes. As such, the wording to paragraph 12.22 should be updated to remove reference to the Joint Area Action Plan as it is unnecessary, and the preparation of any such documents should be considered separately between any relevant applicants and authorities.

Policy CL8: Development Outside the Built-Up Area

This policy deals with development outside of the built-up area. One of the character areas identified is the "*West of Ifield Rural Fringe*" within which

"proposals which respect this area of locally special rural fringe, its nature conservation and recreation value, its positive relationship with the urban edge and links to the wider countryside will be encouraged."

Whilst Homes England generally supports this policy and agrees that any development outside of the built area within the council's administrative area should be carefully considered, the policy is not **effective** as it should also recognise the cross boundary discussions with neighbouring authorities on urban extensions to partially help meet Crawley's unmet needs, in line with the objectives of Policy H1 and Para 12.23.

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In particular, the policy should recognise the importance of enabling connectivity and opportunity to deliver essential links to potential new sustainable urban extensions outside of the built-up area. Specifically, Homes England maintains that the policy should acknowledge the potential for pedestrian and cycle links that both support the recreational value of the Fringe and allow sustainable links to future development areas.

With regard to the policy wording, the use of the word ‘respect’ is unclear and ambiguous in its meaning, and therefore not evident how any decision maker should react to development proposals, **contrary to NPPF paragraph 16d**. The policy does not give guidance on how development could be considered respectful of Crawley’s “rural fringe”. Homes England suggest instead the usage of ‘have regard to’ (or other similar wording) to avoid ambiguity in this policy.

The policy’s supporting text (4.69) appears to direct development outside of Crawley. Given that paragraph 12.23 includes the ‘key considerations’ for any strategic urban extensions, including having respect to the character of Crawley and its urban edges, it is not considered necessary to duplicate this direction in paragraph 4.69. Instead, it is recommended that the supporting text is replaced with a more positively worded commitment of cooperation with adjacent local authorities to seek consensus on capacity for Crawley’s “rural fringes”.

Consequently, the following alternative amendments to Policy CL8 ‘West of Ifield Rural Fringe’ are considered necessary to make the Policy sound:

Proposals which have regard to this area of locally special rural fringe, its nature conservation and recreation value, its positive relationship with the urban edge will be encouraged while recognising the potential for appropriately planned and designed pedestrian and cycle links between the edge of the existing settlement and any potential new development to the west. Such links must respect the Local Green Space designation which is relevant to the area’s particular qualities of nature, heritage, recreation, landscape, tranquillity, and access to the wider countryside.

Beyond the Crawley boundary, the Council will work with neighbouring authorities to assess the capacity of the landscape to accommodate development having regard of relevant evidence and wider objectives for the area.

Policy IN2: Location and Provision of New Infrastructure

Policy IN2 provides the ability for education facilities to be come forward on sites that are allocated for other uses (including housing) where there is a demonstrable need arising that cannot be met on another site. As per the Duty to Cooperate Statement and Infrastructure Plan, the council’s evidence base highlights a need for secondary education provision that cannot currently be accommodated within the borough’s administrative boundary.

Supporting text paragraph 8.14 goes on to state that the Infrastructure Plan recognises an estimated need for around 6-8 additional forms of entry at secondary school level during the course of the Plan, and a new secondary school is therefore likely to be needed and that discussions are ongoing with neighbouring authorities about opportunity for a new secondary school on a strategic development close to Crawley. In this regard, Land West of Ifield would align with the Draft Crawley Local Plan as providing opportunity to deliver a secondary school in proximity to the town that would cater for both the Land West of Ifield development and have potential to address some of the existing shortfall in provision.

However, it is noted that the 6 – 8 FE identified in the Infrastructure Plan is presented as a range for the Borough as a whole and while a number of evidence studies are referenced, it is not clear how the need has been identified and how this may change across the plan period. Further evidence is required as to whether secondary education provision needs to be provided as part of a single site or through a combination of new provision and extensions to existing schools.

