Crawley Borough Council

Crawley Local Plan

Ref No:
Office use only

Crawley Local Plan Main Modifications Representation

Please return your completed representation form to Crawley Borough Council.

Representations can be made via this form and emailed to strategic.planning@crawley.gov.uk or sent via post to: Local Plan Consultation, Strategic Planning, Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ. Alternatively, representations can be made online using the eform which allows attachments of documents.

This form has two parts:

PART A – Personal details

By law, representations cannot be made anonymously. All representations will be published alongside your name, company name (if applicable), and your client's name/company (if applicable). The Council will use the information you submit to assist with formulating planning policy.

Further information about Data Protection Rights in line with the provisions of the General Data Protection Regulations and Data Protection Act 2018, for example, how to contact the Data Protection Officer, how long information is held or how we process your personal information can be found at www.crawley.gov.uk/privacy. Specific reference to the Local Plan and planning policy related public consultation can be found here.

PART B – Your representation

Please fill in a separate sheet for each representation you wish to make. You may submit multiple "PART B" sections with a single "PART A" completed.

PART A – Personal details

Please ensure that you complete all fields in 1. If a planning agent is appointed, please enter the Title, Name and Organisation in 1, and complete the full contact details of the agent in 2.

	1. Personal details	2. Agent's details
Title:		MR
First name:		TOM
Surname:		EDMUNDS
Organisation:	MULLER PROPERTY GROUP	WALSINGHAM PLANNING
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Address line 2:	CREWE ROAD	CORES END ROAD
Town/city:	ALSAGER	BOURNE END
Postcode:	ST7 2GP	SL6 5AR
Telephone:		01628 532244
Email:		TOM.EDMUNDS@WALSINGPLAN.CO.UK

PART B – Your representation

3. Please tick the document that you would like to make a representation on:

☑ Crawley Borough Local Plan Main Modifications

☐ Crawley Borough Local Plan Map Main Modifications

☐ Crawley Borough Sustainability Appraisal Main Modifications

☐ Habitats Regulation Assessment Report

4. Which Main Modification does this representation relate to? ***(Required)***

Modification Reference Number : MM30

5. Which Paragraph / Policy of the Local Plan does this representation relate to?

Local Plan Page number:

Policy / Paragraph: H5

6. Do you consider the Main Modification to be: *(Please tick)*

5.1. Legally compliant?	Yes ☑	No ☐
5.2. Sound?	Yes ☐	No ☑

7. Please give details explaining your response to 5.1 or 5.2 below. Please be as clear as possible.

PLEASE REFER TO COVERING LETTER

If required, please continue your response on an additional piece of paper and securely attach it to this response

8. **Please set out what modification(s) you consider necessary to resolve the issues you have identified above. You need to state why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to suggest how the wording of any policy or text should be revised. Please be as clear as possible.** *Any non-compliance with the duty to co-operate is incapable of modification at examination.*

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Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations.

PART B – Your representation

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☐ Crawley Borough Local Plan Map Main Modifications

☐ Crawley Borough Sustainability Appraisal Main Modifications

☐ Habitats Regulation Assessment Report

4. Which Main Modification does this representation relate to? ***(Required)***

Modification Reference Number : MM35

5. Which Paragraph / Policy of the Local Plan does this representation relate to?

Local Plan Page number:

Policy / Paragraph: EP4

6. Do you consider the Main Modification to be: *(Please tick)*

5.1. Legally compliant?	Yes ☑	No ☐
5.2. Sound?	Yes ☐	No ☑

7. Please give details explaining your response to 5.1 or 5.2 below. Please be as clear as possible.

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☐ Crawley Borough Sustainability Appraisal Main Modifications

☐ Habitats Regulation Assessment Report

4. Which Main Modification does this representation relate to? ***(Required)***

Modification Reference Number : MM41

5. Which Paragraph / Policy of the Local Plan does this representation relate to?

Local Plan Page number:

Policy / Paragraph: PLANNING OBLIGATIONS ANNEX

6. Do you consider the Main Modification to be: *(Please tick)*

5.1. Legally compliant?	Yes ☑	No ☐
5.2. Sound?	Yes ☐	No ☑

7. Please give details explaining your response to 5.1 or 5.2 below. Please be as clear as possible.

PLEASE REFER TO COVERING LETTER

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☑ Crawley Borough Local Plan Main Modifications

☐ Crawley Borough Local Plan Map Main Modifications

☐ Crawley Borough Sustainability Appraisal Main Modifications

☐ Habitats Regulation Assessment Report

4. Which Main Modification does this representation relate to? ***(Required)***

Modification Reference Number : MM43

5. Which Paragraph / Policy of the Local Plan does this representation relate to?

Local Plan Page number:

Policy / Paragraph: NOISE ANNEX

6. Do you consider the Main Modification to be: *(Please tick)*

5.1. Legally compliant?	Yes ☑	No ☐
5.2. Sound?	Yes ☐	No ☑

7. Please give details explaining your response to 5.1 or 5.2 below. Please be as clear as possible.

PLEASE REFER TO COVERING LETTER

If required, please continue your response on an additional piece of paper and securely attach it to this response

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Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations.

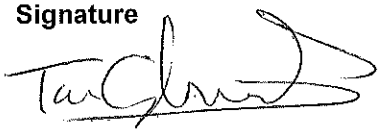
9. **Do you wish to be notified on future progress of the Crawley Borough Local Plan** *(Please tick)*

No, I do not wish to be notified of future progress ☐

Yes, I wish to be notified of future progress ☑

If you would like to make a representation on another main modification of the Local Plan then please complete a separate PART B section of the form or securely attach an additional piece of paper. Hard copies of the representation form are available in the Town Hall.

Signature



Date

25/03/2024

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Our ref: B0095/21

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25 March 2024

Local Plan Consultation
Strategic Planning
Crawley Borough Council
Town Hall
The Boulevard
Crawley
RH10 1UZ

By email

Dear Sir/Madam,

Draft Crawley Borough Local Plan 2024-2040
'Main Modifications' Consultation February-March 2024

Representations on behalf of Muller Property Group

Consultation Reference: Main Modifications MM30, MM35, MM41, MM43
Policy references EP4, H5, Planning Obligations Annex, Noise Annex

Introduction

We write on behalf of Muller Property Group ('Muller') to formally respond to the Council's Local Plan Review 'Main Modifications' consultation.

