

Crawley

Local Plan

Crawley Borough Local Plan Examination

Crawley Borough Council Response to Inspectors' Matters, Issues and Questions

Matter 9: Environment and Green Infrastructure Supplementary Questions

December 2023



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Inspectors' Supplementary Questions

- 9.1 Question SQ9.7: The SFRA states that Crawley is identified as a 'wet spot' within WSCCs draft Local Flood Risk Management Strategy (2021-26) by reference to surface water flooding and that the Borough is more generally regarded by the Environment Agency and DEFRA as an area with flood risk. Are the development and planning considerations recommended in the updated SFRA appropriately reflected in the submitted Plan?
- 9.1.1 As set out through the SFRA update (Post Submission Document Reference PS/ES/EP/17), Crawley is identified as being at a high risk of surface water flooding and more generally as an area with flood risk from fluvial sources. The Local Plan recognises Crawley as being subject to flood risk from a range of sources, and through Policies EP1 (Development and Flood Risk) and EP2 (Flood Risk Guidance for Householder Development, Small Non-Residential Extensions) seeks to ensure the relationship between development and flood risk is appropriately managed.
- 9.1.2 The Local Plan approach to flood risk, through Policies EP1 and EP2 and the supporting Reasoned Justification, has been prepared in liaison with the Environment Agency and WSCC as Lead Local Flood Authority, and having regard to recommendations set out in the SFRA update. Section 14.2 of the SFRA update reviews the Local Plan flood policies and sets out recommended updates to the policy approach. How these are addressed in the Local Plan is discussed below.
- 9.1.3 The first recommendation (SFRA 2023 Section 14.2.1) is to include a dedicated policy relating to buffer strips between development and watercourses. Local Plan Policy EP1 (part v.) and Paragraph 16.20 as submitted already address the buffer strip issue, through the terminology used is slightly different and the 12m Ordinary Watercourse buffer does not reflect current EA advice. The 2023 SFRA has been reissued to remove the erroneous reference to the 12m buffer made at paragraphs 8.5; 14.1.4; and 14.2.1 of that document. The reissued 2023 SFRA has been added to the Local Plan Examination Library (Post-Submission Document Reference: PS/ES/EP/23). This represents the only change to that document, and all other references to the 2023 SFRA (Post Submission Document PS/ES/EP/17) remain up to date. For consistency with the 2023 SFRA (as amended) and EA advice, the following text amendment is suggested as a modification:
- Amend Policy EP1, Part v:
- ...development will:*
- ...not be permitted to take place within 8 metres from the edge of bank of top of any Main River or ~~12 metres from any~~ Ordinary Watercourse, nor within 3 metres of any sewer system without prior consent from the appropriate authority;*
- 9.1.4 SFRA 2023 Section 14.2.2 recommends a dedicated Sustainable Drainage System (SuDS) policy, requiring all allocated sites to provide space for inclusion of SuDS, and that planning applications for phased developments are accompanied by a Drainage Strategy that takes a strategic approach to drainage provision across the entire site and incorporates adequate provision for SuDS within each phase. Local Plan Policy EP1 (part iii.) already requires the effective implementation, use and maintenance of SuDS, with further detail provided at Local Plan Paragraph 16.21. CBC note that the

Drainage Strategy recommendation is not captured by the Local Plan as submitted, and although part iv of Policy EP1 relates to surface water drainage, it may be helpful to specifically reference the requirement that planning applications for major development are accompanied by a Drainage Strategy. The following modification is suggested to address this:

Amend Policy EP1, Part iv:

...development will:

make appropriate provision for surface water drainage to the ground, water courses or surface water sewers, having regard to surface water flow paths. Surface water will not be allowed to drain to the foul sewer. Opportunities to maximise water re-use within a development should also be considered where feasible. For major development, planning applications should be accompanied by a site-specific drainage strategy.