Therefore, while an Infrastructure Plan can be updated regularly, a local plan cannot and therefore specific reference to the required FE within the supporting text should be more flexible, allowing it to be updated and clarified through future iterations of the Infrastructure Plan. Therefore, it is suggested that paragraph 8.14 of the supporting text is updated to read:

The Infrastructure Plan recognises that there is ~~an estimated~~ need for ~~around 6-8~~ additional forms of entry at secondary school level in Crawley during the course of the Plan and a new secondary school is therefore likely to be needed in the area. Due to Crawley's tightly constrained land supply, discussions are ongoing with WSCC and neighbouring authorities to consider secondary school provision to meet Crawley's needs as part of new strategic development close to Crawley. However, the Policy also makes allowance for consideration of education provision on sites within the borough allocated for uses including housing, should it not be possible to be met on an alternative site, particularly those currently or previously in education use.

Conflict between Policy GAT2 (Gatwick safeguarding area) and Policy ST4 (Crawley Western Multi-Modal Transport Link)

We continue to recognise the importance of the safeguarding area proposed for the potential southern runway of Gatwick Airport and support the progress made within the revised policy wording and evidence relating to the areas of search for the Crawley Western Multi-Modal Transport Link found within Policy ST4, with reference and support for the text of paragraph 17.29. The amendments made aligns with our previous recommendations made in the 2021 representations.

Given the importance of the Western Multi-Modal Transport Link, the flexible approach at the eastern (A23) end of the proposed link that seeks to balance the risk of safeguarding conflict against the potential loss of employment land and ability to deliver the Western Multi-Modal Transport Link as a strategic transport link is supported. The supporting feasibility study shows alternative options that could be deployed in the event a southern runway does come forward which is considered a sound approach given the uncertainty around a southern runway at this time and the need for wider land use impacts to be considered as part of any runway proposal at that time.

Policy ST3: Improving Rail Stations

Considering the identified potential for the possible westward expansion of Crawley, Homes England is pleased to see the continued inclusion of the amendments recommended at Regulation 18 stage. These clearly identify the potential to strengthen the role of Ifield, a suburban rail station, to meet the needs of any increases in rail patronage.

Policy ST4: Area of Search for a Crawley Western Multi-Modal Transport Link

The Draft Crawley Local Plan makes various references to the possible westward expansion of Crawley urban area into Horsham District to accommodate unmet housing needs that arise from this draft Local Plan and future growth. As above, this spatial development strategy is supported by Homes England.

In relation to this, Policy ST4 identifies a search corridor for the part of the proposed Crawley Western Multi-Modal Transport Link that sits within the Borough's administrative boundary which appears justified.

However, given the strategic importance of the Western Multi-Modal Transport Link, more detail is required in the policy to support the delivery of the scheme, including:

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- There is no detail on how proposals coming forward in the safeguarding corridor will be dealt with. While minor proposals are unlikely to affect its delivery, more major proposals should be required to safeguard the corridor within their respective proposals and show how the cross section within the feasibility study can be accommodated alongside the proposed development without prejudicing the form or strategic purpose of the Transport Link.
- Noting that the Western Multi-Modal Transport Link is identified as 'developer led' in the West Sussex Transport Plan 2022 - 2026 Infrastructure priorities, more detail and further clarity is needed on how development coming forward within the wider Crawley area will contribute to the scheme delivery and the policy should be more supportive of proposed schemes that help to facilitate it. The Crawley Local Plan Transport Study is clear that the road is not solely related to development to the west of Crawley as suggested in the Draft Crawley Local Plan and therefore a mechanism or approach that secures a contribution from wider development coming forward within the district or adjacent areas should be identified.
- While Compulsory Purchase Order is identified as potential land assembly requirement in the supporting text, it is suggested this is incorporated into the main policy text itself.

As such, revised policy wording is recommended as follows for the policy to be **justified**:

The Local Plan Map identifies an Area of Search of land within Crawley Borough administrative area for a Crawley Western Multi-Modal Transport Link connecting the A264 with the A23.

