

CRAWLEY BOROUGH LOCAL PLAN EXAMINATION

Crawley Borough Council Response to Inspector's
Matters, Issues and Questions

Matter 5: Character and Environment
Issue 2: Environmental Protection, Open Space and Sustainable
Construction

February 2015



Issue 2: Whether the policies for environmental protection, open space and sustainable construction are proportionate, robust and consistent with NPPF.

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CBC/012 Matter 5: Character and Environment; Issue 2: Environmental Protection, Open Space and Sustainable Construction

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5.7 Does policy ENV2 pay sufficient regard to the distinction between national and local biodiversity designations, and does it properly reflect the slightly different approach to their protection in NPPF?

5.7.1 Although the wording of the Policy is slightly different to the NPPF¹, the second paragraph of Policy ENV2 is no different in its approach. The NPPF does not tie this principle to any particular designation. Therefore, it can apply in the determination of any planning application. “Significant harm” could occur at any level within the Policy ENV2 hierarchy depending on the nature of development, habitats/species present and its relationship with the wider ecological/green infrastructure network.

5.7.2 However, it is agreed that this could be clearer and a further modification is proposed to Policy ENV2² (set out in Appendix A). This proposed modification seeks to clearly distinguish between the statuses of designations and show how the NPPF approach to the protection of each type designation differs slightly.

¹ National Planning Policy Framework, first bullet, para. 118 (2012) DCLG

² LP001d: Schedule of Further Proposed Modifications to the Submission Local Plan (September 2014), MM094 (February 2015) CBC

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5.8 Is the extent of the land east of Balcombe Road identified as part of a Biodiversity Opportunity Area based on robust evidence?

- 5.8.1 Identification of Biodiversity Opportunity Areas (BOAs) involved assessment of existing biodiversity and the opportunities for restoration and creation. Sussex Biodiversity Record Centre was commissioned in 2008 by the South East England Biodiversity Forum and Thames Valley Environmental Record Centre to identify Biodiversity Target Areas (now called Biodiversity Opportunity Areas). The detailed methodology and consultation stages are set out in Sussex Biodiversity Target Area Identification (2008)³ (attached in Appendix B). The specific BOA in question is called Gatwick Woods; details on its existing and potential biodiversity are set out in the Gatwick Woods Biodiversity Opportunity Area Statement⁴ attached in Appendix C.
- 5.8.2 Whilst Gatwick Woods is mainly deciduous woodland as the name suggests, the part of Gatwick Woods BOA east of Balcombe Road contains ancient hedgerows (Appendix D), a fragmented rights of way network and “agricultural land where the opportunities for biodiversity gain and landowner liaison are tangible”⁵.
- 5.8.3 BOAs do not represent a statutory designation or a constraint upon activities. They indicate where there are substantial opportunities to make positive changes for biodiversity, and should be used to inform conservation strategies and place planning to allow for enhancement opportunities where possible. A successful example of this within the Gatwick Woods BOA is the Gatwick Flood Attenuation Scheme (planning application CR/2012/0575/FUL) which included a Landscape, Access and Ecological Mitigation and Enhancement Strategy (Appendix E). This involved Gatwick Airport Ltd working with Gatwick Greenspace, a partnership led by Sussex Wildlife Trust, to enhance areas of the Gatwick estate to ensure the prolonged health and diversity of species in a way that improves access and educational value.

³ Sussex Biodiversity Target Area Identification (2008) Sussex Biodiversity Record Centre.

⁴ Gatwick Woods Biodiversity Opportunity Area Statement (2009) Sussex Biodiversity Partnership.

⁵ Gatwick Woods Biodiversity Opportunity Area Statement, p1 (2009) Sussex Biodiversity Partnership.

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5.9 Is the identification of land east of Street Hill as Natural Open Space based on robust evidence?

