

Strategic Planning  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

16 June 2023

Dear Sir/Madam

**Re: Crawley Borough Council Local Plan 2024-2040  
Representations on Regulation 19 Submission Draft**

We write to submit our comments on the Submission Draft Crawley Borough Local Plan 2024-2040. These representations supplement our earlier representations on the Regulation 18 and Regulation 19 consultations made in 2019, 2020 and 2021.

**Strategic Policy H1 (Housing Provision)**

This policy does not make adequate provision to meet the housing needs of Crawley Borough. The provision of 5,030 new dwellings by this policy undershoots the housing need by 58%, as explained in paragraph 12.12 of the Draft Local Plan. This is an increase from 54% as proposed by the earlier Regulation 19 version of the Draft Local Plan.

We consider that there is capacity within the Borough to provide a higher level of housing provision. In particular, it is not accepted that the expansion of Gatwick Airport as outlined in para 12.11 would result in an unacceptable living environment for residential development beyond the 60 dB LA eq 16 hr noise contour.

**Policy H2 (Key Housing Sites)**

Policy H2 indicates that Forge Wood, Phase 4B will provide an indicative capacity of 434 dwellings. However, the Policies Map indicating the Key Housing Sites does not provide a clear indication of areas of land allocated for development within the North East Sector at Forge Wood. It omits the 5 key sites promoted by Persimmon Homes at Radford Road and to the south of Phase 2D that are in a sustainable location and could be developed for residential and non-residential use. This would make best use



of this land and would help to address the shortfall of housing provision in Crawley Borough.

#### **Policy SDC4 (Water Neutrality)**

The restriction on water use within the Sussex North Water Resource Zone (WRZ) is acknowledged in the absence of improvements by Southern Water to the infrastructure limiting water supply capacity. However, Policy SDC4 (4) does not make adequate allowance for development proposals that connect to water suppliers outside this catchment zone. It refers to the consideration of development proposals on a "case-by-case basis", though if water supplies are provided from outside the Sussex North Water Resource Zone there can be no justification to withhold planning permission on water supply grounds.

Part (5) of Policy SDC4 requires that development proposals are accompanied by a water neutrality statement with associated water use calculations and offsetting details. This implies that development proposals that do not propose a connection to water supplies from the Sussex North Water Resource Zone should also provide this information. The structuring of this policy could be improved by swapping parts 4 and 5 of this policy to make clear that only water use and network connection details are required rather than the additional requirement to demonstrate offsetting.

#### **Policy EP4 (Development and Noise)**

We consider that the noise constraints on development within Crawley Borough are overstated by the Plan and Policy EP4. Whilst noise pollution can be a constraint to noise sensitive development, it is not necessarily an absolute constraint. Mitigation measures can be provided to protect noise sensitive development from excessive noise levels. Whilst land is safeguarded for a wide spaced second runway at Gatwick Airport, it was accepted by the Secretary of State when granting outline planning permission for the new neighbourhood at Forge Farm that development could co-exist alongside growth of Gatwick Airport (ref. APP/Q3820/A/08/2092933). We refer to para 15 of the Secretary of State's decision letter dated 16 February 2011, as follows:

*"Overall, the Secretary of State does not depart from the view (MT19) that, whilst for the noisier parts of the site the scheme would be close to the limits of acceptability, the development would not necessarily be unacceptable in terms of noise.*

Policy EP4, A. Noise Sensitive Development raises a particular concern as it states that for aviation transport sources the Unacceptable Adverse Effect is considered to occur where noise exposure is above 60 dB LAeq, 16 hr (57 dB LAeq, 8 hr at night). This imposes a greater constraint than adopted policy ENV11 which states that for transport sources the Unacceptable Adverse Effect is considered to occur where noise exposure is above 66 dB LAeq, 16 hr (57 dB, LAeq, 8 hr at night). The reasoned justification for



this noise limit refers in para 16.36 and 16.38 refers to PPG24 which was revoked and is not relevant current guidance.

Whilst it may be argued by the Council that a lower noise threshold should be imposed, the current policy ENV11 considers that noise sensitive development within the 66 dB LAeq2, 16 hr noise contour is undesirable but not unacceptable, whereas draft Policy EP4 does not offer this concession. Paragraph 16.36 acknowledges that current planning guidance "*does not provide technical noise metrics that define the different levels at which noise represents a planning consideration*". In spite of this the Council are seeking to impose an absolute noise limit to prevent noise sensitive development.

The Crawley Local Plan Noise Annex is not helpful and should be deleted from the Plan. It makes reference to revoked guidance and overstates the noise risk from aviation within the Borough. The Building Regulations provide requirements concerning overheating and ventilation and it is unnecessary to make reference to these aspects within the Local Plan. Para 4.1.13 is of particular concern as it advises that "*as a last resort, in exceptional circumstances, alternative mechanical ventilation may be acceptable*". This is a very vague statement and it would be unclear to developers when mechanical ventilation could be offered to address the effects of noise on building occupiers.

The Noise Annex Plan would be clearer to interpret if the noise levels are marked on the actual contour lines, rather than at the top of the plan.

We look forward to receiving your acknowledgement of receipt of these representations as valid.

Yours faithfully



**Mark Hendy**  
**Planning Manager**







# Crawley Local Plan

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## Crawley Submission draft Local Plan Representation

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This form has two parts:

### PART A – Personal details

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### PART B – Your representation

Please fill in a separate sheet for each representation you wish to make. You may submit multiple “PART B” sections with a single “PART A” completed.