Muller control a site at 1066 Balcombe Road Crawley on which they are seeking to progress proposals for a new care home. A planning application was refused by Crawley Borough Council in April 2023, and this decision has been appealed. An Informal Hearing is scheduled to take place on 30 April.

The representations are made in the context of a new care home on this site that lies within the Crawley built up area.

We have previously made representations on the Council's Regulation 19 Submission Version Local Plan in June 2023. It is of considerable concern that the issues we raised appear not to have been forensically examined such that fundamental flaws with how the draft policies will work in practice remain.

Whilst we are only allowed to comment on the Main Modifications, the previous concerns are intimately interlinked with the current concerns towards the draft plan, and it is necessary for these representations to touch on areas previously consulted on.

The focus of this response relates to draft Policies H5 and the Planning Obligations Annex in relation to affordable housing, and Policy EP4 and the Noise Annex in relation to noise. These are Main Modifications MM30 & MM41; and MM35 & MM43, respectively.

MM30 & MM41 – Draft Policy H5 and the Planning Obligations Annex

Summary

Policy H5 and the Planning Obligations Annex are **unsound**.

In order to make it sound, the inclusion of "care homes" within Policy H5 and the supporting text needs to be removed.

The following sentence should be added to the supporting text of Policy H5: *"For the avoidance of doubt, this policy does not relate to care homes."*

Discussion

These representations relate to the 'affordable care' subsection of Policy H5 and the Planning Obligations Annex. We are making representations on both MM30 and MM41, however the majority of what we are commenting on relates to MM41.

We have previously raised our concerns over the proposed requirement of a care home to provide affordable care as this will stymie development and make new private sector care homes unviable. It is not the purpose of the planning system to place barriers in the way of development which addresses a specific identified need.

We had previously considered that the Draft Plan had erroneously included 'care homes' within Policy H5 by not realising the distinction between a care home operation and other types of retirement accommodation that may or may not fall within Use Class C2. What is now very clear from the Main Modifications is that the Council do intend to apply the affordable housing requirement to care homes, but completely fail to understand how care homes operate and how they are financed, and have proposed through the Main Modifications an approach that is completely unworkable and will result in no new care homes coming forward in the District over the Plan period, despite the increasing need.

Need

There is undisputably a very strong need for new purpose-built care homes within Crawley (see for example the Iceni Northwest Sussex Housing Needs Survey 2017).

This need will only get more acute over time with an ageing population and ageing care home stock.

The need for affordable housing is not derived from the delivery of a care home.

Requiring C2 care home developments to provide affordable care fails to consider future trends and future needs, and instead places a significant obstacle in the way of development. Indeed, we are aware of no local authority in the country which seeks to apply an affordable housing policy requirement to care homes.

The retirement accommodation market is complicated with many different types of operation from retirement apartments where the occupants are completely self-sufficient, to sheltered housing, close care apartments, nursing homes and care homes where full care is provided. Some of these uses may fall within Use Class C3, and others within Class C2, and even within the later there are important

distinctions. Care Homes of the type proposed by Muller are dealing with end of life care, where occupants typically reside for about 18 months before passing away.

Viability

No evidence has been provided to demonstrate care homes can provide affordable housing or affordable care.

The complexity and how this impacts on viability is precisely highlighted within the Local Plan Viability Study (Dixon Searle: March 2021) which the Council themselves cite as justification for developing the Policy:

> *"The typology results representative of extra care development (60 apartments – Table 3j) do not reach viability with 40% AH and the other assumptions used collectively. The nature of these results appears similar generally to those seen on appraisal of the care home typology reviewed within the scope of the commercial/non-residential tests as reviewed below (results at Appendix IIIc – Table 5k). The indications are that particular consideration may need to be given to such schemes, commencing with an understanding of their characteristics and looking at viability if relevant. From experience there may be a grey area in terms of where these sit between or combining care services and housing. There could be a range of scheme types and within these it may be that some schemes would not be required to provide affordable housing in any event, or might be developed or procured in a way that means they make more accessible provision – meeting a range of needs."* (para 3.7.24) (our emphasis)

The Viability Study clearly identifies situations where some schemes would not be required to provide affordable housing. We firmly believe that this applies to care homes in particular.

It is clear that the proposal for all care home uses to provide affordable accommodation has not been viability checked and tested through the Local Plan process. Appendix IIIc of the Dixon Searle Viability Report sets out the commercial results of their work and does not include an assessment of a care home with affordable housing provision. This is not surprising given the comments made at paragraph 3.7.24 of the Dixon Searle main report (quoted above).

To the extent that Dixon Searle have looked at extra care, it demonstrates that it is not viable at 40%.

At 13.39 of the tracked changes Main Modifications Document it states:

> *"The Viability Study considered 'sheltered' housing and 'extra care' housing typologies (this included a higher proportion of communal areas), along with a 'nursing home' commercial typology. The Viability Study supports the principle of affordable housing from such schemes…"*

This is simply not the case. There is certainly no assessment contained within the Dixon Searle report looking at how affordable care beds could be provided viably in the traditional care home business model.

Furthermore, at 13.39 of the MM Document it is proposed to delete the following text:

> *"that particular consideration may need to be given on a case by case basis"*

This is precisely what the evidence base (the Local Plan Viability Study) is saying, and it is wholly incorrect to seek to delete this line. It specifically notes that there is a grey area in terms of the

different characteristics of care provision, and that there could be a range of types where some schemes would not be required to make an affordable housing contribution.

We object to the deletion of the text highlighted above.

A C2 care home providing end of life care which has to provide affordable housing is not viable from an investment perspective and would not work from a practical perspective.

New care homes are expensive to build and require finance to purchase the land, build the care home (typically of 60 beds or more) and are generally funded by institutional investors. The viability of a new care home will be modelled based on land value, construction and fit out costs, operating costs (including an element of void / empty beds) and most importantly, revenue.

Revenue will be calculated based on market rates and the investor will need to see a return on their investment over a period of time, which also covers the operating costs of the care home. If there is any uncertainty at the outset of whether a percentage of the beds needs to be 'affordable' and at a reduced rate payable in perpetuity by the County Adult Social Services, which in itself may change over time, then the business model fails.