This Search Corridor will be safeguarded from development which would be incompatible with the future delivery of the Crawley Western Multi-Modal Transport Link.

Where development proposals within the Borough show an impact or a cumulative impact on the highway network that would be addressed through the delivery of the Crawley Western Link, appropriate financial contributions will be sought in line with Policy Inf1.

The design and route of the Western Multi-Modal Transport Link must take account of:

- a. its impact on (but not limited to):*
 - *existing properties which could be affected by the final route.*
 - *residential and commercial properties close to the final route.*
 - *the flood plain.*
 - *the rural landscape.*
 - *local biodiversity.*
 - *sports pitch provision and recreation facilities; and*
 - *heritage and heritage landscape assets and visual intrusion.*
- b. the desirability and requirements of bus priority measures (including future proofing for forecast traffic growth and congestion).*
- c. the potential requirements and implications of any necessary phasing and land assembly, including the use of Compulsory Purchase Powers if required.*

Connectivity by non-vehicular neighbourhoods and the wider Sussex countryside should be maintained and enhanced.

Policy GI3: Biodiversity Net Gain

Our 2021 Representations gave their support to this policy, welcoming the embrace of biodiversity net gain as a key metric for tracking success, however the 2021 Representations recommended that the metric used to judge biodiversity net gain should be biodiversity metric 3 as opposed to the suggest Biodiversity metric 2. The Policy has now gone further than this and has specified that that most up to date metric will now be used. This is supported as it allows for flexibility across the plan period.

Homes England recognise both the importance and legal requirement for local plans to include biodiversity net gain targets and assessments and agree in principle with Policy GI3. However, the use of a January 2020 baseline, as opposed to a predevelopment baseline, neither serves a clear purpose nor is justifiable. In particular, the proposed approach within Policy GI3 conflicts with that set out within the Environment Act 2021, Schedule 14, Clause 5 which states that the pre-development baseline value is the value on the date of the application.

Additionally, from a practical perspective, unless surveys have already been undertaken in 2020, it would not be possible to demonstrate the baseline position in that year. Indeed, the baseline position may have changed since 2020 and over the pre-developmental period as conditions and nature of land does not remain static. Thus, by not basing net gain calculations on an accurate pre development baseline at the time of an application, as set out within the Environment Act, there is a risk that the actual net gain that can be achieved on site cannot be clearly established.

Lastly, the wording of policy GI3 should be amended to reflect that legislation is anticipated to exempt certain types of development from the requirement to achieve Biodiversity Net Gain, and to be flexible across the plan period as legislation or national policy may be updated.

Homes England proposes the following as alternative wording for the plan to be **justified** and sound:

Development proposals will be required to demonstrate how the scheme will meet the government's requirement for securing measurable 'net gains' in biodiversity, including information calculating the current biodiversity value of the site. As a minimum, all development proposals will need to achieve a net gain for biodiversity in accordance with national policy and legislation ~~government expectations~~, currently a 10% increase in habitat value for wildlife compared with the pre-development baseline. This should be calculated using the government's most recently published Biodiversity Metric and be supported by relevant specialist ecological surveys, interpretation and advice. ~~The pre-development baseline will be taken from January 2020.~~ All developments, even with a pre-development baseline of Zero or low baseline will be expected to provide net gain.

Policy GI4: Local Green Space

Homes England agrees with the council's evaluation of the value and role of Ifield Brook Meadows and Rusper Road Playing Fields and supports the flexibility in the policy that allows for development in very special circumstances or where it enhances 'Local Green Space functions, for example through improvements to access, recreation and wildlife.'

While the policy intention and identification of Local Green Spaces is supported, the current wording is not **effective** as it is not consistent with wider plan objectives and policy requirements. Wording should be updated to:

The above area will be safeguarded from development other than in very special circumstances or where the development is to enhance Local Green Space functions, for example, through improvements to access, recreation and wildlife or where it supports other policies in this Plan.

