



Sussex
Wildlife Trust

Charlotte Glancy,
Crawley Borough Local Plan Examination
Programme Officer
bankssolutionsuk@gmail.com

Contact: Laura Brook
Direct Dial: 01273 497508
E-mail: swtconservationl@sussexwt.org.uk
Date: 11 December 23

Dear Ms Glancy,

The attached position statements are made on behalf of the Sussex Wildlife Trust (Rep 068) in relation to the Crawley Local Plan - Submission Version - Examination in Public.

The following comments are made in relation to the questions raised by the Inspector. Comments from our previous consultation responses still stand.

This statement contains responses to:

Matter 6 (Issue 1)
Matter 8 (Issue 1)
Matter 10 (Issue 2)
Matter 10 (Issue 3)

The Sussex Wildlife Trust wishes to participate in the January hearing sessions for all Matters listed.

Laura Brook, Conservation Officer, will be in attendance at the following sessions:

Tuesday 9th Jan (am/pm session)
Wednesday 10th Jan (pm session)
Thursday 11th Jan (am/pm session)

Yours sincerely,
Laura Brook
Conservation Officer

Woods Mill, Henfield, West Sussex, BN5 9SD
01273 492 630 | enquiries@sussexwt.org.uk | sussexwildlifetrust.org.uk

Matter 6 (Issue1)

6.3 Has appropriate regard been given to any ancient woodland or trees within or in close proximity to these sites in terms allocating these sites and assessing their capacity? Would sufficient protection be provided for by Policy GI2? Would it be necessary for soundness to de-allocate or amend the capacity of any H2 sites to account for ancient woodland so as to comply with NPPF paragraph 180c?

The broad nature of the allocation of sites within Policy H2 without detailed site briefs makes it difficult to determine whether sufficient protection is provided to the ancient woodland or veteran trees. This in turn makes it difficult to determine whether for soundness there should be a de-allocation or amendments to capacity. It is also important to consider that the capacity of sites may have cumulative impacts on the irreplaceable habitat, in addition to individual impacts. The impacts that have the potential to occur could be both direct and indirect in nature and occur both during construction and occupation.

We support the Woodland Trust's approach in their Matters response to this question i.e. to exclude ancient woodland from sites allocated for development and designate a buffer, ideally of 50m, to protect ancient woodland from adjacent development. Further information is available in the Woodland Trust's *Planners' Manual for Ancient Woodland*.

We also draw attention to the role that Development Briefs could play. We have seen that Tinsley Lane, which is an allocation containing ancient woodland, has a Development Brief. The Brief contains a section related to the ancient woodland to guide work to ensure loss or deterioration is avoided, in line with the National Planning Policy Framework (NPPF) 2021, section 180 (c). Depending on the weight these Briefs hold, the council could consider a Brief for the ancient woodland within H2 to ensure the individual and cumulative impacts of development in this location avoid loss and deterioration to this irreplaceable habitat.

6.4 Is the inclusion of Land East of Balcombe Road/Street Hill, Pound Hill justified and consistent with national policy and PPG paragraph 013- 20190721 in allocating land which contains a Local Wildlife Site as part of ecological networks? Does the policy provide sufficient protection and scope for enhancement of the Local Wildlife Site, including connectivity to wider ecological networks?

Sussex Wildlife Trust maintains our objection to the allocation of a Local Wildlife Site (LWS) for housing. The NPPF 2021 requires plans to promote the conservation, restoration and enhancement of ecological networks. Given the fundamental role that locally designated sites play in this network, their inclusion in site allocations is inappropriate.

The Government's Planning Practice Guidance (ref: 013-20190721) states that LWS are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.

Since the publication of the Environment Act 2021, we have been aware that Local Nature Recovery Strategies (LNRS) will play an integral role in nature's recovery at a local level. It is within the regulations and guidance in relation to LNRS that we can see in Paragraphs 22 & 23 that the map of 'areas of particular importance for biodiversity' **must** include Local Wildlife Sites.