- 9.1.5 These modifications are set out in the Schedule of Suggested Modifications, version 5, 15 December 2023 (Examination Document Reference: CBC/CBLP/07e).
- 9.1.6 SFRA 2023 Section 14.3 relates to how the cumulative impacts of development may impact upon flood risk, referring back to analysis undertaken at Section 12.4 of that document. This identifies the Burstow Stream catchment as being at a high risk of cumulative flood risk impacts. It recommends that site specific Flood Risk Assessments and Surface Water Drainage Strategies are submitted with applications to establish measures that can be put in place to contribute to a downstream reduction in flood risk. More broadly, it recommends use of SuDS on development sites within the catchment. As previously discussed, Local Plan Policy EP1 (part iii) already requires use of SuDS, and a modification is proposed (discussed at 9.7.4 above) to address the need for a Drainage Strategy for phased planning applications. This is relevant as the proposed Gatwick Green Strategic Employment Allocation falls within the Burstow Stream catchment. CBC note that Local Plan Policy EC4 (Strategic Employment Location) already requires (Part L) a Flood Risk Assessment and Surface Water Drainage Strategy to demonstrate how drainage and flood risk (including cumulative flood risk) will be taken into account in the design and layout of development, and appropriately mitigated to ensure that the development is safe in flood risk terms and does not increase flood risk elsewhere. For the two 'medium risk' catchments identified in the SFRA update, the recommendation for SuDS is already captured in Policy EP1 as submitted, and the Drainage Strategy requirement is captured by the proposed modification set out at 9.7.4 above.
- 9.1.7 Overall, CBC consider that the flood policies as drafted address the key requirements identified in the SFRA update. However, the council consider that the modifications proposed in response to this question would add further robustness.

- 9.2 Question SQ9.2: Does the updated SFRA, including its application of recent climate change allowances, result in a need to revisit any of the proposed site allocations in the submitted Plan in terms of the sequential test and, where necessary, the exception tests in accordance with the NPPF and the latest iteration of Planning Practice Guidance¹?
- 9.2.1 As discussed in relation to Question 9.1, the updated 2023 SFRA applies a precautionary approach, agreed with the Environment Agency (EA). The original 2020 SFRA delineated Flood Zone 3b based on the 5% Annual Exceedance Probability (AEP) (1 in 20 year event), whereas the 2023 SFRA uses the 2% AEP (1 in 50 year event), thereby applying a more conservative approach than the 3.3% or greater AEP (1 in 30 year event) identified in the Planning Practice Guidance. For climate change allowances, the 2020 SFRA modelled peak river flow increases of 25%, 35% and 70%. The updated May 2022 peak river flow increases are actually reduced, at 12%, 20% and 40% respectively. As the updated peak river flow allowances are lower than previous allowances used in the 2020 SFRA, the original climate change allowances are retained in the 2023 SFRA, ensuring a sufficiently precautionary approach.
- 9.2.2 The site allocations have been reviewed following the 2023 SFRA update. The 2023 SFRA does not find there to be a significantly increased risk of flooding for any of the proposed site allocations that were not already identified as being at risk of flooding by the original 2020 SFRA.
- 9.2.3 Two site allocations identified by the original SFRA as being partly at risk of flooding, remain so in the 2023 SFRA. These have been considered in detail through the updated Site Allocations and Flood Risk Background Paper, December 2023 (Post-Submission Document Reference: PS/H/HD/17). For Land adjacent to Desmond Anderson, there is only a marginal increase in the Flood Zone 3b extent. For Land East of Street Hill, there is a marginal increase in the Flood Zone 3a extent and a marginal decrease in the Flood Zone 3b extent. The proportion of each site falling in Flood Zone 1 remains unchanged, at 78% and 98% respectively. The EA has reviewed the updated Background Paper and confirms its previous position that the sites are acceptable in flood risk terms provided that development applies a sequential approach within the site to ensure that more vulnerable development is directed away from those areas which are at greater risk.
- 9.2.4 The 2021 update to the NPPF requires that the sequential test considers the risk of flooding from all sources, as opposed to just fluvial and tidal flood risks, though there is no national guidance detailing how the sequential test should be applied for non-fluvial and tidal flood risk sources. The 2023 SFRA advises that for surface water flooding, the 1 in 1000 surface water flood extent should be used to define the areas at highest risk, with development directed to lower risk areas. The SFRA recognises that the surface water flood maps are conceptually different to the fluvial flood extents, as they are more 'dendritic' (i.e. along defined flow corridors) rather than the 'blanket' extents associated with fluvial flooding. Due to the nature of surface water flooding, it is not anticipated that the Sequential Test for surface water would normally require the consideration of alternative sites at lower risk, as in practical

¹ 'Flood Risk and Coastal Change' updated 25 August 2022

terms it is unlikely to be a primary factor that demonstrates that the principle of development could not be supported.