In West Sussex, in 2023/24 the County Adult Services paid £790 per week / £41,080 per annum for a 'personal care' place in a care home. In comparison, the same package providing the same level of care funded privately is typically between £1,550 and £1,729 per week which equates to between £80,600 and £89,908. This is double the price and the comparison immediately demonstrates the impact on viability of operating a care home involving an affordable provision.

Practicality / workability

Other issues also arise out of modelling the viability of reserving a percentage of beds within a care home to be funded by the County Council. For example, what happens when beds are reserved for affordable provision but there is not the demand at a particular moment in time? Presumably the beds are left vacant as they cannot be let privately.

Even if there is a commitment from the County Council at the outset on funding certain beds and at a certain cost per bed, the level of revenue paid is likely to be below what is viable, taking into account acquisition and construction costs etc to operate the care home.

Policy H5, and the modifications introduced at MM30 and MM41, are unworkable and will create uncertainty. If the funder/developer doesn't know the amount of public sector funding at outset, and how this will relate to the rate of private funded care beds over time, they cannot carry out a financial model for the operation.

The clear consequence is that care home operators will not take forward new care homes in Crawley Borough, but instead will pursue opportunities in other local authority areas without the constraints placed on them from affordable housing and funding / viability.

Notwithstanding the above, the Main Modifications do not provide a way to calculate affordable care from new care homes. The supporting text simply repeats what is contained within the Housing Topic Paper which informed the drafting of the policy.

On p.46 of the Schedule of Main Modifications Document (MM41), the worked example provided for calculating affordable provision from C2 accommodation relates to 100 self-contained dwellings (purportedly to be in Class C2) and not a care home. Care homes are a different business model. There is no 'self-containment', no 'residential units' and no 'net sales area' that can be identified in a care home. Such terms are not synonymous with end of life C2 care home provision (such as that proposed by Muller).

The care market in the UK simply doesn't operate as Policy H5, MM30 and MM41 set out. The "example" in MM41 as drafted it is wholly unworkable for a care home. There is no saleable product to the client or customer. A resident pays for care on the basis of a weekly fee that covers their bedroom, their laundry, their meals and where they eat them, their lounge areas and all their care.

The Proposed Modifications advise that C2 schemes must use the Commuted Sum Calculator based on net sale area only. This highlights a confusion between C2 sheltered accommodation or close care accommodation, where individual accommodation units can be defined and are sold or rented such as in the worked example, and care homes where the care home itself is the single planning unit, care beds are part of the overall care home package which provides considerable communal facilities including lounge areas and all catering etc.

It is not possible to calculate a net sales area for a care home. The only example provided in the planning obligation section of the Proposed Modifications (MM41) relates to a scheme for self-contained dwellings falling within Class C2, where it is possible to define a net sales area. No example has been given as to how this approach could be applied to a traditional care home.

The calculation set out in the Proposed Modifications also lacks clarity in relation to how a capital contribution could be calculated for offsite provision – in the event that the County Council do not wish to provide a care package, and where that money would then be directed. Will it be directed to construction of a care home elsewhere – in other words an infrastructure cost, or will it be used to subsidise care provision which is a Council / government responsibility?

It must be stressed that MM41 is the first time the Council have attempted to set out how it will apply Policy H5 to Class C2 uses. It is a very late stage in the plan-making process to introduce a refinement to the policy which to date has not been viability tested. Whilst this consultation is on the 'Main Modifications' of the Draft Borough Local Plan, MM30 and MM41 go to the heart of draft Policy H5 and the proposed blanket requirement for all C2 Care to provide affordable housing. They are one and the same, and it is only at this late stage that we are able to review the Council's proposed approach to how it will work.

These representations have demonstrated why it is an unworkable policy. Until now it has been at a high level and a draft policy has progressed with little evidence for a blanket C2 requirement and no detail on how it will be calculated/implemented. The entire process is **unsound**. It is critical to the care home sector that H5, MM30 and MM41 are the focus of further review and testing.

Policy H5 is fundamentally flawed, as demonstrated by MM41. The result is that Draft Policy H5 remains **unsound**. It is **not justified**, not evidenced, and it will be unworkable; i.e. it **will not be effective**.

We have previously emphasised how it is important that future policies allow a site-by-site assessment rather than the application of a broad-brush 'one size fits all' policy. Failure to take account of individual site circumstances including development costs and viability would be contrary to the objectives of the NPPF as set out at paragraph 35.

The Local Plan Viability Assessment on which Policy H5 is relying makes precisely this point at para 3.7.24. Policies must have flexibility built into them and avoid an overly prescriptive approach to planning and development control across the District, policies should have sufficient scope to allow the decision taker to have regard to potential of sites on an individual basis, both now and in the future over the course of the Plan period.

Policies need to be able to be agile and respond to changes in market conditions and/or situations where supply has been affected.

Finally, we question whether the entire approach of requiring C2 care home uses to provide affordable care is a legitimate one. The policy of applying affordable requirements to C2 care homes may not meet the CIL Regulations as it effectively relates to cross subsidisation of adult social care which is funded by the County Council. This has become clear through the additional text provided in the Main Modifications, which refers to West Sussex Council Adult Services *"agreeing to support the care package and any reasonable care related service charges".*

In other words, the care home operator will be asked to provide and operate affordable care beds at a reduced package cost compared to care beds which are funded privately. This effectively subsidises the County Council in carrying out its statutory requirements and equates to cross subsidisation of revenue for the operation of the care home.

The consequences of Policy H5 with or without the Main Modifications is that new care home provision will not come forward within Crawley Borough. MM30 and MM41 are therefore **unsound**. The policy approach is unworkable and is **not justified**. It will **not be effective**, and it is **not consistent with national policy**.

At the very least, to address the issues that we have raised in these representations, the inclusion of 'care homes' within Policy H5 and the supporting text needs to be removed.

For the same reasons, it is also requested that the following sentence is added to the supporting text of Policy H5 which states: *"For the avoidance of doubt, this policy does not relate to care homes."*

MM35 & MM43 – Draft Policy EP4 and the Noise Annex

Summary

Policy EP4 and the Noise Annex are **unsound**.

