

Contact:
Planning Policy
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Date: 20 June 2023

forwardplans@ Crawley.gov.uk
By e-mail only

Dear Sir / Madam,

Crawley Local Plan 2024 – 2040 – Submission version (June 2023)

Mid Sussex welcomes the opportunity to comment on the submission Crawley Local Plan (the Plan) and our detailed comments build on our earlier response to the Regulation 18 draft of the Local Plan and those made in March 2020 in relation to the first regulation 19 consultation and the second in June 2021. It is noted that comments made to previous consultations do not need to be repeated and all Regulation 19 representations will be submitted in full to the Secretary of State for the Examination. For ease, a copy of our responses made in March 2020 and June 2021 is attached.

In a letter dated 14 April 2023 to Mid Sussex DC, Crawley BC also sought confirmation of the role Mid Sussex can make in assisting Crawley to address unmet housing needs and specific communities housing needs. Mid Sussex District Council's response to this request is also set out in this letter.

Local Plan Comments

Mid Sussex has reviewed Crawley's Plan and accompanying evidence that has been prepared to support the Plan.

Strategic Policy SD3: North Crawley Area Action Plan (now deleted)

Mid Sussex is disappointed that this policy has been deleted and therefore that an opportunity to review the future growth and operational needs of the airport alongside other development needs of Crawley, including economic growth and housing, to enable efficient use of land within Crawley is no longer included.

Our previous comments made in March 2020 and June 2021 remain relevant.

Policy EC4: Strategic Employment Location

In previous consultation responses, Mid Sussex raised concerns about the impact of this proposed allocation on the highway network. In June 2021, it was suggested that engagement with Mid Sussex would be helpful to enable a better understanding of the potential impacts however this has not been forthcoming.

It is noted that there has been an amendment to the policy, with the addition of Criterion (d) which seeks to restrict movement of HGV from the north, which means that access will be from the south with the potential to further exacerbate issues on the local road network in Mid Sussex as set out above.

Therefore, the Council considers that the the Policy requires further justification.

Changes required: Further evidence is required to demonstrate that the policy is justified by highways evidence. The Council is not satisfied that the cross-boundary impacts of the policy in Mid Sussex are fully supported by the transport evidence. Following an assessment of the impact of this proposed allocation the policy should be amended to make explicit any mitigation measures required to alleviate highways impacts in Mid Sussex District.

Policy CL3 – Movement Patterns, Layout and Sustainable Urban Design

This policy was part of CL4 in the 2020 version, previous comments made in March 2020 and June 2021 remain relevant.

Policy CL4 – Compact Development – Layout, Scale and Appearance

This policy was part of CL5 in the 2020 version, previous comments made in March 2020 and June 2021 remain relevant.

Mid Sussex supports this policy in principle as it seeks to make more efficient use of land.

The Council notes that the policy has been amended to support the requirement for higher density outside locations identified in (i) and (ii), but considers that the Policy would be more effective if the 'appropriate levels of accessibility to enhance public transport services' are defined.

Changes required: An explanation of how 'appropriate levels of accessibility to enhance public transport services' will be defined is also required.

Policy CL8: Development Outside the Built-up Area

Response from January 2020 continues to apply.

Policy H3d: Upward Extensions

Response from January 2020 continues to apply.

Urban Extensions: 'At Crawley' (Paragraph 12.17 – 12.23)

Response from June 2021 continues to apply.

Habitat Regulation Assessment:

It is noted that a Habitat Regulation Assessment has now been prepared to support the Regulation 19 Plan which addresses this Council's concerns raised in June 2021. Mid Sussex has no further comments on the HRA.

Housing Supply and Unmet Need

There has been a long-standing and ongoing engagement between the Northern West Sussex Housing Market Area (NWS HMA) authorities (Crawley, Horsham and Mid Sussex), and therefore the position in relation to Crawley's housing need and supply is understood.

The three authorities have agreed that housing supply is a strategic cross-boundary issue and consequently have worked effectively to understand and assess options for maximising housing supply to meet local needs within the HMA.

This approach is set out in the Housing Statement of Common Ground which is being finalised by the three authorities and which will capture the agreements between the NWS HMA authorities on principles such as the HMA boundary, housing need, site selection processes and considerations for housing supply.