- 9.2.5 In Crawley, it is not considered that this materially impacts any of the proposed site allocations, as other sources of flood risk were already considered as part of the original SFRA prepared in 2020 and no new information has been made available that would change the existing understanding of surface water flood risk. For allocation sites where over 30% of the site is at a higher risk (1 in 1000) of surface water flooding, these have already been considered sequentially in fluvial flood risk terms (Land adjacent Desmond Anderson) or have outline planning permission (Crawley Station and Car Parks; and Zurich House) that has considered surface water flood risk through a site-specific Flood Risk Assessment. The Crawley College site is subject to areas of higher surface water flood risk, though this is more greatly concentrated in the southern part of the site, whereas any redevelopment for residential use would be anticipated at the north of the site which is less subject to surface water flood risk.
- 9.2.6 Overall, the updated 2023 SFRA finds that two sites previously identified as being partly at risk of fluvial flooding, remain so. These sites remain significantly located within Flood Zone 1 and the EA has advised, through feedback on the updated Site Allocations and Flood Risk Background Paper, that these sites can be appropriately planned to avoid vulnerable development in the parts of each site that are of greater flood risk. Given the new NPPF requirement to take account of flood risk from all sources, including surface water, the Crawley College site is the only one of the Local Plan allocations which has not been previously assessed because it is not affected by fluvial flooding, with surface water flooding the only concern. It is possible to direct development to areas of the site that are of lower flood risk and/or manage surface water on site through a site-specific Flood Risk Assessment and Drainage Strategy. The site already has existing buildings on it. No further site allocations are found to be at a significantly increased flood risk based on the updated 2023 SFRA, and it is not therefore necessary to revisit these with regards to the sequential or exception tests.
- 9.3 Question SQ9.3: Paragraph 12.3 of the SFRA update states: “Inclusion of the SHLAA and Main Employment Areas sites in the SFRA does not imply that development can be permitted without further consideration of the Sequential Test. The required evidence should be prepared as part of a Local Plan Review Sustainability Appraisal or alternatively, it can be demonstrated through a free-standing document, or as part of strategic housing land or employment land availability assessments. NPPF Planning Practice Guidance for Flood Risk and Coastal Change describes how the Sequential Test should be applied in the preparation of a Local Plan Review. The assessments undertaken for this SFRA will assist Crawley Borough and Horsham District Councils in the preparation of the Sequential Test.” Does the Sustainability Appraisal require revisiting to take account of the updated SFRA and ensuring that the Sequential Test is satisfied?
- 9.3.1 Crawley Borough Council does not believe that the Sustainability Appraisal, May 2023 (Submission Document Reference: DS/KD/S/01) needs amending in relation to the Sequential Test. As set out in response to Question 9.2 above, the SFRA update

has not materially impacted upon the proposed site allocations in flood risk terms. The 2023 SFRA does not find there to be a significantly increased risk of flooding for any of the proposed site allocations that were not already identified as being at risk of flooding by the original 2020 SFRA.

- 9.3.2 Two site allocations previously identified as being partly at risk of flooding, Land adjacent to Desmond Anderson and Land East of Street Hill, remain so. Both sites remain significantly located within Flood Zone 1 and the Environment Agency has advised, through feedback on the updated Site Allocations and Flood Risk Background Paper, that the sites can be appropriately planned to avoid vulnerable development in the parts of each site that are of greater flood risk. As set out in paragraph 9.8.5 above, the new requirement to consider flood risk from all sources means the Crawley College site is now identified as affected by surface water flood risk but this does not mean the site allocation need revisiting.
- 9.3.3 No further sites allocations are found to be at a significantly increased flood risk based on the updated 2023 SFRA, and it is not therefore necessary to revisit the Sustainability Appraisal in the light of the updated SFRA and with regards to the sequential test.