Therefore, we continue to recommend that the Land East of Balcombe Road/Street Hill, Pound Hill Land allocation should be removed from the policy. Whilst we acknowledge that the policy includes measures to protect the remainder of the LWS and supporting habitat, this clearly highlights that there will be loss to the LWS. The policy measures only act to highlight the value of the area for biodiversity and as such development of this allocation should not be pursued.

6.5 Is the proposed allocation of the Tinsley Lane site soundly based, having regard, to amongst other things, the overall provision of sports facilities / pitches to meet the needs of the Borough's population; the vitality and viability of existing sports clubs at the Tinsley Lane site; highway safety and access to the site; amenities of nearby residential properties; and local biodiversity?

We recognise that this allocation has a specific Supplementary Planning Document (SPD) to support the direction of the proposals and that this has considered the ancient woodland habitat within the allocation. As indicated in the SPD, the Summersvere woodland is currently used informally, but as part of the development there will be an expectation that this area will be accessed more formally by the local community.

The supporting SPD does make it clear that the level of access will be guided by ecological surveys and that any access that is enabled will be directed away from the most sensitive areas. Sussex Wildlife Trust does have concerns about the allocation of the site, as the potential impacts to the irreplaceable habitat are not restricted to an increase in public access but also include impacts from lighting as well as impacts from domestic pets such as cats and dogs, which ring the pressure of predation and nutrient enrichment to the site.

We do note that the SPD covers cycle access and would strongly discourage this from the ancient woodland as, depending on the level and nature of the cycling, this may degrade access paths significantly. This could either result in widening of the paths where people disperse to avoid muddy areas or may result in alternative footpath materials being added to the habitat. For example, we would not support the introduction of boardwalks to the woodland as this would result in loss and deterioration of the ancient woodland habitat by directly shading out areas for the distinct woodland ground flora.

The initial ecological surveying work of the ancient woodland and site more broadly and its influence on design will be paramount to the success of the mitigation hierarchy to avoid impacts. The ongoing monitoring of this habitat to look at impacts on and disturbance to the habitat and supported species will be vital, and the findings must be acted upon and changes to access or management implemented to

ensure that there is no deterioration or loss. ancient woodland is irreplaceable habitat and the NPPF is clear in section 180 (c) that:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists;

This allocation does not meet the requirements of wholly exceptional circumstances as set out in footnote 63 in the NPPF (2021).

More broadly, this site allocation is part of the Green Infrastructure network and therefore the connectivity and function of the existing biodiversity assets and their role with the borough more broadly should not be negatively impacted by this allocation.

How this allocation is handled at application stage, and the weight given to the irreplaceable biodiversity assets that are within it, will be directly impacted by the weight and clarity of the conditions placed on any approval at the time of consent. We remain concerned that viability arguments that come forward may mean that commitments to the biodiversity assets/open space and the ongoing monitoring are not robustly required. At the current time, policy HS2 only references in bullet point (v) enhancement and management for public access of Summersvere Woods.

We note the policy does state:

Development must also be carefully planned, laid out and designed to minimise potential. future conflicts and constraints on the important minerals function of the adjacent safeguarded minerals site.

Given that the site allocation contains ancient woodland, perhaps it should also clarify that with a further bullet point within the policy that states:

Development must also be carefully planned, laid out and designed to avoid impacts to ancient woodland.

As the SPD was adopted in 2017, there is no mention of Biodiversity Net Gain (BNG). We would also expect this allocation to recognise the requirements of the Biodiversity Policy within the emerging Crawley Local Plan and deliver a minimum of 10% BNG.

6.7 Is the policy for Tinsley Lane justified and deliverable in requiring the provision of allotments?

Sussex Wildlife Trust suggests that it is justified to ask for allotment provision on the Tinsley Lane site. The NPPF 2021 states in Section 92 (bullet point c) that:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

The SPD for Tinsley Lane, adopted in 2017, sets out that the allocation of Tinsley Lane is a greenfield site that sits within the Crawley Green Infrastructure Network. As a result of the allocation, part of this site's green space will be lost following the construction of buildings and the infrastructure necessary to support the residential and sports elements. As a result of the loss from the proposed development, other specific new and enhanced open space elements are required to ensure the loss of open space and increased population resulting from the development are balanced by new and enhanced provision of open space that better meets the needs of the Tinsley Lane community.