Policy EP4: Development and Noise

Strategic Policy EP4: Development and Noise and Draft Crawley Local Plan Noise Annex seeks to specify through policy and locally specific guidance the noise thresholds and criteria for development in relation to key noise sources within and surrounding the borough. At drafted, the Policy does not appear to be **consistent with national policy**, the proposed changes to aviation noise thresholds are not adequately **justified** and could adversely impact on housing delivery meaning that the Plan is not **positively prepared**.

Policy EP4 of the Draft Crawley Local Plan states that ‘Noise sensitive uses proposed in areas that are exposed to noise at the ‘Unacceptable Adverse Effect Level’ [UAEL] will not be permitted’.

For aviation noise Crawley Borough Council states that the UAEL is 60 dB $L_{Aeq,16h}$ during the day and 57 dB $L_{Aeq,8h}$ during the night-time. This represents a change in unacceptable noise levels from 66dB $L_{Aeq,16h}$ in day and 57dB $L_{Aeq,8h}$ at night in the adopted Local Plan.

The above UAEL proposed to be included within Policy EP4, and other noise level ranges that the council will seek to use to assess development, are set out in Table 1 of the Noise Annex as summarised in Table 1 below.

Table 1 – Aviation Noise Thresholds Proposed by Crawley Borough Council

Effect Level	Daytime (07:00- 23:00) Threshold dB $L_{Aeq,16h}$	Night-time (23:00- 07:00) Threshold dB $L_{Aeq,8h}$
Lowest Observable Effect Level (LOAEL)	51	45
Significant Observed Effect Level (SOEL)	54-60	48-57
Unacceptable Adverse Effect Level (UAEL)	60	57

The Local Plan Noise Annex is clear that the sound levels proposed to be used by Crawley Borough Council to assess the SOAEL and the UAEL are ‘locally specific’ with reference made in paragraph 4.1.3 of the Noise Annex to Topic Paper 7: Development and Noise Technical Annex ‘Section 6’ which sets out a range of evidence to justify draft Policy EP4.

Given this ‘locally specific approach’, the thresholds proposed by Crawley are significantly lower than those typically used for aviation noise. The typical noise thresholds and recent evidence to support these values are summarised in Table 2 below and the associated footnotes.

Table 2 – Mainstream Aviation Noise Thresholds

Effect Level	Daytime (07:00- 23:00) Threshold dB $L_{Aeq,16h}$	Night-time (23:00- 07:00) Threshold dB $L_{Aeq,8h}$
LOAEL	51 ¹	45
SOAEL	63 ²³⁴⁵	55
UAEL	69 ⁶	61

While the potential impact of aviation noise is accepted, the moving away from national guidance based on “locally adopted evidence based levels for specific circumstances” is **not justified**.

¹ Government aviation noise policy as set out in the Air Navigation Guidance 2017 (ANG17).

² Aviation Policy Framework (APF) (2013) threshold for financial assistance towards acoustics insulation.

³ London City Airport Public Inquiry refence APP/G5750/W/15/3035673, July 2016.

⁴ Heathrow Airport Public Inquiry reference APP/R5510/A/14/2225774, February 2017.

⁵ Stansted Airport Public Inquiry reference APP/C1570/W/20/3256619, June 2021.

⁶ Aviation Policy Framework (APF) (2013) threshold for alternative mitigation measures where acoustic insulation cannot provide an appropriate or cost-effective solution.

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Within Topic Paper 7, the Council references a single appeal decision to justify an all-out restriction of development within the 60 $L_{Aeq,16h}$ contour. The extract provided as justification for the policy change is clear that the noise impact was not unacceptable in its own right, but one of a number of reasons for refusing the application and therefore there were other material considerations that resulted in the dismissal of the appeal in that case. As such, reliance on this appeal decision is not sufficient to justify the proposed UAEL noise threshold within Policy EP4, when considered against the typical thresholds that have been tested widely as set out in Table 2 and the associated footnotes.

