

**Crawley Local Plan 2024 - 2040 Examination -
Matter 1: Legal Compliance and General Plan-
making**

Statement on behalf of A2Dominion

October 2023

Turley

Contents

1.	Introduction	3
2.	Matter 1: Legal Compliance and General Plan-making	4

David Murray-Cox
david.murray-cox@turley.co.uk

Client
A2 Dominion Group

Our reference
A2DS3001

26 Oct 2023

1. Introduction

- 1.1 This Statement has been prepared by Turley on behalf of A2Dominion in relation to Matter 1 (Legal Compliance and General Plan-making) of the Examination into the Crawley Local Plan 2024 – 2040.
- 1.2 A2Dominion are promoting land to the south of Crawley to the west of Pease Pottage which is located partly within Mid Sussex District and partly within Horsham District for residential-led development.
- 1.3 The land promoted by A2Dominion has the potential to provide a meaningful contribution to accommodating housing to serve the unmet needs of Crawley in a location adjacent to where they arise.
- 1.4 A2Dominion's involvement in this Examination is solely in relation to the matter of the unmet housing needs of Crawley and the manner in which this issue is addressed in the draft Plan.

2. Matter 1: Legal Compliance and General Plan-making

Issue 2: Duty to Co-operate

1.6 What mechanisms have been established between authorities on crossboundary strategic matters? Do the signed statements of common ground demonstrate effective and on-going joint working, as per NPPF paragraphs 26 and 27 and PPG paragraphs 61-009-20190315 to 61-017-20190315?

2.1 No comment.

1.7 Given past unmet needs arising in Crawley and the fact that significant unmet needs have again arisen for this Plan, has any consideration been given to a wider planning strategy or joint evidence base within the Housing Market Area (HMA) as a mechanism to collaboratively test the extent to which housing needs (and associated infrastructure issues) within the wider HMA could be addressed across administrative boundaries to secure a sustainable pattern of development?

2.2 The fact that there are unmet needs have again arisen in this draft Plan is entirely unsurprising. There has been no change to the administrative boundary and Crawley has continued to be the economic hub of this area (see section 2 of the draft Plan for an explanation of this point). The Northern West Sussex SoCG dated July 2023 suggests that joint evidence has been prepared on the Employment Growth Assessment, the SHMA and other studies relevant to the wider Gatwick Diamond area including the Gatwick Water Cycle Study 2011 reviewed in 2020 and catchment-based flood risk assessments.

2.3 In an ideal world a wider, strategic planning context would provide the basis to address needs. Similarly, a broader joint evidence base could have provided the basis testing whether the unmet needs can be addressed.

2.4 Such approaches (even without a joint plan) have proved successful elsewhere. For example, we refer to the situation in Oxfordshire. Oxford City has a persistent unmet housing need and in light of the SHMA 2014, there was a 'working assumption' made that this equated to around 15,000 homes. A 'Growth Board' was established including each of the Oxfordshire authorities (and County Council) amongst other organisations and agreements were reached as to how the unmet need could be apportioned. The outcome in Oxfordshire is that each Authority's Local Plan was found sound and they collectively make provision for the unmet need in its entirety.

2.5 Similar opportunities could have been explored at Crawley. We understand that the Gatwick Diamond Initiative is a public/ private partnership established in 2003 to enable local authorities in the area to co-operate on strategic matters. Furthermore, we understand that the Initiative includes the authorities of Reigate & Banstead, Crawley, Horsham, Mid Sussex, Mole Valley and Tandridge. Surrey County Council and West Sussex County Council.

2.6 The Gatwick Diamond Initiative is referred to at paragraph 2.1.4 of Topic Paper 1: Unmet Needs and Duty to Cooperate.

2.7 Nevertheless, we see the adoption of a Plan for Crawley as a critical stage in establishing the housing requirement for the area, its anticipated supply, and thus the extent of unmet need.

