

Local Plan Representation

FPLP518315980

PART A Personal details

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Has a planning agent been appointed?	No

PART B Your representation

Which document would you like to make a representation on?	Crawley submission Local Plan
Which part of the Local Plan does this representation relate to?	Policy
Please give details.	H8 Gypsy Travellers
Legally compliant?	No
Sound?	No
Compliant with the duty to co-operate?	Yes
Please give details explaining your response.	see attached statement but in short -need is not properly assessed. -over reliance on a reserved site that does not appear to be deliverable and would fail to address existing need. No efforts have been made to find more suitable sites since 2015 -criteria policy are not reasonable, fair and potentially offend Public Sector Equality Duty and PPTS
Please set out what modification(s) you consider necessary to resolve the issues you have identified above.	see attached statement but in short -need for a proper GTAA not just an update of the 2014 GTAA with accurate data and better identification/ consultation with families living in Crawley, with allowance for in migration for households who have had to leave the district and are prevented from living here due the absence of provision -recognition that there is an immediate need for small private family sites -the criteria should be drafted in a way to facilitate not thwart new development, reflecting the small size of the district, existing constraints, the size and nature of the need. -need to identify small family sites that are deliverable.
If your representation is seeking a modification, do you consider it necessary to participate in the public examination hearings?	No, I do not wish to participate in the examination hearings
Do you wish to upload any supporting documentation or files?	2023 Crawley local plan comments submitted.doc
Form submitted by:	Mrs. Alison Heine on 23/05/2023

CRAWLEY LOCAL PLAN

MAY 2023

POLICY H8 GYPSY TRAVELLER AND TRAVELLING SHOWPEOPLE SITES

Comments from Heine Planning

Reserve site: Broadfield Kennels

1. The Council rely on a reserve site at Broadfield Kennels to provide 10 pitches. This site has a dangerous access from a bend on the A264 with a steep incline to the allocated land. The examining Inspector is invited to drive past and judge whether it would be realistic to expect slow moving vehicles towing caravans to pull off/ rejoin the A264 at this point without a deceleration/ acceleration lane and significant alteration to the gradient of the internal access road. I very much doubt this site would be deliverable without serious and major highway alterations the cost of which has never been made public. In my view it would certainly never be developed privately as the cost of highway improvements are likely to be prohibitive.
2. It is not good enough for Crawley Council to argue, as they have done previously, that this 'reserve' site was found acceptable for the 2015 local plan. It was one of only two sites put forward and both attracted much opposition. It is not known if the previous Inspector viewed the site. The fact is the Council has failed to develop this site for 8 years and has been unable/ unwilling to explain how individual families with a need for a site in this district could acquire the land and develop it for themselves. I do not accept that it is developable or will be made available. The Council seems unwilling to even make it available to address the immediate need and appear to have no idea how it would be developed.
3. The Council has had 8 years since 2015 to find a better site with a good prospect of being made available.
4. The need in Crawley would appear to be for small private sites and not for one large site-as proposed. There is an immediate need for 2 extended families on two unauthorised sites: one English Gypsies and the other Irish Travellers. It would be

unrealistic to expect these families to share the single reserve site at Broadfield Kennels. The reserve allocation is therefore totally unsuitable to address the immediate need though it might serve as a socially provided site to address a general shortage, possibly for households stuck in housing or who have left the district due to the absence of provision.

Criteria

5. Criteria a will ensure new sites are not subject to unacceptable aircraft noise. Whilst in principal this requirement represents sound planning practice one has to question how committed the Council is to this policy given that they have failed since 2012 to make suitable alternative provision for a family with 3 households living in caravans on a site at Pullcotts Farm Nursery at the northern end of Peeks Brook Lane almost immediately under the flight path to Gatwick Airport and within the 60db night time noise contour and 66db day time noise contour. The 2021 Topic Paper did not even acknowledge the needs of this extended family. A 4 year temporary planning permission was granted 14 October 2013. An application was submitted in 2017 to renew consent and this was granted for a further 4 years until January 2022. In December 2021 a third application was made to renew consent and this is still awaiting a decision although the case officer emailed me in April 2022 to state that he had written it up for approval and was waiting for a manager to sign it off. The Council has been content to let an extended family live almost directly under the flight path for over 10 years whilst they fail to deliver the reserve site at Broadfield Kennels for this or any other families. Given a choice in the matter, the Martin family would prefer to remain on land they own and have lived on in their caravans since 2012, than relocate to a much larger site shared with other families with unknown management/ implementation costs. They are not troubled by aircraft noise.