In addition, whilst the Gatwick Noise Action Plan commits to offering acoustic insulation for existing properties within the 60 dB $L_{Aeq,16h}$ threshold, this is not appropriate justification for the same threshold to be applied to new development. The ability to retrofit noise insulation into existing building stock is more limited than that possible for new development, where a range of suitable mitigation can be built into the proposals via an iterative and holistic process of good acoustic design dependent on the nature and noise exposure of homes. As such, new development has the ability to achieve suitable noise levels in homes within higher noise contours.

Overall, while there is a discussion regarding government policy and an attempt within the Noise Annexe to justify the proposed changes, the section dismisses rather than takes an objective view of the available evidence (e.g. dismissing relevant appeal decisions) claiming there are greater benefits of the proposed policy approach compared to housing decisions, with paragraph 6.6 claiming:

“with new housing development there is no absolute requirement to build in such high noise locations which have a detrimental and negative effect on the health and welfare of future residents and ultimately on the economy of the UK”.

Given the significant shortfall in housing supply over the Plan period, the above statement is not justified, especially when considering that the UAEL has already been widely accepted both within the industry and in recent decisions at a higher level to that proposed. Therefore, the locally specific approach set out in EP4 **is not adequately justified**.

The consequence of specifying a lower noise threshold for residential development than is implied by national policy/guidance is that this could prejudice the ability for the council to approve homes that are otherwise acceptable, where there is already a significant shortfall in meeting housing needs within the borough. For this reason, the proposed noise threshold within policy is not **positively prepared or effective**.

Notwithstanding this, Homes England consider there may be merit in updating the threshold from that set out in the adopted Local Plan. This should not be to the extent suggested in draft Policy EP4 but rather consistent with typical noise thresholds applied as per Table 2 above. In particular, the policy should identify the SOEAL, rather than UAEL, as not be less than 63dB $L_{Aeq,16h}$. Any lower or more restrictive threshold should only be proposed if a stronger justification can be provided.

Homes England reserves the right to comment and respond to any additional evidence provided to justify the lower noise thresholds, if maintained.

Finally, the noise guidance supporting the Draft Crawley Local Plan should also be consistent with the emerging policy in terms of which forms of development which are assessed against it. Policy EP4(A) specifically relates to ‘noise sensitive development’ which is defined in the Draft Crawley Local Plan Glossary. However, Topic Paper 7, at paragraph 5.11 states that *“the only option with residential developments is to restrict the **whole development** to the 60dB contour so that residents are not exposed to excessive levels of noise whilst carrying out external activities in their gardens, in the street, at the local shops or waiting for the bus...”* It would be inappropriate for the restriction in EP4 to apply to non-noise sensitive development, as defined in the Local Plan Glossary and against national guidance which instead focuses on residential dwellings and gardens only. The proposed restriction to the “whole

development” within the Topic Paper 7 should therefore be removed to avoid ambiguity and ensure consistency across the evidence base.

Policy H8: Gypsy, Traveller and Travelling Showpeople

Homes England is supportive of the ambitions and intention of draft Policy H8 as a whole, and indeed as part of the Land West of Ifield strategic allocation Homes England is fully committed to providing for a permanent Gypsy and Traveller site.

It is noted that a similar policy position to aircraft noise set out in EP4 is adopted in draft Policy H8 (Gypsy, Traveller and Travelling Showpeople Sites) – albeit the UAEL at a lower limit of 57dB $L_{Aeq,16h}$. Consistent with our concerns with Policy EP4, this does not appear to be sufficiently justified and a more flexible approach should be considered. This is not **effective** as could limit the delivery of much needed Gypsy, Traveller and Travelling Showpeople Sites in the authority area / wider housing market area, nor **justified** as the sound levels adopted by Crawley Borough Council for the Significant Observed Adverse Effect Level (SOAEL) and the Unacceptable Adverse Effect Level (UAEL) within the Noise Annex are significantly lower than those in mainstream use for aviation noise, are out of step with national guidance.