In order to make it sound, the proposed new noise levels should not be used. The text should be deleted and the wording revert back to the current (adopted) levels.

Discussion

The proposed new noise levels in the draft Local Plan for aircraft noise in Crawley Borough (those proposed by MM43 within the Noise Annex) are significantly lower than the levels used elsewhere in the UK and recommended in the Government's Aviation Policy Framework. This is inconsistent with the national policy position and could result in the refusal of planning permission for residential development in a large area of the Borough.

The proposed levels for the Significant Observed Adverse Effect Level (SOAEL) and Unacceptable Adverse Effect Level (UAEL) in MM43 are not supported by evidence and do not align with previous guidance or the noise exposure hierarchy identified in Planning Practice Guidance: Noise.

The draft Local Plan contains an internal inconsistency in its policy requirements for noise, stating that noise-sensitive development can be permitted if users will not be exposed to unacceptable noise impact, but also stating that noise-sensitive uses will not be permitted in areas exposed to the UAEL.

The proposed use of the L_{Amax} parameter during the day to define the LOAEL, SOAEL, and UAEL is not supported by any valid reason or evidence. This parameter is typically used to control sudden noisy events during the night and has no relevance to daytime noise levels.

The noise levels proposed by the Noise Annex (MM43) would require planning permission to be refused for residential development exposed to aviation noise above 60dB, regardless of the noise mitigation measures that could be implemented. This is unreasonable and inconsistent with national noise policy and guidance.

A detailed Technical Note prepared by Sharps Acoustics in response to the changes proposed by MM43 appends this letter. It goes into detail to expand on the summary paragraphs above, highlighting the inconsistencies with national policy and why the proposed noise levels contained within the Noise Annex are without justification.

Policy EP4, informed by the noise levels within the Noise Annex, are **not justified**, and not evidenced, therefore making it **unsound**. It will render large parts of the spatial strategy within the Plan unworkable, therefore making it **not effective**. Furthermore, it is **not consistent with national policy**.

To address the issues that we have raised in these representations, the proposed new noise levels should not be used. The text should be deleted and the wording revert back to the current (adopted) levels.

Yours faithfully,

Tom Edmunds MPlan MRTPI
Consultant
tom.edmunds@walsingplan.co.uk

Enc.

sharps acoustics

Balcombe Rd, Crawley

Response to proposed changes to Local Plan in relation to proposed definitions of effects levels for aircraft noise

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17th March 2024

1.0 Introduction

1.1 Sharps Acoustics LLP (SAL) have been instructed by Muller Property Group to review the Draft Crawley Borough Local Plan 2023 – 2040, February 2024 (the draft Local Plan) and comment on the *"Main Modifications additional text to Submission Local Plan (May 2023) version"* as this relates to noise.

1.2 The draft Local Plan introduces a new policy, EP4, which would, it is understood, replace the requirements of existing Policy ENV11 in relation to the control of development which may be affected by aircraft noise. This new policy would significantly reduce the noise levels at which noise from aircraft would be expected to result in an unacceptable adverse effect (the "Unacceptable Adverse Effect Level", UAEL) and a significant adverse effect (the "Significant Observed Adverse Effect Level", SOEAL).

1.3 According to the revised "Noise Annex" to the draft plan, these new defined levels were derived from (built on):

> *"… the noise exposure hierarchy identified in Planning Practice Guidance: Noise, and using the previous guidance in PPG24 and evidence identified in Topic Paper 7 …"*

1.4 This note considers the proposed new noise levels and descriptors in relation to these three documents and other relevant guidance on the impact of aircraft noise. It also provides a view on the reasonable-ness of planning decisions which would follow if the Council's definitions were applied as appears to be intended and without reference to noise mitigation which could be included with a scheme design.

1.5 Before considering these questions, the meaning of "effect levels" (such as the SOAEL and UAEL) is explained and their evolution from planning and noise policy in the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE) is discussed.

2.0 Policy requirements and "effect levels" for noise

Noise Policy Statement for England (NPSE)

2.1 The NOEL (No Observed Effect Level), LOAEL (Lowest Observed Effect Level) and SOAEL (Significant Adverse Effect Level) were first introduced in the Noise Policy Statement for England (NPSE) produced in 2010. These are defined in the NPSE as follows:

- NOEL – No Observed Effect Level This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.
- LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected.
- SOAEL – Significant Observed Adverse Effect Level This is the level above which significant adverse effects on health and quality of life occur.

2.2 The Noise Policy Aims of the NPSE (NPSE paragraphs 2.22 to 2.24) can be summarised as follows:

- avoid significant adverse impacts on health and quality of life…;
- mitigate and minimise adverse impacts on health and quality of life…; and
- where possible, contribute to the improvement of health and quality of life.

2.3 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided.

2.4 The second aim of the NPSE is to mitigate and minimise adverse impacts between LOAEL and SOAEL.

2.5 The NPSE does not provide noise guideline values or limits above which SOAEL occurs. Indeed, the document advises that it is not possible to have a single objective noise-based measure that defines SOAEL (NPSE paragraph 2.22). Therefore, it is necessary to refer to other advisory documents in order to seek to define such levels.

2.6 The NPSE states that it should address all types of noise apart from noise in the workplace (occupational noise) including:

- "environmental noise" which includes noise from transportation sources;
- "neighbour noise" which includes noise from inside and outside people"s homes; and
- "neighbourhood noise" which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.

National Planning Policy Framework (NPPF)

2.7 The NPPF was first introduced in 2012 with the most recent update published in December 2023. The document reiterates the Government's policy to mitigate adverse impacts and avoid significant adverse effects.

2.8 Paragraph 180 of the NPPF advises that planning polices and decisions should:

> *"… contribute to and enhance the natural and local environment by … preventing new and existing development from contributing to, being put at unacceptable risk from … noise pollution."*

2.9 Paragraph 191 of the NPPF states that Planning policies and decisions should ensure that any:

> *"… new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life …"

Aviation Policy Framework

2.10 The Government's Aviation Policy Framework (APF) sets out the Government's objectives and principles to guide plans and decisions at the local and regional level, to the extent that it is relevant to that area. It sets out certain levels which represent the onset of significant community annoyance; the level at which airport operators should offer sound insultation to existing residents; and the level at which airport operators should offer assistance with the costs of moving to existing residents. These three levels are discussed in more detail below and are used elsewhere in the UK to represent the LOAEL, SOAEL and UAEL values for aircraft noise.

