

Crawley Borough Council Local Plan

Hearing Statement: Matter 1: Legal Compliance and General Plan-Making, Issue 6: Policies Map

Question 1.20: Would it be necessary on plan adoption to modify or update the submitted Policies Map to (a) amend the buffer zone around the safeguarded minerals railhead; and (b) to show the brick clay safeguarding area in the West Sussex Joint Minerals Plan 2018 (Partial Review 2021).

Firstplan are instructed by Aggregate Industries, Brett Aggregates Ltd, CEMEX UK Operations Ltd, Day Group Ltd, the Operators of the Crawley Goods Yard, to provide this Hearing Statement in relation to Matter 1: Issue 6, Question 1.20 part (a).

The Operators' specific concern relates to the safeguarded minerals railhead comprising the Crawley Goods Yard. Representations were made in response to both the 2020 and 2021 consultations and the position of the operators confirmed again in response to the Submission Draft Local Plan Consultation by Firstplan email dated 13 June 2023. Amongst other things the June 2023 response confirmed that if there were any changes to the policies, supporting paragraphs, or the Local Plan Policies Map during the course of the Examination in Public relevant to the matters raised on behalf of the Operators, that we reserved the right to make further representations.

It is confirmed that the Crawley Goods Yard is an established rail fed aggregates depot, identified as a Safeguarded Railhead on the Local Policies Map Main Modifications version with the associated Minerals Consultation Area (MCA) surrounding the safeguarded site also identified. This reflects National and County planning policy requirements to safeguard such sites because of their importance to the sustainable supply of construction materials. The Goods Yard has the capacity to handle a million tonnes of aggregate a year in a highly sustainable way, moving freight off the road and onto rail, with the potential for expansion in the future. The site supports additional key minerals infrastructure and related development including two concrete batching plants, an asphalt plant and a construction and demolition waste recycling plant.

The critical requirement of the Operators of the Goods Yard in considering the 'soundness' of the Local Plan is in terms of ensuring that their safeguarded site is appropriately recognised in plan (map) form and in terms of how new development is considered in the surrounding area which could prejudice the future operation of their facility by the introduction of sensitive uses. Safeguarding of such sites is a requirement of the National Planning Policy Framework and sits in tandem with requirements under the 'Agent of Change' principle.

It is understood that Question 1.20 part (a) has been raised by the Inspectors following submission of West Sussex County Council's (WSCC) (REP 032) representations dated 20 June 2023. WSCC included an appended Note to their representations which confirmed that the Note: "...sets out changes that Crawley Borough Council may wish to take into consideration but do not affect the soundness of the Local Plan."

The starting position, which is very much welcomed, is that there is clearly no issue with the requirement, and as currently reflected on the Local Plan Policies Map, that the safeguarded railhead should be defined on the Policies Map. The question raised is purely with whether the 'buffer zone' comprising the Minerals Consultation Area around the safeguarded railhead should additionally be shown or not.

It is the view of the Operators of the Goods Yard that in addition to identifying the extent of the safeguarded railhead that the Policies Map should additionally include the Minerals Consultation Area.

The Policies Map is clearly meant to show the spatial incidence of policies. It should be capable of being clearly read and understood by landowners, operators, potential developers and by development managers in consideration of applications to try and ascertain the effect of the plan on a particular area of land. If a spatially applicable policy, proposal, or requirement is not clearly or correctly shown or indeed omitted entirely from the Policies Map then its effectiveness and hence, the effectiveness of the plan, is likely to be compromised. Effectiveness is a component of soundness.

In this case the mapping of the MCA around the safeguarded rail site is clearly required so that development coming forward in the vicinity of the safeguarded area can have regard to the safeguarding requirements which are underpinned by the MCA. This directly links to Policy EC3 Manor Royal and specifically supporting text to this Policy at para 9.1 which states that: *"Crawley Goods Yard and railhead is located within Manor Royal and provides an important function in the processing and bulk transportation of minerals and aggregates. As required by the NPPF, the existing railhead and associated storage and handling facilities are safeguarded from other forms of development through Policy M10 of the West Sussex Joint Minerals Local Plan 2018 (Partial Review, March 2021). West Sussex County Council (WSCC) should be consulted in relation to any planning proposals at, or within 250m of Crawley Goods Yard"*. This requirement should be clearly and easily understood by the mapping of the MCA on the Policies Map.

The approach of including the mapping of the MCA on the Local Plan Policies Map was strongly supported in the representations made for the Operators on the basis that it signposts those using/reading the Local Plan as to the 250m buffer zone. In doing so it raises awareness at an early stage of the need to take account of the specific safeguarding requirements when bringing development forward in the vicinity of the safeguarded railhead.

Additionally, the mapping of the consultation area around the safeguarded rail site is required to meet the requirements for the plan to be consistent with the NPPF, again a component of soundness. This is specifically in terms of NPPF requirements to safeguard sites such as the Crawley Goods Yard (NPPF para 210 (e)). A clear understanding of the extent not just of the safeguarded area but also the MCA which underpins it is key to meeting the clear NPPF requirements in terms of safeguarding.

The Operators have real world experience of the difficulties posed by new residential or other forms of sensitive development coming forward in the vicinity of the safeguarded railhead site, and within the MCA, which have not had appropriate regard to the inter-relationship between the proposed development and the safeguarded operations. A Policy Map that defines the MCA can only assist in ensuring that the policy objectives of safeguarding this important railhead site are met.

The WSCC Note does not suggest retention of the mapping of the MCA on the Policy Map has any implications in terms of the 'soundness' of the Local Plan. Conversely the position of the Operators is that if the mapping of the MCA is not retained that this does raise implications for the 'soundness' of the plan for the reasons detailed. The Minerals Consultation Area (buffer zone) around the safeguarded railhead should be retained as mapped on the Crawley Local Plan Policy Map as submitted.