

19 June 2023



Planning Department  
Crawley Borough Council  
The Boulevard  
Crawley  
RH10 1UZ

Robert Steele  
E: [rsteel@savills.com](mailto:rsteel@savills.com)  
DL: +44 (0) 1483 796 807

244-246 High Street  
Guildford GU1 3JF  
T: +44 (0) 1483 796 800  
[savills.com](http://savills.com)

Dear Sir/Madam,

## REPRESENTATION ON CRAWLEY SUBMISSION DRAFT LOCAL PLAN REVIEW REGULATION 19

On behalf of Bellway Homes Ltd (South London), please find enclosed the following representation on Policies H2: Key Housing Sites and EP4: Development and Noise. This representation is supported by Cass Allen's technical review on the noise policy.

This Representation reviews the draft policies of the Regulation 19 Version of the Crawley Local Plan against Paragraph 35 of the National Planning Policy Framework (NPPF). Paragraph 35 sets out the tests of soundness that Local Plans are examined to ensure they are prepared in accordance with legal and procedural requirements, which include:

- a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – *deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – *enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

The following section sets out technical objections and revised policy wording for draft policies H2 and EP4.

## Policy H2: Key Housing Sites – Technical Objection

Bellway Homes are in general support of Policy H2 Key Housing Sites which sets out deliverable and developable sites in the borough. This facilitates residential development in the borough in order to deliver much needed housing and achieve the minimum housing targets. Land at Steers Lane which has planning permission for 185 homes through outline and reserved matters applications (CR/2018/0894/OUT and CR/2020/0548/ARM) is currently being implemented and support Crawley's housing targets in a sustainable location.

In addition, a resolution to grant planning permission has recently been made for Phase 2 of the Steers Lane development, under LPA reference: CR/2022/0055/FUL. The Phase 2 of development incorporates 60 dwellings. Policy H2 should be updated to highlight that Land at Steers Lane is a deliverable site that can accommodate up to 245 dwellings. This not only provides a more accurate and robust policy it also plays an improved role in achieving Crawley's housing targets.

Updating the policy wording (in red underlined) as per the below would result in a more positively prepared, justified and effective policy in line with the (NPPF's Paragraph 35 Tests of Soundness.

Suggested policy wording update:

### "Deliverable

...

- *Land at Steers Lane, Forge Wood (185 245 dwellings) (subject to implementation of ~~outline~~ planning permission of CR/2018/0894/OUT, CR/2020/0548/ARM and CR/2022/0055/FUL or any amendment thereof, ~~and associated Reserved Matters approval(s))...~~"*

## Policy EP4: Development Noise – Objection

Following a thorough review of Policy EP4 and supporting guidance, Bellway Homes are of the view that proposed Policy EP4 and the supporting Noise Annex in relation to the proposed approach for protecting new residential development from noise would not be effective in doing so. This is explained below with suggested amendments to the policy wording.

The shortcoming in Policy EP4, and the supporting noise annex, is that the stated noise criteria for 'Unacceptable Adverse Effects' are external noise levels and therefore do not account for any mitigation that could be adopted through the design that would reduce the external noise levels to acceptable levels in habitable areas.

For example, the noise annex states that ‘Unacceptable Adverse Effects’ will occur where external aircraft noise levels are above 60 LAeq,16hour, or road traffic levels are above 66 dB LAeq,16. This suggests that any development on sites subject to these noise levels will be likely refused planning consent on the basis of principle. This ignores the possibility of reducing the noise to acceptable levels in the habitable areas via good acoustic design (e.g. acoustically upgraded facades, internal layouts, screening, etc), which are possible for many sites. As a result, in a borough such as Crawley, with Gatwick Airport and strategic roads, such as the M23, EP4 is a restrictive policy that would limit much needed housing coming forward in sustainable locations near employment and transport hubs.

Rather than setting strict external noise limits, each proposed development should be assessed on its own merits and therefore it is not appropriate prevent a site coming forward for development without considering the achievable benefit of good acoustic design or mitigation that could be incorporated in the proposals. This would be in line with all relevant noise planning guidance, in particular; the central government guidance on noise relating to planning at <https://www.gov.uk/guidance/noise--2> , which states:

*Can planning policies include noise standards?*

*Plans may include specific standards to apply to various forms of proposed development and locations in their area. Care should be taken, however, to avoid these being applied as rigid thresholds, as specific circumstances may justify some variation being allowed.*

*Paragraph: 007 Reference ID: 30-007-20190722*

*Revision date: 22 07 2019*

It is clear from the central government guidance above that the proposed ‘Unacceptable Adverse Effect’ criteria should not be applied in their current form as rigid thresholds that do not allow for mitigation and benefits of good acoustic design.

Therefore, it is recommended that the following modifications to Policy EP4 (red underlined) which would bring the policy in line with central government guidance and other relevant noise-related planning guidance (e.g. ProPG – Planning & Noise, New Residential Developments):

People's quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. To achieve this, Policy EP4 should be read in conjunction with the Local Plan Noise Annex.

#### A. Noise Sensitive Development

Residential and other noise sensitive development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses.

Noise sensitive uses proposed in areas that are exposed to noise above the Lowest Observed Adverse Effect Level (LOAEL) or at or above the Significant Observed Adverse Effect Level (SOAEL) from existing or future industrial, commercial or transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated good acoustic design has been considered early in the planning process, and that all appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable. ~~Noise sensitive uses proposed in areas that are exposed to noise at the Unacceptable Adverse Effect level will not be permitted.~~

~~For surface transport noise sources, the Unacceptable Adverse Effect Level is considered to occur where noise exposure is above 66dB LAeq,16hr (57dB LAeq,8hr at night).~~

~~For aviation transport sources the Unacceptable Adverse Effect is considered to occur where noise exposure is above 60dB LAeq,16hr. (57dB LAeq,8hr at night).~~

...

#### D. Mitigating Noise Impact

Where proposals are identified as being in the Lowest Observed Adverse Effect Level (LOAEL) or at or above the Significant Observed Adverse Effect Level (SOAEL) categories, either through noise exposure or generation, all reasonable mitigation measures must be employed to mitigate noise impacts to an acceptable level that is as low as is reasonably achievable. Appropriate mitigation must be delivered as part of the development to ensure that the impacts of existing or known potential future noise sources are acceptable on the use being applied for by the applicant.

The noise annex should also be updated in line with the above modifications to prevent the proposed 'Unacceptable Adverse Effect' criteria being applied in their current form as rigid thresholds. For brevity, the suggested modifications are not shown here however we believe they would be straightforward to implement.

Updating the above policy wording would result in a more positively prepared, justified, effective and consistent with national policy in line with the Paragraph 35 of the NPPF relating to Tests of Soundness. This would help

enable the Borough deliver new homes and meet housing need as described elsewhere in the emerging Local Plan Review.

Bellway Homes would like to remain informed on the progress of the Local Plan Examination and be invited to be in attendance at the relevant Hearing Sessions.

If you have any queries or require further information, do please get in contact.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R. Steele".

**Robert Steele**