What is the UAEL, where was it introduced?

2.11 The UAEL (Unacceptable Adverse Effect Level) was introduced in the Planning Practice Guidance on noise (PPG). The PPG is intended to assist in policy application (rather than to change policy).

2.12 The PPG reinforces the concept of LOAEL and SOAELs discussed above and seeks to define people's perceptions at these different effect levels. The PPG also introduced the concept of the Unacceptable Adverse Effect Level (UAEL). The UAEL is described in the Noise Exposure Hierarchy Table as occurring when noise is "very disruptive" and outcomes when noise is at or above the UAEL are described as follows:

"Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory."

2.13 Although the PPG advises that levels above the UAEL should be prevented, it is <u>not</u> a national planning policy requirement to refuse planning permission where noise levels above the UAEL (or above the SOAEL) are occurring at a site in the absence of noise mitigation.

2.14 The PPG states in Paragraph: 007 Reference ID: 30-007-20190722 under the header "*What factors influence whether noise could be a concern?"*:

"The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:

…

- *whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows*

being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary.

…

- *where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended."*

2.15 Therefore, where internal noise levels can be controlled so that there are no adverse effects and external amenity spaces are not an intrinsic part of the overall design, there should be no reason to refuse planning permission, according to Government Planning and Noise Policy and Guidance.

Professional Practice Guidance on Planning and Noise (ProPG)

2.16 A useful source of guidance in relation to the "unacceptable" levels and when planning permission ought to be refused is the Professional Practice Guidance on Planning and Noise (ProPG). This document, referred to by CBC in their Topic Paper, was published in 2017 jointly by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health. It provides guidance on the management of noise within the planning system in England and is also reference in the Local Plan. The ProPG does not explicitly refer to the UAEL but does state, in its Section 3.7, under the header *"Recommendation – Objection on noise Grounds"*:

"Government policy contained in both the NPSE and the NPPF (see Supplementary Document 1) is to "aim to avoid noise from giving rise to significant adverse impacts on health and quality of life". The Government's subsequent guidance (PPG-Noise) contained advice that the planning process should be used to avoid a significant observed adverse effect, and to prevent an unacceptable adverse effect, from occurring."

2.17 The document goes on to provide guidance to practitioners on when to recommend refusal in order to prevent unacceptable adverse effects. Section 3.11 of ProPG then states, in relation to planning permission and the UAEL:

"Notwithstanding that a good acoustic design process has been demonstrated, the noise practitioner should recommend that consent for a new housing development in its proposed form is prevented on noise grounds alone, regardless of any case for the development to proceed if:

(1) Internal noise levels are regarded as "unreasonable" ***AND either*** *there is an unacceptable "external amenity area noise assessment"* ***or*** *an unacceptable "assessment of other relevant issues"; OR*

(2) Internal noise levels are regarded as "unacceptable". (emphasis added)

2.18 Following this guidance, therefore, a development should not be refused if internal noise levels are acceptable.

2.19 On the basis of the above it is necessary to determine what are acceptable internal noise levels for residential development. British Standard (BS) 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (BS 8233), which is principally intended to assist in the design of new dwellings, provides guidance on "desirable" internal noise levels, as shown in Table 2.1 below.

Table 2.1: BS8233 recommended "desirable" indoor ambient noise levels for dwellings

Activity	Location	Period	
		Day (0700 to 2300 hours)	Night (2300 to 0700 hours)
Resting	Living Room	35dB $L_{Aeq,16hr}$	-
Dining	Dining Room	40dB $L_{Aeq,16hr}$	
Sleeping	Bedroom	35dB $L_{Aeq,16hr}$	30dB $L_{Aeq,8hr}$

2.20 BS8233 states that where development is considered necessary or desirable these limits can be relaxed by up to 5dB $L_{Aeq,T}$ and reasonable internal conditions would still be achieved. The ProPG states the following in relation to this:

> *"The more often internal L_{Aeq} levels start to exceed the internal L_{Aeq} target levels by more than 5 dB, the more that most people are likely to regard them as "unreasonable". Where such exceedances are predicted, applicants should be required to show how the relevant number of rooms affected has been kept to a minimum. Once internal L_{Aeq} levels exceed the target levels by more than 10 dB, they are highly likely to be regarded as "unacceptable" by most people, particularly if such levels occur more than occasionally. Every effort should be made to avoid relevant rooms experiencing "unacceptable" noise levels at all and where such levels are likely to occur frequently, the development should be prevented in its proposed form…."*

2.21 On the basis of the above, the ProPG considers the internal noise levels set out in BS8233 to be acceptable and internal noise levels 10dB above this to be unacceptable.

Government guidance relating to noise sensitive developments potentially affected by aircraft noise

2.22 The PPG states in Paragraph: 012 Reference ID: 30-012-20190722 under the header *"How can the potential impact of aviation activities on new development be addressed through the planning system?":*

> *"The agent of change principle may apply in areas near to airports, or which experience low altitude overflight, where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (such as residential, hospitals and schools). This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts. The need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions*

in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development."

2.23 The PPG considers the agent of change principle can be appropriate for development close to airports and that local authorities can utilise planning conditions to require appropriate mitigation measures. The PPG does not state that development should be prevented in areas where noise levels reach a specified set limit.

2.24 So, in a situation where the noise levels are above the UAEL (or the SOAEL) in the absence of noise mitigation, the levels which would occur once the proposed noise mitigation is in place needs to be considered. This guidance further reinforces the point that, if internal noise levels can be made acceptable (and living conditions are also acceptable) and external noise levels are also acceptable, so that there are no adverse effects from noise, then national planning policy is that planning permission should not be refused and that the necessary noise mitigation is secured by conditions.

2.25 In relation to external noise, the Council's topic paper states:

"With aviation noise none of these options are usually available. This is because the noise descends from above and the use of barriers has only limited effect. The only option with residential developments is to restrict the whole development to the 60dB $L_{Aeq,16hr}$ contour so that residents are not exposed to excessive levels of noise whilst carrying out external activities in their gardens, in the street, at the local shops or waiting for the bus."