Mid Sussex District Council notes that the Crawley Submission Local Plan updates the unmet need position, such that the current calculation shows an unmet need of 7,050 dwellings over the plan period 2024 - 2040, and that Crawley Borough Council has formally requested assistance to meeting the unmet need.

The adopted Mid Sussex District Plan (policy DP5: Planning to Meet Future Housing Need) demonstrates that MSDC is committed to working with neighbouring Councils on an ongoing basis to address housing needs across the HMA based on the evidence. The adopted District Plan includes a contribution of 1,500 dwellings to meet the unmet need arising in the HMA which, alongside the contribution made by Horsham District Council, ensured that the HMA housing need could be met in full. The Council remains committed to working jointly and proactively on this matter and the forthcoming Housing Statement of Common Ground will demonstrate this commitment across the HMA.

As you are aware, Mid Sussex District Council published a draft District Plan (Regulation 18) for consultation in November 2022.

In respect to the ongoing engagement with Councils in the NWSHMA ahead of publishing its Regulation 18 draft, Mid Sussex District Council:

- shared the draft Site Selection Methodology and invited comments before publication;
- held briefings for NWSHMA Councils to share the initial outcomes of the Site Selection process, which included:
 - examples of sites that performed well against the Site Selection criteria and would therefore have potential allocation, and those that have been rejected due to constraints and deliverability issues
 - outcomes from the evidence base, particularly Transport and Air Quality modelling
- commissioned an Urban Capacity Study, by external consultants, with an objective to maximise brownfield development in urban areas to seek to increase supply from this source.

The Regulation 18 draft District Plan established a housing need of 20,142 for Mid Sussex. As a result of the evidenced outcomes from the Site Selection process and findings from the evidence base, the draft District Plan proposed a total supply of 20,444. Therefore, the draft District Plan demonstrated an over-supply of 302 dwellings.

The Council is reviewing the responses from all parties during Regulation 18 consultation. This includes assessment of comments received from those promoting sites omitted from the Regulation 18 plan, and new sites submitted during the consultation. This work is ongoing and the potential housing supply in the Regulation 19 Plan will be subject to completion of this work and detailed testing through the evidence base. As such, the Council is currently not in a position to confirm the total deliverable housing in the District and therefore the amount of housing it may be able to provide to meet unmet need.

This Council will continue to positively engage with Crawley Borough Council as the review of the District Plan progresses, in line with the agreed principles and mechanisms outlined in the NWS Statement of Common Ground, forthcoming Housing Statement of Common Ground and other relevant cross-authority groupings.

Yours sincerely



Judy Holmes
Deputy Chief Executive

Contact:

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Your Ref:

Our Ref: Submission Crawley Local
Plan 2035 Jan 2021

Date: 30th June 2021

forwardplans@crawley.gov.uk

By e-mail only

Dear Sir/Madam,

Crawley Local Plan 2021 – 2037 – Submission version (January 2021)

Mid Sussex welcomes the opportunity to comment on the submission Crawley Local Plan (the Plan) and our detailed comments on the Strategic Policies of the Plan build on our earlier response to the Regulation 18 draft of the Local Plan and those made in March 2020 in relation to the first regulation 19 consultation. There has been significant alteration to the Plan, including an additional allocation, therefore we have sought to provide an update to our comments of March 2020. A copy of our response made in March 2020 is attached.

Mid Sussex has reviewed the Plan and accompanying evidence that has been prepared to support the Plan.

Strategic Policy SD3: North Crawley Area Action Plan (now deleted)

Mid Sussex notes that this policy has been deleted from the Plan and acknowledges the reasons given behind this change. However, it is disappointing that an opportunity to review the future growth and operational needs of the airport alongside other development needs of Crawley, including economic growth and housing, to enable efficient use of land within Crawley is no longer included.

Policy EC4: Strategic Employment Location

Mid Sussex **supports this policy in principle** as it seeks to allocate additional land for employment uses for which there is an unmet need in the Local Plan area. However, the Council consider that the Policy requires **further justification** and could be **more effective**.

Mid Sussex notes the allocation of an additional site identified for employment uses (Gatwick Green). In the 2020 version of the Plan the site formed part of the larger North Crawley Area Action Plan Area (now removed policy EC1).