6. Criteria b would require the design and amenity impact of sites to be compatible with the surrounding area, particularly when located within residential areas or on land beyond the built up area boundary ie the countryside. If there is to be reliance on such a criteria Policy should at least explain where such development would be considered compatible. There is a real danger Criteria such as this will be relied on to thwart all new site provision (as is the case with the 2 pitch site at Radford Farm Road where issue was

taken with a site largely screened by woodland, opposite housing and on land separated by a small field from a large sewage works with Gatwick airport structures/ railway line in more distant views). PPTS clearly envisages that Gypsy Traveller sites will be delivered outside settlement boundaries in the countryside and it is not a requirement that sites be hidden or only located on previously developed sites. It remains to be seen how the Council will develop a 10 pitch site within the AONB close to a country park at Broadfield Kennels without giving rise to an incompatible design and amenity impact with the surrounding area. The design of caravans sites means that they almost always be out of keeping within bricks and mortar properties in built up areas or result in some localised impact in less developed areas. I feel that this criteria could be worded more positively to ensure sites are designed to assimilate into their surroundings rather than give objectors the perfect wording to object to every application-whether in a settlement boundary or beyond.

7. Criteria d requires sites to be in a sustainable location but fails to explain what this means. Given the small size of Crawley I very much doubt any part of the district could be considered so isolated or remote from roads, services and facilities to be considered an unsustainable location and question if this criteria is really necessary. However the reserve site at Broadfield Kennels is probably about the most unsustainable location in the district. There is no pedestrian/ safe cycle route along the A264. It does not appear to be on any public transport route. It is not clear if access would be provided into Buchan Country park and then via a footbridge to the countryside centre and from there to the bus stop and shops at Bewbush. But it seems most likely that all journeys to/ from the site would have to be by car. With no right turn into the site off/ onto the A264 all journeys by car are extended up to/ back from the closest roundabouts.
8. Criteria e requires that sites avoid undue pressure on infrastructure and community services. Given the very small need identified in the 2023 GTAA update is this criteria really necessary? The reserve site at Broadfield Kennels is for 10 pitches. If the 2023 GTAA update is to be believed, this would be greater than all existing pitches in the district yet is considered acceptable. As existing need is for small private family sites this criteria seems unnecessary from the outset.

9. Criteria f states that proposed sites should meet an identified local accommodation need. This conflicts with para 24 (e) of PPTS which states that LPA should determine applications for sites from any travellers and not just those with local connections. I very much doubt that new housing in the district is restricted to local need and it would be most unfair to impose such a restriction on Travellers. This criteria offends the Public Sector Equality Duty. The Martin family at Peeks Brook Lane relocated from Wimbledon. The Casey family at Radford Farm Road relocated from near Maidstone in Kent. I have assisted families who have relocated from housing in Crawley to land outside Rusper (Capel Road) in Mole Valley due to the shortage of sites in Crawley. I do not recall Mole Valley Council objecting at the time to the fact they were addressing a need arising from outside their district. I strongly suspect that there remains a hidden need for more pitches for families who have been unable to live in Crawley, are living on rented pitches in adjoining districts eg Reigate, or have been forced to accept housing due to the absence/shortage of private/ socially provided sites in the district.

Need for sites

10. Justification to Policy H8 refers to the 2020 GTAA and draft 2023 update which identifies a need for up to 10 pitches. These GTAA's are just an update of the 2014 assessment which was based on a small sample size. The updates have been done in house and assumes that household will have remained relatively unchanged.
11. The July 2022 biannual caravan count records that Crawley have failed to submit a single count since January 2019.
12. A 2021 topic paper stated as follows

Gypsy, Traveller and Travelling Showpeople

3.1.14 Notwithstanding the constrained land supply in Crawley, Duty to Cooperate agreements with the Gatwick Diamond Local Authorities confirmed the intention for each authority to seek to meet its own Gypsy, Traveller and Travelling Showpeople accommodation needs. As set out in the Crawley Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment, there is not an immediate need for new

pitch or plot sites within the borough. However, there may be a need arising over the Plan period from the existing families within the borough as new households are formed. On this basis, the site allocated in the adopted Local Plan at Broadfield Kennels for up to 10 permanent residential pitch sites for Gypsy and Traveller use continues to be allocated for this purpose. There is no currently identified unmet need for Gypsies, Travellers or Travelling Showpeople arising from Crawley.