- These include:
 - accessible natural green space (the woodland)
 - play space
 - amenity green space
 - allotments

We recognise that other representations have suggested that the allotment element of the policy impacts the economic viability of the scheme. However, we draw attention to the fact the Biodiversity Net Gain will be a requirement of the development and ensuring space for that is incorporate into the design will be necessary for this greenfield site, unless it is to be delivered offsite or through biodiversity credits. It may be that an allotment could form part of that provision. We also can not see details of what the allotment provision includes in terms of scale or facilities, so question how it has been deemed economically unviable? There could be scope for that provision to be provided in the form of a community garden for the local residents. The type of housing provided on the site is unclear to us, so we do not know if residents will have gardens? The ability to access private or community allotments should not be overlooked.

Matter 8 (Issue 1)

8.3 Does Policy CL8 require specific provision for connectivity between new and existing communities, including active travel links? Should there be a presumption against development affecting identified sites of wildlife importance, and the High Weald AONB, and is there sufficient protection for such sites? Are there areas of the Upper Mole Farmlands Rural Fringe (on the Manor Royal boundary) urbanised to such a degree that there would be conflict with this policy? How does this policy take account of the proposed Western Multi-Modal Transport link? Are criteria i and iv of this policy in conflict?

Sussex Wildlife Trust recognises that policy CL8 doesn't contain a bullet point that clearly states that there should be a presumption against development affecting sites designated for their importance to biodiversity. Given the broad scope of the policy, we would support this recognition as we feel it would also support the approach of the emerging LNRS.

Matter 10 (Issue2)

10.13 Is the wording of Policy ST4 sufficiently robust to ensure any route and its design takes account of environmental assets including, but not limited to, ancient trees/woodland not yet identified in any recognised inventory and proximate protected sites such as Local Green Space, Local Wildlife Sites and Local Nature Reserves?

Sussex Wildlife Trust highlighted in our last Regulation 19 Consultation response that we were concerned that the Policy ST4 area of search includes areas of known biodiversity value, including a Local Wildlife Site and ancient woodland. Although the supporting text acknowledges these assets in section 17.24, this has not translated sufficiently into policy wording and hence we are unclear on the weight given to these elements for the decision makers.

We welcome a more robust approach to the policy wording to ensure any route and its design takes account of environmental assets as indicated in the above questions.

Sussex Wildlife Trust would suggest an approach of this type would be consistent with policy G12 and NPPF 2021; Paragraphs 174, 179 & 180.

Our Regulation 19 Consultation response proposed the following change to bullet point (a) **(addition in bold)**:

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 & **protected sites**;*

- *sports pitch provision and recreation facilities; and*
- *heritage and heritage landscape assets and visual intrusion.*

As we can see in the italic information about the precursor to the individual bullet points for this policy states the Western Multi-Modal Transport Link **must take account of; its impact on** (but not limited to):

Sussex Wildlife Trust does agree that it would be more robust for the policy to be certain and include a bullet point that clearly states that it must:

Avoid impacts on irreplaceable habitats such as ancient woodland and veteran trees, local biodiversity and sites designated for their biodiversity value.

This may provide clarity on what the council deems an acceptable route.

Matter 10 (Issue 3)

10.18 The evidence indicates that Crawley Wastewater Treatment Works (WWTW) are likely to reach capacity during the middle of the plan period and be subject to further permitting likely to require a tighter consent. Does the Plan provide a positive policy framework to enable additional / expanded wastewater treatment facilities to be provided? Is there evidence that land needs to be allocated for wastewater infrastructure to support the growth identified in the Plan?

Sussex Wildlife Trust welcomes the questioning of this issue of Wastewater Treatment Capacity. We support the approach to identify where land is best situated to alleviate pressure on the existing facilities, to reduce the flow into the system. Where further infrastructure is needed to support the wastewater treatment capacity, we would welcome an approach that doesn't focus solely on allocating areas for grey infrastructure such as storage tanks. A progressive approach should be considered to identify land required for the most effective locations to aid natural processes in the flow of water into the system from the wider landscape.