The Gatwick Airport Masterplan (published by Gatwick Airport Limited in 2019) shows the site as being within the safeguarded land area, for use as surface car parking. Mid Sussex supports the view that there are other opportunities to provide on-airport car parking in a more efficient manner than currently proposed and that the allocation of this site will contribute to meeting the employment land requirements of the Borough.

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Councillor Jonathan Ash-Edwards
Leader of the Council



However, as noted in the supporting text of the Plan (paragraph 9.59) there is no immediate access to the strategic road network from this site and that the development will impact on the existing highways network. More specifically there is no direct access to the M23, with the nearest junction being Junction 10 (Crawley) or Junction 9 (Gatwick). It is clear that one of the most direct routes from the site to the M23 will be via the local road network in Mid Sussex District via Balcombe Road B2036/Antlands Road/ Shipley Bridge Lane/ Copthorne Bank, or via Antlands Lane (B0237) and B2038 to join onto the A264 and M23 at Junction 10.

The Transport Study paragraph 7.7.1 states “It is assumed that a proportion of employees working at the site would use the sustainable mitigation measure”, however this isn’t quantified or explained further in the report. The Transport Study goes on to state at paragraph 7.7.1 that “...a significant proportion of ... trips will be freight/ HGV traffic and therefore cannot be shifted to active modes or public transport”.

Whilst at paragraph 7.7.2 there is mention of impact on the B2036 Balcombe Road and on the road network in Surrey there is no mention of impacts on the West Sussex/ Mid Sussex road network. The Transport Study looks at the number of trips north and south of the Balcombe Road, there is no information on potential routing beyond the Balcombe Road.

Therefore, Mid Sussex is not satisfied that cross boundary impacts have been fully reviewed or mitigated. It appears mitigation is in place to prevent traffic travelling through the built up areas of Horley, with a right turn ban proposed but there is no mention of any mitigation of the adverse impact from HGV traffic such as, noise and air pollution, on Copthorne Village which could be used to access the M23 as a short route via the A264. It is already known that Copthorne village is used as a ‘rat run’ to reach the M23 from the north.

It is well documented that M23 Junction 10 and the A264 corridor which links this junction to East Grinstead, suffers from congestion at key junctions (as identified in section 8.7 of the Crawley Transport Study and Mid Sussex Transport Study). The Mid Sussex Site Allocation DPD (currently at Examination) includes a policy SA35: Safeguarding land for and Delivery of Strategic Highway Improvements. This policy safeguards land at a number of junctions along the A264 corridor between M23 and East Grinstead including the junction at the Copthorne Hotel. These upgrades are necessary to increase capacity, improve highway safety within Mid Sussex and support planned growth in Tandridge. They are being developed in partnership with West Sussex and Surrey County Councils. Mid Sussex would want to ensure that the highway impact of this allocation on the road network, including at junctions that are already operating overcapacity are properly mitigated. The policy should be more explicit in relation to the need to work with adjacent local authorities to ensure the impacts of the development are fully understood and mitigated.

As Mid Sussex is therefore concerned about the traffic impact that this site may have on the strategic and local road network in Mid Sussex, we would welcome further discussions with Crawley Borough Council and West Sussex County Council as the highway authority to better understand the implications of this proposed allocation on Mid Sussex.

Changes required: Further evidence is required to demonstrate that the policy is justified by highways evidence. The Council is not satisfied that the cross-boundary impacts of the policy within Mid Sussex have been fully justified by the transport evidence. Following an assessment of the impact of this proposed allocation the policy may need to be amended to make explicit any mitigation measures required to alleviate highways impacts in Mid Sussex District.

Policy CL3 – Movement Patterns, Layout and Sustainable Urban Design

This policy was part of CL4 in the 2020 version, previous comments are still relevant.

Policy CL4 – Compact Development – Layout, Scale and Appearance

This policy was part of CL5 in the 2020 version and further comments are provided to reflect changes made to the original policy.

Mid Sussex **supports this policy in principle** as it seeks to make more efficient use of land. However, the Council consider that the policy could be **more effective**.

Mid Sussex welcomes the changes made to the policy and it is noted that density will no longer be informed by Area Character Assessments. The requirement of a least 45 dwellings per hectare for all residential developments is supported. However, the policy should be strengthened to ensure that development below 45 dph would only be supported in exceptional circumstances, where justified by appropriate evidence.