2.26 The Council's Topic paper cites an example of a planning decision where it was found that the internal environment could be technically protected, but the external environment would have been exposed to levels exceeding 60dB L_{Aeq16h} and so was found to be unacceptable.

2.27 As a general point, this is fair. If people would unavoidably be exposed to noise levels resulting in medically definable harm or where they would experience "extensive and regular changes in behaviour, attitude or other physiological response" when they use external amenity areas, then it would be illogical to permit such developments. However, where a development includes no external amenity areas and internal noise levels are adequately mitigated, this restriction would be both unreasonable and unnecessary.

Summary

2.28 It is SALs opinion that, when considering noise in new dwellings, development should be appraised on the effect of noise at locations where they are intended to be used. That being inside the development and in external amenity areas, where these are proposed, based on the benefit that any proposed mitigation will offer.

2.29 It is SALs opinion that defining the UAEL at a set noise level is inappropriate for new residential development and that development which is appraised without consideration of proposed mitigation is inconsistent with national noise policy and makes no logical sense. However, this method is how the draft Local Plan proposes that a development be assessed, by setting UAELs as development 'cut off' points whereby noise development is no longer permitted, regardless of design and mitigation.

3.0 The proposed updated to Policy contains an internal inconsistency

3.1 The draft Local Plan refers to the UAEL in Policy EP4: Development and Noise:

> *"Residential and other noise sensitive development will **only** be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise impact from existing, temporary or future uses.*
>
> *…*
>
> *Noise sensitive uses proposed in areas that are exposed to noise at the Unacceptable Adverse Effect level will not be permitted.*

3.2 Policy EP4 is therefore inconsistent with regard to unacceptable noise impact. On one hand, the plan states that noise sensitive development can be permitted where it is demonstrated that users of the development would not be exposed to unacceptable noise impact, which would be in line with national policy. However, it then states that noise sensitive uses will not be permitted if development is proposed in an areas exposed at the Unacceptable Adverse Effect level.

3.3 These two sentences are inconsistent, the former considers the benefit of any proposed mitigation whereas the latter ignores the benefit of any proposed mitigation.

4.0 Suitability of the new chosen values for SOAEL and UAEL

Values proposed for LOAEL, SOAEL and UAEL in the draft Local Plan

4.1 The Noise Annex of the draft Local Plan defines new levels to be used as the LOAEL, SOAEL and UAEL for aviation noise for day and night as set out in Table 4.1 below.

Table 4.1: CBC's proposed SOAEL and UAEL values

Level	Day	Night
LOAEL	51 to 54dB $L_{Aeq,16hr}$ and >=55dB L_{AFmax}	Between 40dB and 48 $L_{Aeq,8hr}$ and >48dB L_{AFmax}
SOAEL	54 to 60dB $L_{Aeq,16hr}$ and 65dB to 82dB L_{AFmax}	48dB and 57dB $L_{Aeq,8hr}$ and 60 to 82dB L_{AFmax}
UAEL	Greater than 60dB $L_{Aeq,16hr}$ and >82dB L_{AFmax}	Greater than 57dB $L_{Aeq,8hr}$ and >82dB L_{AFmax}

4.2 Firstly, the levels given are confusing as they include a range of levels rather than a single level, as the ought to. For example, it is not clear whether the daytime SOAEL threshold would be crossed at 54dB, $L_{Aeq,16h}$; at 50dB, $L_{Aeq,16h}$; or at some point (which the Council have not specified) within the specified range. Since the UAEL has been set at a single level at the upper end of the SOAEL range, it is assumed for the discussion that follows that the Council intend to define the threshold (the level, in fact) at which an SOAEL would occur as the lower end of the range specified in the table. SAL have seen other correspondence from CBC (relating to a specific case) which confirms this assumption.

Comparison with LOAEL, SOAEL and UAEL values used elsewhere in the UK

4.3 The CBC Topic Paper sets out the Council's reasoning and justification for adopting these values. It refers to a range of research papers which explain why it is important to limit exposure to noise and, in particular, to aviation noise. It also refers to a number of recent decisions, the most well-known probably being what the Topic Paper refers to as the "Cranford Agreement Secretary of State's Decision, February 2017". In that case, the appropriate values to use as the UAEL for aircraft noise for day and night was discussed in detail by those giving evidence to the planning appeal for the ending of the Heathrow Cranford Agreement. In its, "Report to the Secretaries of State for Transport and for Communities and Local Government", PINS concluded, in paragraph 1053:

> *"As far as UAEL is concerned, this is the point at which noise would be noticeable and very disruptive causing extensive and regular changes in behaviour. The parties both put this at 69dB$L_{Aeq\ 16hr}$ in their SOUG and, as the point at which the APF requires the provision of relocation assistance, I see no reason to take a different view."*

4.4 The Inspector went on to conclude:

> *"I consider that 57, 63 and 69 dB $L_{Aeq\ 16hr}$ should, in this case, be regarded respectively as LOAEL, SOAEL and UAEL."*

4.5 In summary, the LOAEL, SOAEL and UAEL for aircraft noise were established to be as shown in Table 4.2 below.

Table 4.2: SOAEL and UAEL values from Cranford Agreement Secretary of State's Decision

Level	Day
LOAEL	57dB, $L_{Aeq,16hr}$
SOAEL	63dB, $L_{Aeq,16hr}$
UAEL	69dB, $L_{Aeq,16hr}$

4.6 No levels were defined for night time.

4.7 The values in Table 4.2 above were derived with reference to the Government's "Aviation Policy Framework" (APF). This document considers the management of environmental effects associated with

the development of airports and airfields in detail and makes the following statements in relation to certain noise levels from aircraft:

- We will continue to treat the 57dB $L_{Aeq\ 16\ hour}$ contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance.
- The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB $L_{Aeq,16h}$ or more.
- The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB $L_{Aeq,16h}$ or more, assistance with the costs of moving.

4.8 These values are interpreted, as follows:

- 57dB, $L_{Aeq,16h}$ represents the onset of observed adverse effects due to noise as, at this level, some people would begin to be seriously annoyed by aircraft.
- 63dB, $L_{Aeq,16h}$ represents the onset of significant observed adverse effects due to noise as, at this level, it would not be reasonable to expect people to tolerate noise, thus, some mitigation is required to be offered.
- 69dB, $L_{Aeq,16h}$ represents the onset of unacceptable adverse effects due to noise since an airport operator would not be able to provide effective additional sound insultation to all existing dwellings at this level.