This totally ignored the fact a site at Peeks Brook Lane had temporary consent

13. The 2023 draft GTAA relies heavily on census data which is an indicator of Traveller population levels but is not usually relied on by those doing need assessments. The majority of households in Crawley live in housing and this has increased quite significantly since 2011. The 2023 draft GTAA notes that fewer than 50% of these households were interviewed. The Council state that there are 3 private Traveller sites with 6 households but only provides details where two of these are, fails to account for the location of 7 other caravans and notes that there is one showpeople site with 3 households.
14. There is no authorised social site provision within Crawley. The only option is housing or private sites. The absence of social provision means it is even more important that provision for small private sites is made/ identified.
15. Submission policy H8 does not appear to acknowledge that there is an immediate need for sites. It refers to a reserve site for future need from Year 6. It states that on-going monitoring will ensure that 'any identified need .. is accommodated on the reserve site'. But it fails to state how the immediate need for pitches will be met.
16. There is a current and immediate need for 3 households at Peeks Brook Lane and five households at Radford Road. If the need for 10 pitches is to be believed this would leave just 2 pitches for households from bricks and mortar (some of whom may also live in caravans in the grounds of their houses as on Balcombe Road), from other caravans on sites not identified, and from in migration. The 2023 draft GTAA states that in 2014

demand for sites was over estimated as there has been no request for a pitch site through the Council's housing register process. As there is no socially provided site in Crawley it is unclear why the Council think homeless Traveller families would apply for a site that does not exist. West Sussex CC confirmed August 2022 that they had 47 applicants who had applied for pitches on socially provided sites in the last 12 months in the County. There is clearly a need in the sub region.

17. The draft GTAA helpfully lists planning application data since the 2015 local plan was adopted. It fails to point out that the Council has challenged the appeal decision letter for the Radford Rd site which was first occupied 2021. The Council are of the view the Inspector misunderstood the policy on aircraft noise when temporary permission was granted. The draft GTAA also omits any reference to the successful LDC application for a showman site at Fairhaven, Fernhill Road which authorised 2 additional mobile homes for residential use on a site which is in the same airport safeguarding zone as the Radford Rd and Peeks Brook Lane sites, and is also under the flight path to Gatwick airport where policy (existing and proposed) would not permit new residential development.

18. Policy H8 states that the reserve site will be developable in years 6-15 ie 2029-2040. It will not be available to meet the immediate need including those with temporary permissions for up to 7 households. Broadfield Kennels has been a so called 'reserve site' since the 2015 Local Plan was adopted. The Council does not appear committed to addressing the immediate need in this district and is stalling for reasons that are not clear. As such the submission local plan is not legally compliant and fails to comply with the aims of national guidance in PPTs in respect of

4b to ensure that LPAs.. develop fair and effective strategies to meet need through the identification of land for sites

4c to encourage LPAs to plan for sites over a reasonable timescale

4e to promote more private traveller site provision...

4f that plan making and decision making should aim to reduce the number of unauthorised developments..

4g for LPAs to ensure that their Local Plan includes fair, realistic and inclusive policies
4h to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.

19. With reference to the section on plan making in the PPTS, Policy H8 fails to respect Policy B (10b) and the need to identify and update annually a supply of specific deliverable sites sufficient to provide a 5 years' worth of sites against their locally set targets. As footnote 3 explains, to be deliverable a site must be available now and achievable with a realistic prospect that development will be delivered on the site within 5 years. NPPF now has a more up to date definition for deliverable sites. Broadfield Kennels does not benefit from any planning permission and as noted above no costings or site schemes have been produced to show how it can be delivered.

Summary

20. I am not convinced the Council has adequately assessed the need for Traveller pitches with regard to sites with temporary consent, households in bricks and mortar (including Travellers living in caravans in associations with bricks and mortar) and in migration.
21. There is an immediate need for sites which policy does not acknowledge or address. Two private sites do not have permanent consent and are in the airport safeguarding zone where they are also affected by aircraft noise. A third site for Showmen is also in the airport safeguarding zone and may have to be relocated if the planned expansion of Gatwick airport is ever implemented.
22. It is questionable whether the so called reserve site at Broadfield Kennels is suitable, available and / or developable due to the feasibility and cost of improving the existing access off a dual carriageway (A264) and whether the Council is really committed to delivering this site. No effort has been made to bring this forward since 2015. The provision of a single 10 pitch site would fail to address the immediate need for small private sites. But it might be suitable for a new socially provided site if it is not considered an unsustainable location. It is however difficult to see how future residents would access the site other than by private vehicle.

23. It is not clear what (if any) other potential site options were considered given the failure to progress the reserve site.

24. The criteria proposed are not especially fair or proportionate, or consistent with PPTS. They should be drafted in a more positive, realistic and constructive way to help address need and not thwart future provision or offend the Public Sector Equality Duty.

25. For the above reasons draft Policy H8 is not positively prepared or legally compliant. It fails to comply with the clear guidance in PPTS to assess and address need. Whilst the need in Crawley is relatively low, this is a serious omission given the fact the 2015 Local Plan also failed to address need. At least one site has been occupied since 2012 with two temporary consents (with a third pending), and the Council does not appear to acknowledge or address this need in the submitted policy.