1.8 Should the Statement of Common Ground with Northern West Sussex Housing Market Area authorities be interpreted as a strategy for addressing the unmet need? Can that only go as far as anticipating (hoping) that neighbouring authority plan reviews can accommodate as much of Crawley’s unmet housing need as possible? Is that compatible with PPG paragraph 61-022-20190315 which in the context of unmet needs refers to making “every effort to secure necessary cooperation”?

2.8 We do not repeat the content of the various individual Statements of Common Ground agreed with each LPA. However, we do note to a varying degree, the positions have been superseded by the Northern West Sussex SoCG dated July 2023 and correspondence contained in the ‘Crawley 2024 – 2040: Duty to Cooperate Statement Appendix K (September 2023)

2.9 We note a letter from Horsham District Council dated 19th April 2023 (contained in the ‘Crawley 2024 – 2040: Duty to Cooperate Statement Appendix K (September 2023) states:

- *“Given that the standard method indicates that the starting point for our Local Plan should be 911 homes per year, if we were to deliver a Local Plan on the basis of an average of 800 homes per year, we would be unable to meet our needs in full. Accordingly, based on the circumstances that HDC find ourselves in, we can therefore not commit to meeting any part of the unmet overall housing needs of CBC at this time.”*

2.10 It appears as though there is now uncertainty over what Horsham District Council will do in relation to these unmet needs.

2.11 In addition, we note (based on the ‘Crawley 2024 – 2040: Duty to Cooperate Statement Appendix K (September 2023):

- The letter from Arun DC (dated 15th June 2023”) notes that:
 - *“Arun is likely to face significant issues in accommodating its own housing requirements including delivering affordable housing. It would not seem sustainable or pragmatic for unmet needs including affordable needs to be exported beyond the NWS HMA where jobs, a strong economy, services transport, family and social support networks already exist.*
 - *Arun is very remote from CBC and even rail transport would be difficult especially for lower income households. Road transport is very difficult with main networks serving east – west connectivity rather than to the north, and these are heavily congested. Neighbouring authorities within the Sussex Coastal HMA in which Arun resides are all struggling with levels of unmet need and infrastructure capacity/viability.*
 - *With that in mind, ADC would consider it appropriate for CBC and authorities in the NW HMA to firstly, engage more urgently with the Local*

Strategic Statement 3 work under the West Sussex & Greater Brighton Strategic Planning Board area (WSGB) before seeking assistance in the Sussex Coastal HMA."

- The letter from Adur & Worthing Councils (dated 25th April 2023) states:
 - *"As both Adur District and Worthing Borough Councils are unable to meet their own needs in full, I am afraid that the Councils will be unable to assist Crawley in meeting its unmet needs for housing, employment, or other development needs as set out in Crawley's Unmet Needs and Duty to Co-operate Topic Paper."*
- The letter from Brighton & Hove City Council (dated 4th May 2023) states:
 - *"As you may be aware, Brighton & Hove has a very substantial housing shortfall."*
 - *"For the reasons set out above, the City Council is not able to help meet any of Crawley's unmet housing needs."*
- The letter from Chichester District Council dated 19th June 2023 states:
 - *"As a result of not being able to meet our own needs, we cannot agree to meet any unmet needs arising from Crawley Borough currently. If we were able to take unmet need, we would first have to consider assisting authority areas more directly related to the Chichester Plan area, particularly the South Downs National Park Authority."*
- The letter from Epsom & Ewell Borough Council dated 27th April 2023 states:
 - *"As such, we are in a position where meeting our own needs is proving exceptionally challenging and are therefore unable to assist with meeting any of Crawley's unmet needs."*
- An email from Guildford Borough Council dated 19th April 2023) states:
 - *"In the context of the above, and your request, Guildford borough is unable to meet any unmet housing need from Crawley. In any case, our Strategic Housing Market Assessment finds limited, if any, functional links between Guildford and Crawley and concludes we sit within different housing market areas. We consider that if unmet needs do need to be met elsewhere then in the first instance this should be directed to local authorities within your housing market area."*
- The letter from Mole Valley District Council states:
 - *"... at this time in the plan preparation cycle, MVDC would be unable to take any unmet need from any other authority"*
- A letter from Reigate & Banstead Borough Council dated 28th April 2023 states:

- *“This is reflected in the Statement of Common Ground agreed by both parties in 2021, with note to RBBC not in a position to meet any of CBCs unmet housing need.”*
- An email from Wealden District Council states:
 - *“Given the above, the evidence shows a limited interaction between Wealden and Crawley in terms of those linkages. In addition, the administrative boundary of CBC is not shared with WDC and it is considered that the linkages shown in Wealden’s LHNA with the Northern West Sussex HMA are likely to stem from Mid Sussex District (particularly, East Grinstead) rather than Crawley.”*

2.12 Clearly the outcome of the SoCG process with the Northern West Sussex Housing Market Area Authorities is not a ‘strategy’ as the Inspector’s question poses and to a degree, we concur that Crawley Borough Council is effectively left in a position where it has to anticipate or hope that its neighbours do fulfil as much of this need as possible. We see the adoption of this Local Plan as a critical early step in that process.

2.13 Of course, the question of whether the process means that the Duty to Cooperate has been satisfied will for the Inspector. However, in this case we note that Crawley Borough Council is in a difficult position. Its land availability (relative to needs) is clearly limited, and it is surrounded by a number of other authorities.

1.9 Under the approach of sequentially prioritising unmet housing need within the HMA, has there been any discussion on synchronising the timeframes for plan reviews within the HMA as far as practicably possible so that examination of Crawley’s Local Plan could take place in context of increased certainty as to the extent to which other plans in the HMA were (or were not) capable of meeting unmet needs?

2.14 In our view, the critical stage in Plan-making is the adoption of the Crawley Local Plan as this crystallises the Borough’s requirements, capacity for new development and, therefore, the gap between need and supply.

2.15 If the Plan-making processes in the HMA were synchronised, this may make restrict the ability of Plans in neighbouring authorities to respond accordingly because the unmet need might not be known at the relevant stage. Conversely, we also agree with the Inspector’s question that it may provide increased certainty.

1.10 What mechanisms will Crawley Borough Council have in shaping neighbouring plan reviews, particularly any sustainable options ‘At Crawley’ where maximising delivery could, potentially, assist in meeting the Borough’s unmet housing needs?

2.16 The measures relating to development ‘at Crawley’ are set out within the draft Local Plan at paragraphs 12.17 – 12.23.

2.17 Firstly, we recognise that it is beyond the scope of this draft Local Plan to control land use planning matters outside of the Plan-area.

2.18 Secondly, our view is that Crawley Borough Council has taken a proactive step to setting out the importance of the unmet need being addressed.

- 2.19 It is entirely reasonable, in our view, that these needs are addressed as close as possible to where they arise. The alternative approach (recognising that only Horsham and Mid Sussex District Councils appear to be able to assist) is that housing intended to address Crawley's unmet needs is provided elsewhere, separate from Crawley. That approach is likely to increase travel times, travel costs and the reliance on the private car for people to access job opportunities (in Crawley, recognising its role as an economic hub). Providing these homes distant from Crawley also increases the likelihood that they are accommodated in less sustainable settlements, and because of the rural nature of much of the area, may result in an increase in housing costs. Furthermore, pushing unmet needs further afield from Crawley may clash with unmet needs arising from the coastal authorities to the south.
- 2.20 As a consequence, we welcome the Council's approach of setting out the circumstances under which schemes to address this unmet need should come forward (for examples, paragraphs 12.19, 12.21 and 12.23 in particular. Since such schemes would be to address the housing needs of Crawley, paragraph 12.20 is welcomes, as this requires that they "meet Crawley's specific needs for affordable housing." In our view, paragraph 12.20 adds significant credibility to the fact that sites to address Crawley's needs should be 'at' not separate from, Crawley.
- 2.21 Paragraph 12.22 of the draft Plan anticipates that *"Development should only come forward through a Plan-Led process, supported by clear cross-boundary and site-specific Local Plan policies. Where appropriate, Joint Area Action Plans would provide the most robust way to ensure Crawley's needs and concerns are fully addressed. Proposals should be supported by a comprehensive Masterplan agreed by the relevant authorities (including the county council)."* We both welcome and raise concerns with this approach. Of course, it is preferable that development in the adjoining authorities takes place in a plan-led approach, but the outcome of the Local Plan processes for these adjoining authorities cannot be guaranteed. The Local Plan should not preclude the delivery of housing through other mechanisms (such as applications).