- 5.9.1 The Land East of Street Hill was identified as natural/semi natural green space in the Crawley Open Space, Sport, and Recreation Study 2014 – 2030⁶.
- 5.9.2 The NPPF definition of open space is: “All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”⁷ Whilst the land east of Street Hill is not accessible to the public it was felt that it still met the definition of open space as it is of visual amenity value.
- 5.9.3 The PPG states that open space can “have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development”⁸. The land East of Street Hill is within a Site of Nature Conservation Importance (SNCI)⁹ and a Conservation Area¹⁰, the purpose of which is to provide the rural setting of St Nicholas’ Church, a Grade I Listed Church dating from around AD 950.
- 5.9.4 In the absence of current guidance on open space typologies, the PPG17 Companion Guide states that the primary purpose of natural green space is “wildlife conservation, biodiversity and environmental education and awareness”¹¹. This site firmly sits within this purpose being an SNCI.

⁶ LP115 Crawley Open Space, Sport and Recreation Study, p93 map (2013) JPC Strategic Planning & Leisure, Leisure and the Environment.

⁷ National Planning Policy Framework, p54 (2012) DCLG

⁸ Planning Practice Guidance, Open space, sports and recreation facilities, public rights of way and local green space, paragraph 0001, Reference ID: 37-001-20140306

⁹ West Sussex Sites of Nature Conservation Importance, p168 (2010), West Sussex County Council (see Matter 3 Issue 2 written statement appendices)

¹⁰ Worth Conservation Area Statement, (2003) Crawley Borough Council.

¹¹ Assessing needs and opportunities: a companion guide to PPG 17, p11 (September 2002) DCLG

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5.10 Is the inclusion of clause (d) of policy ENV4 (open space), which refers to matters tested in other policies of the Plan, appropriate?

5.10.1 Clause (d) of Policy ENV4 (open space) has been drafted to ensure recognition is clear that whilst open space may be surplus for the purposes of recreational open space it may have other values and functions that prevent it from being suitable for development. It is important to make applicants aware that open space will often have wider cultural or environmental benefits, or its development may have unacceptable visual or amenity impacts.

5.10.2 It is recognised that these considerations are covered by policies elsewhere in the Plan. Therefore, it is proposed that the wording of the Policy is modified to cross-refer to other Plan policies¹² (set out in Appendix F).

¹² LP001d: Schedule of Further Proposed Modifications to the Submission Local Plan (September 2014), MM095 (February 2015) CBC

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5.11 Do the proposed modifications to policy ENV6 appropriately reflect the impending introduction by Government of national construction standards for dwellings? Is the BREEAM Excellent standard for non-domestic buildings justified by evidence, including that on viability? Are the criteria of policy ENV6 unnecessarily prescriptive?

5.11.1 The Policy position proposed clarifies the council's interim position, in line with the National Standards Review that states that a government statement is due autumn 2015¹³. To avoid a gap between Local Plan adoption and the adoption of national standards it is considered important that the CBLP includes its own policy requirements. The Policy is then explicit that the national standards will replace the Local Policy requirements for residential developments.

5.11.2 Given the support for higher sustainability standards by residents and stakeholders, the council's viability assessment¹⁴ assessed both CSH3 and a higher requirement for additional energy and water credits in line with iterations of the policies that were supported at issues and options stage¹⁵ and sustainability appraisal¹⁶. For Policy ENV6, the study concludes that this would have resulted in an additional allowance of £453 per dwelling, based on a Gleeds assessment.

5.11.3 Table 5.1 further demonstrates that the council has considered the full impact of its policies on construction costs. The viability assessment¹⁷ increases the original additional £453 cost allowance, beyond Code for Sustainable Homes CSH3, by over £2000 (to £2500 per dwelling). This additional 'cost buffer' is considered to be a very full cost allowance in respect of any additional cost impact of Policies ENV6, ENV7 and ENV9 beyond current Building Regulations standards and anticipated mandatory alterations to the Regulations to replace construction codes in the near future. As such the viability assessments indicate that all residential sites are 'financially viable' in respect of meeting the requirements of Policy ENV6.

Table 5.1
Site Specific Cost
Allowances £

Archaeology (Ha)	Flood (Ha)	Access (Ha)	Contam (Ha)	Sec 106 & Policy Costs ENV6/7/9 (unit)	Ground Stability (Ha)	Utilities Upgrade (Ha)	Noise Insulation (Ha)
10000	25000	20000	25000	3500	20000	80000	100000

5.11.4 The CIL viability ability assessment concludes that whilst there was marginal viability on commercial properties in relation to CIL, it will not be requested for commercial properties. This also shows that the council has tested and considered commercial viability.