Changes required: Additional wording to the policy to make it explicit that residential development below 45 dph will only be permitted in exceptional circumstances and where justified by appropriate evidence.

Policy CL8: Development Outside the Built-up Area

Response from January 2020 continues to apply.

Policy H3d: Upward Extensions

Response from January 2020 continues to apply.

Urban Extensions: 'At Crawley' (Paragraph 12.17 – 12.22)

Mid Sussex **objects** to this section of the Plan. It is neither **justified nor effective**.

Mid Sussex notes the removal of Strategic Policy H3g from the January 2021 Submission version. The context of the policy can now be found at paragraphs 12.17 to 12.22, along with 'At Crawley' Urban Extensions Key Considerations at paragraph 12.23, which will be used to inform discussions with neighbouring local authorities.

However, the concerns set out in the response of January 2020 are still applicable to this supporting text.

Change required: This section of the Plan needs significantly redrafting to address Mid Sussex District Council's concerns set out in our previous response.

Habitat Regulation Assessment:

In response to the 2020 Plan the Council advised that for the Plan to be found sound, Crawley Borough Council should prepare the necessary evidence to conclude there are no adverse impacts on the Ashdown Forest SAC Habitat. We also indicated that it would be helpful to see more recent and relevant correspondence from Natural England setting out their view on the likely significant effect on the Ashdown Forest SAC.

Mid Sussex District Council remains concerned about the HRA work undertaken to support the Crawley Local Plan as it appears that no detailed transport modelling, air quality modelling and ecological interpretation to assess any impact on the Ashdown Forest SAC has been undertaken. This additional work is referenced in the HRA (January 2021) in Chapter 7 and Chapter 9. Mid Sussex District Council considers that this modelling work and the next version of the HRA will need to be undertaken prior to submission of the Local Plan for examination.

Change required: Completion of the additional work referenced in the HRA (January 2021) and the opportunity for interested parties to respond. Without the completion of this evidence it is **not possible to conclude the Plan is justified or effective**.

Conclusion

Mid Sussex is committed to continuous close co-operation and joint working with Crawley Borough Council. As part of the well-established joint working arrangements, it is anticipated that there will be ongoing dialogue between the Councils, to address the outstanding issues identified in this letter, ahead of the submission of the Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Ash-Edwards', written in a cursive style.

Councillor Jonathan Ash-Edwards
Leader of the Council

Contact:

Councillor Andrew MacNaughton Tel: 01293 522817
email: andrew.macnaughton@midsussex.gov.uk

Your Ref:

Our Ref: AMN/RS

Date:

2nd March 2020

By e-mail only
forwardplans@ Crawley.gov.uk

Dear Sir/Madam,

Crawley Local Plan Review 2020 – 2035 – Submission version

Mid Sussex welcomes the opportunity to comment on the submission Crawley Local Plan Review (the Plan) and our detailed comments on the Strategic Polices of the Plan build on our earlier response to the Regulation 18 draft of the Local Plan.

Mid Sussex welcomes the further work undertaken by Crawley since the publication of the draft Local Plan and the identification of additional sources of housing supply, resulting in another 550 units. In particular, Mid Sussex supports the revisions to policies which will ensure that there is a more effective use of land in meeting housing and other land use needs in line with the National Planning Policy Framework (NPPF).

Mid Sussex has reviewed the Plan and accompanying evidence that has been prepared to support the Plan however it is noted that some of the evidence base, including Transport Assessment, Viability and Habitats Regulation Assessment have not yet been completed and therefore these comments are provided in this context. Mid Sussex may wish to make further comments as and when the evidence base is complete.

Strategic Policy SD3: North Crawley Area Action Plan

Mid Sussex **supports this policy in principle** as it seeks to make more efficient use of land. However, the Council consider that the Policy could be **more effective**.

Policy SD3 makes provision for the preparation of an Area Action Plan (AAP) for the area of land to the south of Gatwick Airport that has historically been safeguarded to accommodate the possible construction of an additional runway and associated facilities. Mid Sussex welcomes the approach to review the opportunities for development within this location, alongside the future growth needs of the airport through an AAP.