Furthermore, recent appeal and committee decisions, as set out in Appendix 1, provide evidence that this type of development can be accommodated and found acceptable beyond the 57dB contour where appropriate mitigation is applied and when considering sites on a case-by-case basis. In these examples, it can be demonstrated that acceptable living conditions can be achieved within Gypsy and Traveller homes beyond the 57dB contour, through various mechanisms and mitigation – for example by meeting the BS3632:2015 ‘Specifications for Residential Park Homes and Residential Lodges’. Furthermore, the Riverdale Farm appeal scheme in Mole Valley demonstrates where and Inspector has concluded that noise exposure is not necessarily perceptibly different and therefore unacceptable purely because the site is located beyond a 57dB contour line.

On the basis of the above, Homes England considers that the current wording of Policy H8 is not justified nor sufficiently flexible to ensure future needs of the Gypsy and Traveller Community are met. There is an opportunity to introduce another assessment criteria to ensure that the policy is **positively prepared and justified**. Recognising the sensitivity of the community and their requirements compared to other occupiers, the proposed additional criteria would introduce a sequential approach ensuring every attempt has been made to identify areas outside of the 57dB first, and only allowing development within it if no alternative sites are available and adequate mitigation can be demonstrated.

Criteria for Assessing other Proposals

Proposals for a new permanent or transit Gypsy, Traveller and Travelling Showpeople site will only be considered suitable if the proposed site:

a) is not subject to existing or predicted air, road and/or rail noise in excess of 57 decibels for permanent sites, 60 decibels for long term temporary/transit sites of up to one month, and 66 decibels for temporary transit sites, or

b) is subject to existing or predicted air, road and/or rail noise in excess of 57 decibels for permanent sites, 60 decibels for long term temporary/transit sites of up to one month, and 66 decibels for temporary transit sites, and it can be demonstrated that no suitable alternative sites exist outside of these noise contours; and any proposal is accompanied by a noise assessment demonstrating that the proposed site is adequately and appropriately protected from noise exposure in line with national policy and guidance. ...

Appendix 1: Examples of permitted Gypsy and Traveller accommodation in proximity to airports

Local Precedent Examples

Below is a table detailing local precedent examples of Gypsy and Traveller sites which have been permitted within locations that are exposed to aircraft noise.

Scheme	Local Planning Authority	Application Reference	Status/ Decision Date	Net Pitches/ Description of Development	Comments
Land at Russ Hill, Charlwood, Horley, Surrey, RH6 OEL	Mole Valley	MO/2019/0741	Permitted 10/8/2020	Change of use of land to mixed use. Stationing of 2 No. static caravans and two touring caravans, construction of hardstanding, parking for four vehicles, associated infrastructure and the keeping of horses.	<p>Extract from Committee Report:</p> <p>“The plan below shows the noise contours arising from the aircraft movements at Gatwick Airport. The site is exposed to average day time noise levels between 57dBA and 60dBA and average night time noise levels between 51dBA and 54dBA.</p> <p>Gatwick Airport Limited take the view that the levels of noise, both during the day and at night would still be at levels that would be regarded as significant. Current national noise policy as set out in the NPPF and expanded upon further in the Noise Policy Statement for England (2010) is to ‘avoid noise giving rise to significant adverse impacts on health and the quality of life’ (NPPF paragraph 180). The government’s Planning Practice Guidance advises that significant adverse effects should be avoided through, for example, the choice of sites at the plan-making stage, or by the use of appropriate mitigation such as altering the design and layout.</p> <p>As covered in paragraph 7.40 above, noise was an issue for consideration in the appeal at Riverdale Paddocks in Rusper Road Capel. The Inspector commented on this issue as follows:-</p> <p><i>“The site is crossed by the 57dBA noise contour around Gatwick Airport, and the caravans are now sited within that contour. Therefore, Gatwick Airport Limited has objected to the development in its current arrangement on the grounds that residents would experience unacceptable noise. However, it has nonetheless suggested it would be</i></p>