¹³ National Standards Review, para 132 (2014) DCLG

¹⁴ LP008: Crawley Borough Council Community Infrastructure Levy and Affordable Housing Viability Assessment, p27 (2013) Nationwide CIL Service

¹⁵ LP004: Crawley Local Plan Consultation Statement, p27-35 (2014) CBC

¹⁶ LP003: Crawley Submission Local Plan Sustainability Appraisal, p170 (2014) CBC

¹⁷ LP008b: Updated Viability Assessment (2015) Nationwide CIL Service

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- 5.11.5 The standards currently propose integration into building regulations for residential only, and the policy makes clear that the locally specific criteria in the policy will be replaced but the Policy will retain the requirements for BREEAM for commercial development.
- 5.11.6 The NPPF¹⁸ states that LPA's should consider radical reductions in carbon emissions. Policy ENV6 reiterates the objectives and aspirations of the council¹⁹, based on support for the policy approach through the evolution of the Plan²⁰ and a sound robust evidence base²¹ that the town has the opportunity and ability to address issues of sustainability and ensure new developments take advantage of the mitigation and adaption opportunities available in Crawley.
- 5.11.7 Reflecting the NPPF's²² requirement for LPA's to adopt strategies to mitigate and adapt to climate change and take full account of water supply and demand considerations, the council has set a higher aspirational standard of BREAAM Excellent. This has been based on the council's acknowledgement of the need to address the known issues for the town particularly with regard to surface and river flooding, as well as the problems associated with water stress. The Policy also highlights the council's ability and its opportunity to address energy demands, particularly from its commercial sector. Therefore, higher energy and water targets for development have been proposed. Appendix G ²³ identifies further proposed modifications to Policy ENV6 to defend the aspiration of working towards achieving BREAAM Excellent, particularly with regard to energy and water issues, whilst allowing for technical and commercial viability to be taken into account.
- 5.11.8 The borough council made a commitment to being carbon neutral by 2050, reflected in CBLP Objective 16²⁴. By ensuring development aims to be BREEAM Excellent, the council is building on its own corporate Waste and Climate Change Strategy 2012²⁵. Evidence base studies by ECSC²⁶ and HPF²⁷ demonstrate that the town has the ability to significantly address the provision of renewable and low carbon energy and that, with 50% of Crawley's carbon footprint being as a result of commercial activity, this is a significant factor in tackling carbon reduction.
- 5.11.9 Higher BREEAM standards are also considered appropriate given the compact urban nature of the town and its significant green environment, as well as its design and

¹⁸ National Planning Policy Framework, Section 93 (2012) DCLG

¹⁹ LP001: Crawley Local Plan Submission Consultation Draft, Local Plan Objectives 16, 17 and 21 and Sustainability Objectives 1 and 2

²⁰ LP004: Crawley Local Plan Consultation Statement, p27-35 (2014) CBC

²¹ As set out in LP016: Topic Paper 7: Climate Change

²² National Planning Policy Framework, Section 94 (2012) DCLG

²³ LP001d: Schedule of Further Proposed Modifications to the Submission Local Plan (September 2014), MM096 (February 2015) CBC

²⁴ LP001: Crawley Borough Local Plan, p127 (September 2014) CBC

²⁵ LP099: Crawley Carbon and Waste Reduction Strategy (2012) CBC

²⁶ LP097: Planning and Climate Change in Crawley (2007) Energy Centre for Sustainable Communities; and LP098: Policy Review Document (2009) Energy Centre for Sustainable Communities

²⁷ LP096: Decentralised Energy Study for Crawley (2011) HurleyPalmerFlatt Consultants

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layout, which builds upon the sustainable new town neighbourhood principle that is still utilised today.