CBC's deviation from the UK "norm" for LOAEL, SOAEL and UAEL

4.9 The CBC topic paper argues that the values in Table 4.2 are not appropriate for its policy for two reasons:

- There is evidence which suggests that a lower level than 57dB, $L_{Aeq,16hr}$ may be a more appropriate reflection of modern community reaction to aircraft noise.
- The values used elsewhere in the UK are intended to apply where an existing airport operator needs to provide sound insulation or assistance with the costs of moving house and need to be lower when considering a new noise sensitive development.

4.10 CBC also consider that there should be a night time UAEL set and that noise assessed using the L_{Amax} parameter should be considered as well as the $L_{Aeq,T}$ during both day and night time periods.

4.11 CBC has interpreted the "onset of significant community annoyance" as being the same as the threshold at which a significant adverse effect level would be reached. This an incorrect interpretation. The level of 57dB is universally considered to be the threshold above which an adverse effect begins to occur (the LOAEL), as confirmed, for example, in the Cranford case described above. It is not the SOAEL.

The onset of significant community annoyance and 57dB

4.12 CBC consider that significant community annoyance (which they incorrectly interpret to mean the SOAEL) occurs at a lower level than 57dB and point to some recent evidence to back this position. However, they do not provide any reliable evidence on which to base any alternative level. Indeed, there is no such conclusive evidence, so far as SAL are aware.

4.13 This is not the first time that this argument has been advanced. At the draft stage of the APF, the Government considered whether a lower level than this should be used and recognised more recent research suggests people have greater sensitivities than in the past and that effects are experienced below the 57dBA noise contour. However, having considered those arguments, it decided to retain the 57dBA threshold as policy in the final APF, stating:

> *"We will continue to treat the 57dB $L_{Aeq\ 16\ hour}$ contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise."*

4.14 This point was the subject of considerable debate in the planning appeal which considered the ending of the Heathrow Cranford Agreement. Having heard the arguments from both sides, the Inspector recommended that the level of 57dB, $L_{Aeq,16h}$ continued to be used (as the LOAEL) and the Secretary of State agreed.

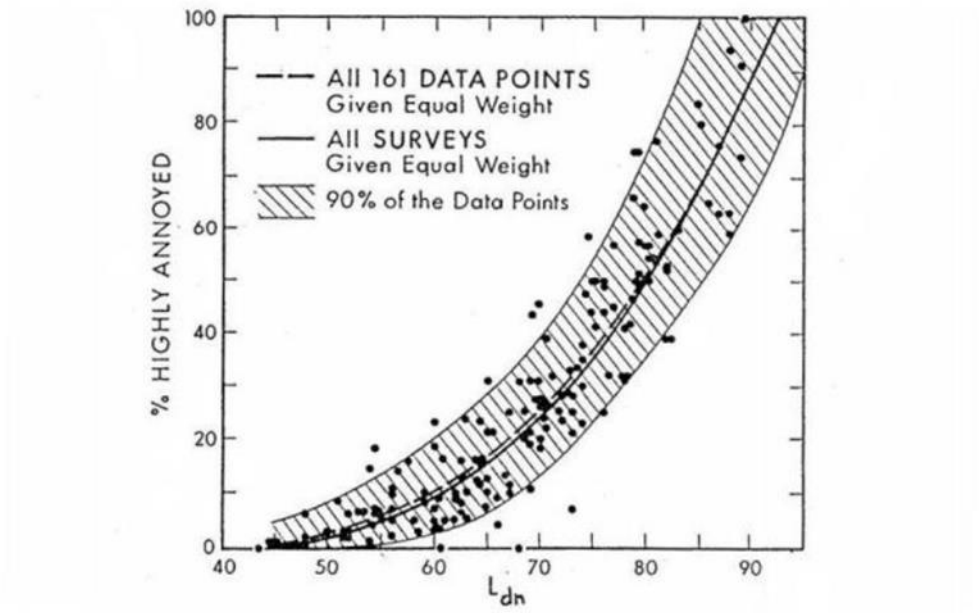
4.15 In SAL view, the proposed use of 54dB, $L_{Aeq,16h}$ value as the threshold for the SOAEL is misguided and the value is too low, even for a LOAEL.

The difference between the UAEL for an existing airport and when considering new residential developments

4.16 In SAL opinion, CBC are right to point out that there is a difference between a situation where noise is already occurring and may be increased as a result of a proposal to expand or extend the use of an airport and the situation where a new residential use is being proposed in the presence of existing airport noise. However, their interpretation, which is that lower noise levels would be required for new dwellings than would be the case for the expansion of an existing airport, is flawed in SAL view.

4.17 People have a wide range of responses to noise and this needs to be borne in mind.

4.18 A proposed residential development is a case of "people to noise" rather than "noise to people". It is well known that in any population sample, about 10% of people are not affected, no matter how high the noise level, and 10% who are affected, no matter how low the noise level. This phenomenon was defined by the Schultz curve in 1978. Those persons who make up the 10% highly sensitive to noise are unlikely to move to properties adjacent to a busy airport. This is a natural selection process whereby those living in this development are unlikely to be sensitive to noise. The Schultz curve is displayed below:



Schultz, 1978, Synthesis of Social Surveys on Noise Annoyance in Journal of the Acoustical Society of America Vol. 64, No. 2, 383-384

4.19 It would be unreasonable to consider the effects of an airport on proposed new residential developments in the same way as if the noise was brought to existing noise sensitive receptors since people will have the opportunity to decide whether or not to move to a dwelling (or other noise sensitive receptor) close to such a site whereas people do not have this opportunity when a new noise source is introduced or when noise from an existing source is increased.

4.20 Where occupants of an existing dwelling (or other noise sensitive receptor) are to be exposed to a particular noise level from an existing site, the impact of that level is generally considered to be greater than if a new occupier came to the same level, as a pre-existing situation. This means that the UAEL to applied for new dwellings should, if anything, be higher than the UAEL applied when considering an increase in airport noise exposure, not lower, as CBC have concluded.