1.11 The evidence before this examination includes initial stages of planmaking in Horsham and Mid Sussex that are considering strategic growth proposals 'At Crawley' in respect of West of Ifield (Homes England) and Crabtree Park (Wates) respectively. Has the duty to cooperate process explored the potential of such growth to have strategic implications for infrastructure within Crawley Borough - for example on the strategic road network (see representations from National Highways), secondary education and wastewater treatment capacity? Is there a risk that the submitted Plan for Crawley to 2040 could impede future sustainable patterns of growth 'At Crawley' or does the submitted Plan sufficiently countenance this (for example the area of search for the Crawley Western Multi-Modal Link)?

- 2.22 We provide some commentary below on the status of Plan-making in Mid Sussex and Horsham Districts. At the outset, our position is that whilst the general provisions in the draft Local Plan for development 'at Crawley' and measures to address unmet needs, it is wholly inappropriate for this Local Plan to predetermine the sites / locations on which that might be achieved.

- 2.23 For example, paragraph 2.32 of the draft Local Plan refers to *“Other potential urban extensions to Crawley may include extensions to the east and/or west of the borough boundary.”*
- 2.24 The appropriate approach, as referred to in paragraph 2.32 is to consider ‘all opportunities’.
- 2.25 The draft Local Plan also includes Figure 2 which shows ‘Planned Development Adjacent to Crawley’. We understand that this relates to existing commitments, not development which might result from emerging Local Plans for neighbouring authorities.
- 2.26 Figure 2 of the draft Local Plan identifies the land east of Pease Pottage (in Mid Sussex District). That is a site which is within the AONB and as such demonstrates that the physical and policy designations referred to in paragraph 2.33 of the draft Plan have not been an obstruction to accommodating development ‘at Crawley’.
- 2.27 For the reasons we explain below, there is currently no expectation that Mid Sussex or Horsham District Council will make provision for the unmet housing needs of Crawley. The draft Mid Sussex draft Local Plan supply ‘just’ exceeds the requirement. We recognise that unpublished versions of the draft Horsham Local Plan have indicated that some provision might be made for Crawley, but things have moved on and the letter of 19th April 2023 (contained in the ‘Crawley 2024 – 2040: Duty to Cooperate Statement Appendix K (September 2023) represents a significant change.

Mid Sussex

- 2.28 The Regulation 18 version of the Local Plan Review was published for consultation between November and December 2022.
- 2.29 An update on MSDC’s website states that:
- “At the Scrutiny Committee for Place and Environment meeting in June [2023], the Committee took forward the recommendation to establish a cross party Members Working Group to consider responses from the Regulation 18 consultation in respect of sites not selected for allocation in the draft District Plan and new sites submitted during the consultation.*
- Further updates will be provided following the conclusion of the work with the Member Working Group.”*
- 2.30 The most recent version of the LDS was published in November 2022.
- 2.31 Policy DPH1 (Housing) of the Regulation 18 version of the Local Plan plans for 20,142 dwellings over the Plan-period, with an anticipated supply of 20,444 dwellings (representing an ‘oversupply’ of 302 dwellings).
- 2.32 In our view, the Regulation 18 draft Local Plan only marginally exceeds the scale of growth identified for Mid Sussex itself and does not represent a positive (numerical) response to the unmet needs of Crawley (even if some allocations may be reasonably close to the town – Crabbet Park).