The Council welcomes the clear commitment to commence work on the AAP within three months of the adoption of the Local Plan as this will provide certainty over its development.

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However, the Crawley Plan should recognise the significant opportunities presented by this land to take a strategic approach towards consolidating employment land in this location thereby facilitating release of underused employment land elsewhere in the Borough which could be used for much needed housing.

Changes required: The policy needs to be amended to make clearer cross references to Policy EC1 as the opportunities presented by the Gatwick Expansion Safeguarding land should form part of a comprehensive spatial strategy for meeting development needs. In addition, the Policy should make clear the commitment to work with Horsham and Mid Sussex over the preparation of the APP given that the three authorities operate as a Functional Economic Market Area.

Strategic Policy CL4: Effective Use of Land: Sustainability, Movement and layout

Mid Sussex **supports** this policy in principle however considers that it could be **more effective**.

The NPPF is clear that where there is a shortage of land for meeting identified housing needs policies should ensure the use of land is optimised. Whilst this policy seeks the effective use of land it needs to be clear about how this will be achieved.

Change required: Policy needs clarity over how policy objectives will be achieved.

Strategic Policy CL5: Form of New Development – Layout, Scale and Appearance

Mid Sussex **supports this policy in principle** as it seeks to make more efficient use of land. However, the Council consider that the Policy could be **more effective**.

The Council **supports** the concept of 'compact development' and the inclusion of density standards on some locations within the Town. However, the Council consider that the Policy could be **more effective** by being clearer.

Whilst the Policy sets out minimum density standards across the Borough it states that residential density standards will be informed by Area Character Assessment. It is unclear from the supporting evidence if these Assessments have already been undertaken, and if not who will be responsible for preparing these.

Change required: Make the application of the policy clearer.

Strategic Policy CL8: Development Outside the Built-up Area

Mid Sussex **supports this policy in principle** however considers that it could be **more effective**.

Mid Sussex made comments on the previous draft in relation to policy CL8: Development Outside the Built-up Area. Whilst we welcome the changes which have been made to the policy, the objective of the policy remains the same. Therefore, we wish to reiterate that opportunities for development within these areas should be positively assessed, particularly as Crawley has an unmet housing need.

There can be opportunities for development within designated areas, including the AONB. As a rural district, the majority of Mid Sussex housing supply is within the countryside (i.e. outside built-up areas) and Mid Sussex District Council's spatial strategy allocates land for development in the AONB to meet its adopted housing requirement, which includes some of Crawley's unmet need.

Change required: This policy needs to be amended to be a positively framed policy which promotes and supports some development outside of the Built-Up Area.

Strategic Policy OS1: Open Space, Sport and recreation

Mid Sussex **supports this policy in principle** but considers that it could be **more effective**.

Policy OS1 protects against development which would affect the use of open spaces, sport and recreational spaces unless it meets certain criteria. Given the limited supply of suitable housing land in Crawley, this policy should recognise the significant opportunities presented by the Gatwick Expansion Safeguarding to rationalise open space in order to release land for much needed housing.

Change required: The Policy needs to be amended to cross reference to Policy SD3 as the opportunities presented by the Gatwick Expansion Safeguarding land should form part of a comprehensive spatial strategy for meeting development needs.

Strategic Policy EC1: Sustainable Economic Growth

Mid Sussex **supports** this policy in principle however considers that it could be **more effective** in achieving the areas needs.

Policy EC1 (iii) currently encourages the redevelopment and intensification of under-utilised sites in Main Employment areas. However, the opportunities presented by the Gatwick Expansion Safeguarding for rationalising Main Employment areas, have not been taken. This is missing an opportunity to release land for much needed housing.

Change required: The Policy needs to be amended to make a cross reference to Policy SD3 as the opportunities presented by the Gatwick Expansion Safeguarding land should form part of a comprehensive spatial strategy for meeting development needs.

Strategic Policy H3d: Upward Extensions

Mid Sussex **supports** this policy which supports upwards extensions in line with the NPPF and provides clear guidelines on assessment of proposals.