Use of L_{Amax} parameters when defining LOAEL, SOAEL and UAEL

4.21 The L_{Amax} parameter is sometimes used to control noise from sudden noisy events and the potential harm that these may have on sleep, and can be particularly useful where, for example, the average night time level is not high, but occasional peaks of sound might be. It is therefore generally only used during the night. In general, the thresholds used to define external noise levels which constitute the LOAEL and SOAEL from such peak levels are:

LOAEL: 60dB, L_{Amax}

SOAEL: 78dB, L_{Amax} (or higher: the value of 80-85dB, L_{Amax} has been set by the Government for the assessment of trains passing at night due to HS2, for example).

4.22 No information has been provided by CBC in their topic paper to show how their proposed L_{Amax} night time values have been derived. SAL know of no research which would support the values chosen. The proposed levels are considerably below levels which are considered by the SAL to be appropriate for the control of noise from transportation sources (including aircraft).

4.23 There only source of guidance that SAL are aware of which proposes the control of L_{Amax} value during the day is the guidance relating to the control of noise from clay target shooting, where the sudden, very short duration sounds (bangs) produced by guns may lead to adverse effects.

4.24 No justification or explanation for the inclusion of the L_{Amax} parameter during the day has been provided by CBC. SAL are unaware of any valid reason for specifying it as a level which is relevant to the definition of the LOAEL, SOAEL and UAEL during the day. SAL have never seen or heard of this being done elsewhere ever and it has no validity, in our view. To propose an external level of 55dB, L_{Amax}, which is below the level which would result in any adverse effect on sleep at night, as the onset of an adverse effect during the day, as the consultation document does, is quite preposterous and further demonstrates the unreasonable-ness of this proposal in SALA opinion.

Derivation of proposed new values in the of the Noise Annex of Draft Crawley Borough Local Plan 2023 - 2040

4.25 CBC claim, in the Noise Annex of the draft Local Plan, that their proposed values are derived from:

"… the noise exposure hierarchy identified in Planning Practice Guidance: Noise, and using the previous guidance in PPG24 and evidence identified in Topic Paper 7 …"

4.26 However, the documents listed do not, in fact, provide the basis claimed for selecting the values proposed.

4.27 The values chosen do not align with the outcomes in the noise exposure hierarchy identified in Planning Practice Guidance: Noise, as suggested by CBC. For example, mitigation can readily be provided to achieve desirable internal noise environments when external noise levels from aircraft are above the levels which CBC suggest would be a UAEL (and the SOAEL).

4.28 The proposed values do not align with previous guidance in PPG24 either.

4.29 PPG24 (now superseded planning guidance) was written prior to the introduction of the LOAEL / SOAEL / UAEL concept so does not contain values which directly align. However, it does contain levels and recommended actions (for planning) which enable a comparison to be made.

4.30 PPG24 advised that where noise from aircraft was below 57dB, $L_{Aeq,16h}$:

> *"Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level."*

4.31 This is similar to the current guidance level for a LOAEL, meaning that PPG24 would recommend the threshold above which adverse effects may be observed (and below which one would expect no adverse effects) would be 57dB, $L_{Aeq,16h}$.

4.32 PPG24 also advised that where noise from aircraft was above 66dB, $L_{Aeq,16h}$:

> *"Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise"*

4.33 This is similar to the current SOAEL.

4.34 The values proposed by CBC for LOAEL and SOAEL do not, therefore, align with the early guidance in the way that they claim as they are 6dB and 12dB lower than would have been required, had that guidance been used.

4.35 There is no other evidence in the Topic Paper which supports the values selected by CBC.

5.0 Implications of the proposed levels for future residential development in Crawley Borough

5.1 If the proposed levels are adopted, the resultant policy will require that planning permission for residential development exposed to aviation noise above 60dB would be refused, irrespective of the noise mitigation incorporated within the scheme design. This would sterilise a large area to the north the Borough of Crawley.

5.2 Anyone wishing to develop a site for residential use in this area, even if no external amenity is proposed as part of the scheme design (such as may be the case for flats or a residential care home, for example); even though it would not pose a technical or financial challenge for the developer to install suitable sound insulation and alternative means of ventilation and cooling to internal areas to achieve levels which CBC agree would be acceptable; and even though such noise mitigation measures can be readily secured by planning conditions, would not be able to do so. That cannot be reasonable in SAL view.

6.0 Summary and conclusions

6.1 The values proposed in the draft Local Plan are not supported by evidence in the Topic Paper. No research has been tabled to suggest that the proposed LOAEL, SOAEL and UAEL values are appropriate. There is no such evidence, that SAL are aware of.

6.2 All values proposed as LOAEL, SOAEL and SOAEL for aviation noise in Table 1 of the Noise Annex of the Draft Crawley Borough Local Plan 2023 – 2040 are well below those used elsewhere in the UK and recommended in the Government's Aviation Policy Framework. The Government considers that it is important for there to be a clear and consistent policy position on this matter; the Foreword of the APF highlights this, saying:

> *"History shows that we need an agreed policy everyone can stick to before we try to act."*

6.3 Elsewhere in the UK, the LOAEL, SOAEL and UAEL are well established and consistent, at the levels shown in Table 4.2 above. CBC's proposed levels are very significantly below these; this is completely inconsistent with the Government Policy position.

6.4 Within the NPSE, the Government encourages LAs to develop local noise policies that implement the national noise policy goals in a local context, stating:

> *"… the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.*
>
> *In the longer term, the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE."*

6.5 In its PPG-Noise the Government notes that LPAs are able to include specific noise standards in their Local Plans whilst cautioning that *"care should be taken… to avoid these being implemented as fixed thresholds as specific circumstances may justify some variation being allowed".*

6.6 The draft Local Plan, with the levels which are now being proposed, would result in a significant move away from *"an agreed policy everyone can stick to"* and the resultant policy and noise management measures would not be in accordance with the vision, aims and principles of the NPSE or with national planning policy and guidance.

6.7 It is important to avoid this occurring, in SAL opinion and for this reason, SAL recommend that Muller Property Group strongly objects to the proposed approach and new noise levels in Draft Crawley Borough Local Plan 2023 – 2040, February 2024 (the draft Local Plan), "Main Modifications additional text to Submission Local Plan (May 2023) version".