- 2.33 The Council's Sustainability Assessment ('SA') includes a limited assessment of spatial options, and there does not appear to be any assessment of the quantum of growth which is a fundamental issue given the significant unmet needs at Crawley. The SA does not appear to acknowledge the Crawley has an unmet housing need and provides no analysis of spatial options which might assess the unmet needs of Crawley.
- 2.34 We acknowledge the proposed allocation on Land at Crabbet Park, Copthorne. This site was proposed to be allocated for approximately 1,500 dwellings to 2039 (with a further 800 delivered beyond the plan-period). However, this site is part of the overall supply expected during the Plan-period, not an additional site to serve the needs of Crawley. Furthermore, there is no explanation in the draft Local Plan for Mid Sussex as to how this site would fulfil the expectations for development 'at Crawley'.
- 2.35 Consequently, our position is that the draft Local Plan for Mid Sussex includes **no provisions** to address Crawley's unmet housing needs.

Horsham District

- 2.36 On 15th July 2021, HDC's Cabinet considered a Regulation 19 draft Local Plan.
- 2.37 This version of the Local Plan was not published for consultation. Having been considered at Cabinet in July 2021, the meeting of Full Council to approve the Regulation 19, Pre-Submission Horsham District Local Plan document was postponed.
- 2.38 The Regulation 19 draft Local Plan sets out that *"The standard methodology calculation for Horsham District is calculated as 897 dwellings per annum. This is equivalent to providing a minimum of 15,640 homes in the 17-year period between 2021 and 2038."*
- 2.39 We note paragraph 6.11 which relates to unmet housing needs and states:

"Provision in the plan is made for 193 dwellings per annum to meet the needs of Crawley Borough. The primary location for these needs to be met is the allocation of Land to the West of Ifield. Beyond this local plan, it is however considered that it will be necessary to continue discussions with Northwest Sussex authorities in terms of meeting unmet needs 'at Crawley'. Within this context however, the area of search West of Crawley is expected to be a focus for these discussions within the context of any further development that may be required in Horsham District."
- 2.40 It appears as though HDC accepted that ongoing dialogue would be required regarding Crawley's unmet housing need (note the phrase 'at Crawley' when we return to discuss the emerging Crawley Local Plan), despite the draft proposing an allocation at West of Ifield.
- 2.41 Nevertheless, the draft Local Plan for Horsham has not progressed since 2021. There should be no assumption in the emerging Plan for Crawley as to how any unmet needs will be addressed in Horsham District.
- 2.42 That point is reinforced by the correspondence between CBC and Horsham District Council contained in the 'Crawley 2024 – 2040: Duty to Cooperate Statement Appendix K (September 2023):

“We note mention of sites on the edge of Crawley in your documentation and their potential ability to accommodate Crawley’s unmet needs in relation to overall unmet housing needs and affordable housing.

To make clear, whilst HDC is considering a large site on the edge of Crawley (known either as West of Crawley or West of Ifield), no formal decision has been made as to whether propose this site as an allocation in our emerging Local Plan. However, as the development of the site could have cross boundary impacts, we have worked with yourselves and shared information relating to the proposal.

Should the proposal come forward as an allocation in our Local Plan, we will continue with this ongoing engagement to ensure that impacts of development and the needs of Crawley Borough (including consideration of affordable housing needs) can be considered. However, as no decision has been made to allocate this site, we cannot comment more specifically on this issue at the current time.

As stated earlier in this letter, HDC cannot demonstrate that it can meet its own overall housing needs in full. At this stage therefore we would not expect to be able to apportion part or all of the amount of development that could potentially be delivered at West of Ifield (or indeed any other proposed allocation) to meeting Crawley’s unmet overall housing needs. This is in line with the prioritisation that will be set out in the NWSHMA Statement of Common Ground on housing. We will however keep this matter under review taking account of the impacts and solutions to water neutrality.”

Turley Reading
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

T 0118 902 2830

Turley