Strategic Policy H3g: Urban Extensions and paragraph 12.76

Mid Sussex **objects** to this policy. It is neither **justified nor effective**

The submission version of the Plan continues to include a policy that seeks to provide policy criteria for the assessment of Urban Extensions outside of the Crawley administrative boundary, in policy H3g: Urban Extensions. Policy H3g provides the framework by which Crawley would assess applications outside the borough boundaries but are adjacent to Crawley. Whilst some amendments have been made to the policy Mid Sussex continues to have concerns and therefore comments on this policy are set out below:

The Sustainability Appraisal of the MSDC District Plan (August 2016) sets out the conclusions of the 'Sustainability Assessment of Cross-Boundary Options', which assessed the unmet need of all neighbouring authorities. The evidence shows that there are strong migration and commuting links between the two authorities. These links are not constrained to the areas immediately adjacent to the administrative boundaries of the authorities. Broad locations for growth were assessed based on distance and linkages between areas based on historic commuting patterns. These broad locations cover most of Mid Sussex, which indicate any unmet need from Crawley could be located anywhere in this District. Locations 'At Crawley' has identified locations which may not be the most sustainable location for growth in Mid Sussex, but until work on the District Plan Review is undertaken and all broad locations and sites are assessed, this is not known.

It is unclear how this policy can be effective as it relates to land outside the Crawley boundary. An application within Mid Sussex, for example, would not be assessed against the policies within the Crawley Local Plan. As such the criteria within the policy can only be considered to inform Crawley's response during the consultation process on an application within an adjoining authority; and this should be made clear.

It is not sufficiently clear what is meant by the term 'Urban Extension', both in terms of scale and location. This is important because some criteria would not apply to all developments. For example, smaller scale sites would not support a neighbourhood centre, or require a masterplan. The preparation of a Joint Area Action Plan may not be necessary in all circumstances. This is acknowledged in the supporting text but not within the policy. Through Duty to Co-Operate discussions, Mid Sussex will continue to liaise with Crawley on any sites within Mid Sussex that would have cross-boundary impacts, particularly any that are promoted to the Council as part of the District Plan Review.

Part ix of the policy includes a reference to the delivery of affordable housing at 40% and agreements in relation to the nomination rights for those on the Crawley housing register. There are no mechanisms in place to seek a different affordable housing requirement on sites within Mid Sussex as intended by the policy. The adopted Mid Sussex District Plan requires 30% affordable housing and existing evidence does not demonstrate that the provision of 40% affordable housing is viable in Mid Sussex. Mid Sussex's immediate priority is to meet the affordable housing needs of those who live in Mid Sussex.

In this context, this Council **objects** to the wording of paragraph H3g: Urban Extensions and paragraph 12.76 where it refers to any urban extension on the edge of Crawley and within MSDC should be meeting the unmet needs arising from Crawley.

Change required: The policy needs significantly redrafting.

Habitat Regulation Assessment: Screening Report

Mid Sussex is concerned about the conclusions reached in the HRA Screening Report and considers that further work is required to ensure that the Plan is **sound**.

- Paragraph 4.8-4.9 (air pollution) –New homes and employment are being planned by Crawley Borough Council. The distance of 10km from the borough’s boundaries is not a relevant consideration. Mid Sussex Council have undertaken transport modelling, air quality modelling and then ecological interpretation to assess the potential air quality impacts on the Ashdown Forest SAC to support the preparation of the District Plan and Site Allocations DPD.
- The 1000 AADT is not the only factor that needs to be taken into account and in any case this needs to be an in-combination assessment (taking account of recent case law as acknowledged).
- At paragraphs 5.7 to 5.10 reference is made to the transport modelling undertaken for the Mid Sussex District Plan. This information has been superseded by the Mid Sussex Transport Model (2019) which is a new transport model that has been prepared to support the preparation of the Site Allocations DPD. This new evidence should be taken into account.

Change required: In order to ensure the Plan is sound the Council should prepare the necessary evidence to conclude no adverse impact on the Ashdown Forest SAC habitat. It would be helpful to see some more recent and relevant correspondence from Natural England setting out their view on the likely significant effect on the Ashdown Forest SAC.

Conclusion

Mid Sussex is committed to continuous and close co-operation and joint working and welcomes the opportunities to work on an ongoing basis to address unmet development needs and we will use the well established joint working arrangements in place, to address these outstanding issues.

Yours sincerely



Councillor Andrew MacNaughton
Cabinet Member for Housing and Planning