## PART A – Personal details

Please ensure that you complete all fields in 1. If a planning agent is appointed, please enter the Title, Name and Organisation in 1, and complete the full contact details of the agent in 2.

	1. Personal details	2. Agent’s details
Title:	Mr	
First name:	Mark	
Surname:	Hendy	
Organisation:	Persimmon Homes (Thames Valley) Ltd	
Address line 1:	Persimmon House	

Address line 2:	Knoll Road	
Town/city:	Camberley	
Postcode:	GU15 1TQ	
Telephone:	01276 808016	
Email:	mark.hendy@persimmonhomes.com	

## PART B – Your representation

### 3. Please tick the document that you would like to make a representation on:

- Crawley submission Local Plan
- Crawley submission Local Plan Map
- Crawley submission Sustainability Appraisal
- Habitats Regulation Assessment Screening Report

### 4. Which part of the Local Plan does this representation relate to?

Paragraph:

Policy:

Other:

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

- 5.1. Legally compliant? Yes  No
- 5.2. Sound? Yes  No
- 5.3. Compliant with the duty to co-operate? Yes  No

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

The housing provision proposed by Policy H1 for 5,030 new dwellings undershoots the housing need by 58% as stated in paragraph 12.12 of the Draft Plan. The Council proposes that only 42% of its housing need would be met within its boundary.

To accord with paragraph 11b of the NPPF, it is necessary to demonstrate that a clear reason is given to restrict growth to this extent is given in accordance with paragraph 2b (i) and (ii). A clear reason to restrict growth to this extent, supported by reference to the NPPF, is not given and as a result this policy is not effective in responding to housing needs, it is not justified by national policy and it is not positively prepared.

The five sites proposed by Persimmon Homes as part of the Forge Wood development are not subject to the constraints of paragraph 2b (i) and (ii) of the NPPF and the delivery of these land parcels should be reflected in the housing provision by Policy H1. These parcels could be delivered for residential or non-residential use with appropriate mitigation to ensure that a satisfactory living or working environment can be provided having regards to a second wide spaced runway at Gatwick Airport.

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

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

The five land parcels proposed for development by Persimmon at Forge Wood should be identified as potential development sites for residential use as part of this new neighbourhood which is still under construction.

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

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations. **After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues s/he identifies for examination.***

8. If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings? *(Please tick)*

No, I do not wish to participate in the examination hearings

Yes, I wish to participate in the examination hearings



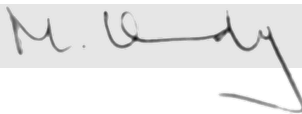
**9. If you wish to participate in the public examination hearings, please outline why you consider this to be necessary:**

The hearing session will provide an opportunity to explore with the Inspector the justification given by the Council for omitting the five land parcels proposed by Persimmon for residential development.

*The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.*

If you would like to make a representation on another policy or part of the Local Plan then please complete a separate PART B section of the form or securely attach an additional piece of paper. Copies of the representation form can also be downloaded from the council's website at: [www.crawley.gov.uk/localplanreview](http://www.crawley.gov.uk/localplanreview)

**Signature**

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**Date**

16.6.23



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

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

The Plan omits the five land parcels at Forge Wood from the key sites identified by policy H2. The Council have not provided sufficient justification to support this omission taking into account the advice provided by paragraph 2b(i) and (ii) of the NPPF.

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

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

The five land parcels at Forge Wood proposed by Persimmon Homes for development should be included in the list of key sites.

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No, I do not wish to participate in the examination hearings

Yes, I wish to participate in the examination hearings

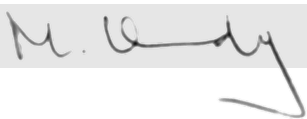
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Attendance at the hearing sessions would provide an opportunity to more fully explore with the Council and the Inspector the justification given by the Council for omitting these land parcels.

*The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.*

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

The requirement by Policy SDC4 for water neutrality statements under criterion 4 is not justified where development proposals are connected to water supply sources that are not within the Sussex North Water Resource Zone. In particular, it is unnecessary for details to be provided of offsetting proposals as indicated by criterion 5.

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To address the requirement for water neutrality statements where developments are not being connected to the Sussex North Water Resource zone, the text of criteria 4 and 5 should be swapped and be made clear that offsetting details are not necessary in those circumstances.

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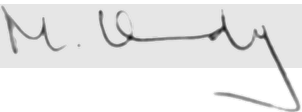
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Attendance at the hearing sessions would be necessary to explore with the Council and the Inspector the rationale for Policy SDC4 in relation to the requirement for offsetting details for those sites that would not be connected to the Sussex North Water Resource Zone.

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

Policy EP4 (A) Noise Sensitive Development imposes a noise level restriction of 60 dB LAeq, 16 hr that is not justified or supported by National Planning guidance. This would constrain available land in the Borough at Forge Wood that could be more effectively used to meet local requirements for residential and non-residential use.

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

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

The Policy EP4 (A) limit should be raised to 66 dB LAeq, 16 hour and the nighttime level raised to 63 dB LAeq, 8 hour to accord with the current level set by Policy ENV11 of the current adopted Local Plan.

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

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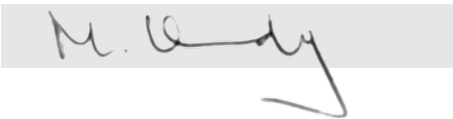
**9. If you wish to participate in the public examination hearings, please outline why you consider this to be necessary:**

Attendance at the hearing is necessary to explore with the Council and the Inspector the justification given by the Council for a lowering of the upper noise levels threshold for residential use.

*The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.*

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