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					<p><i>acceptable to relocate the caravans to the southern side of the site where they would be outside the contour.</i></p> <p><i>Based on what I heard on my visit, there is no appreciable noise difference between the northern and southern sides of this relatively small site. Therefore, I consider that the noise experienced in the caravans in their current positions is not unacceptable."</i></p> <p>Taking into account this recent decision (June 2016) and the similarity in circumstances between that site and the current proposal, it is considered that refusal based on noise exposure to the occupiers would not be justifiable."</p>
Riverdale Farm, Rusper Road, Capel, Surrey	Mole Valley	MO/2015/0768 APP/C3620/W/15/3137675	Refused. Allowed on Appeal 21 June 2016	Retrospective change of use of land for stationing of caravans for residential occupation with associated development comprising new access, hard standing, landscaping and fencing between plots, timber utility sheds and package treatment plant for 2 No. gypsy-traveller plots.	<p>Extract from Appeal Decision:</p> <p>"The site is crossed by the 57dBA noise contour around Gatwick Airport, and the caravans are now sited within that contour. Therefore, Gatwick Airport Limited has objected to the development in its current arrangement on the grounds that residents would experience unacceptable noise. However, it has nonetheless suggested it would be acceptable to relocate the caravans to the southern side of the site where they would be outside the contour. Based on what I heard on my visit, there is no appreciable noise difference between the northern and southern sides of this relatively small site. Therefore, I consider that the noise experienced in the caravans in their current positions is not unacceptable".</p>

Wider Precedent Examples

Below is a table detailing wider precedent examples of Gypsy and Traveller sites from across the county which have been permitted in locations that are exposed to aircraft noise.

Scheme	Local Planning Authority	Application Reference	Status/ Decision Date	Net Pitches/ Description of Development	Comments
Land West of Skelton's Drove Beck Row Suffolk	West Suffolk Council	DC/22/0648/ FUL	Permitted 24/3/2023	Change of use of the land for provision of 18 pitches for Gypsy/ Traveller residential use; b. 18 dayroom buildings, with hardstanding for the siting of one static and one touring caravan on each pitch; c. vehicular access and associated parking; d. hard and soft landscaping scheme	<p>Extract from Delegated Report:</p> <p>The site falls within the 72dB MOD noise contour with reference to aircraft noise.</p> <p>The main noise source the site is exposed to is flight noise from the nearby RAF Mildenhall. The application is supported by an Acoustic Report including a noise risk assessment and Acoustic Design Statement. A noise survey was undertaken over an 8 day period which established that the highest measured daytime level was 62dB $L_{Aeq,16h}$ and the highest night time was 51dB $L_{Aeq,8hr}$. The night time L_{Amax} was taken as 66dB, all to the nearest decibel. At the façade of the proposed units a +3dB correction is applied.</p> <p>The initial site noise risk assessment was assessed as low to medium, according to Figure 1 of ProPG Planning and Noise. To achieve ProPG Noise level Guidelines mechanical ventilation. The reports advises that 'the static caravans would need to provide an overall sound insulation of at least 30dB. This can be achieved by ensuring that the caravans installed meet the specifications of BS3632:2015 'Specifications for Residential Park Homes and Residential Lodges'.</p> <p>This standard was revised in 2015 to take into account changes in technology and improve energy efficiency performance. As these types of accommodation do not typically come under Building Regulations,</p>

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					<p>the revision allows manufacturers to produce homes that are fit for purpose and comfortable all year round.</p> <p>According to the BS, the internal to external sound reduction should meet 35dB, exceeding the requirement of a 30dB reduction. The report therefore suggests that a condition is attached to any planning consent to ensure that the static caravans on site shall meet the specifications of BS3632:2015. It is acknowledged that the exposure of external amenity areas would exceed the recommendations, but due to the overhead nature of the noise source, further attenuation measures are not practicable. This will weigh modestly against the proposal in the planning balance.”</p>
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