- 5.11.10 The increased requirements for commercial development will also be amplified further in the emerging Planning and Climate Change SPD. This will follow the Town Centre North SPD that required BREEAM Excellent, and was instrumental in achieving elements towards Excellent for the delivered development at Sussex House. Commercial developers are showing keen interest in meeting higher BREEAM targets, as evident from recent developments on key sites, including recent permissions at Gatwick Road and Fleming Way at Manor Royal, as a result of extensive pre-application discussions. Working towards BREEAM Excellent was also pursued by the Council and has been achieved in its own development at Bewbush Pavilions.
- 5.11.11 The viability assessment²⁸ confirms that the commercial viability assessments have been based on construction rates advised by Gleeds that take account of a BREEAM 'Excellent' standard.
- 5.11.12 Policy ENV6 clarifies those areas where Crawley is able to most effectively address climate change, especially relating to water efficiency and low carbon energy production, based on the ECSC²⁹ and HPF³⁰ evidence base documents. The Policy is not prescriptive in its approach and will be amplified in the emerging Planning and Climate Change SPD document, it allows flexibility for developers to demonstrate how they have considered the criteria as part of the development process.
- 5.11.13 The flow chart in Appendix H also clarifies the two distinct approaches expected for major development and householder applications, requiring proportionate amounts of information from each scale of development proposal. The ethos of the Policy is consistent with the SA³¹ and the support received by stakeholders in the previous consultation stages of the document that requested a clear and flexible approach to sustainability³². This is in line with the NPPF³³.

²⁸ LP008: Crawley Borough Council Community Infrastructure Levy and Affordable Housing Viability Assessment, para 4.17 (2013) Nationwide CIL Service

²⁹ LP097: Planning and Climate Change in Crawley (2007) Energy Centre for Sustainable Communities; and LP098: Policy Review Document (2009) Energy Centre for Sustainable Communities

³⁰ LP096: Decentralised Energy Study for Crawley (2011) HurleyPalmerFlatt Consultants

³¹ LP003: Crawley Submission Local Plan Sustainability Appraisal, Objectives 1 and 2, Table 4.3 p25 (2014) CBC

³² LP004: Crawley Local Plan Consultation Statement, Appendix 2, Appendix 3, (2014) CBC

³³ National Planning Policy Framework, para 93-96 (2012) DCLG

5.12 How would the proposed hierarchy in policy ENV7 (as proposed to be modified) operate – is the policy hierarchical? Is the requirement to be “District Energy network ready” based on robust evidence and consistent with NPPF? Should the ‘technically and financially viable’ clause relate to the entire policy, not just to part of it?

- 5.12.1 Policy ENV7 is hierarchical in that it requires developers to consider the wider context and environs of the development, and then the site itself as a means to encouraging the provision of district energy supplies. The council’s approach is consistent with that identified in the Housing Standards Review, in recognising the importance of Local Planning Authorities in considering opportunities for energy infrastructure provision³⁴.
- 5.12.2 The council accepts that further modifications could be made to ensure clearer understanding of the intent of the policy. Therefore, a further proposed modification³⁵ of Policy ENV7 is included in Appendix I. The amended Policy allows the same principles to be used, with the “technically and financially viable” exemption now clarified for all of the policy criteria, as was the intention of the original submission Policy. The Policy encourages developers to utilise an existing network if one is available. If not, developers are encouraged to consider developing their own system for supplying energy to the site and surrounding buildings, then to consider site-wide communal energy facilities, and finally, as a last option, to be network ready. The council’s viability assessment³⁶ has also assessed the financial viability of decentralised energy provision on development viability.
- 5.12.3 The policy wording is flexible to encourage developers to consider a range of approaches, allowing for specific circumstances, and technical and financial viability to be considered on a site by site basis. The further proposed modification in Appendix I clarifies this further. The Policy, in its first sentence, also supports the provision of energy networks beyond those proposed by the council, provided no significant adverse impacts are created. The Policy is consistent with the NPPF³⁷ by providing a positive strategy for low carbon infrastructure. The council has further evidenced opportunities in specific locations based on its own research and feasibility studies, as shown in Appendix J whilst allowing flexibility for other networks to be encouraged.
- 5.12.4 Since 2006, the council has been developing opportunities to tackle climate change, and in particular low carbon energy production. The Energy Centre for Sustainable Communities (ECSC) studies³⁸ demonstrated the town has the opportunity to deliver decentralised energy networks and emphasised the need to encourage developers to consider connection and provision at the start of their design process. They also

³⁴ Housing Standards Review, para 228 (2013) DCLG

³⁵ LP001d: Schedule of Further Proposed Modifications to the Submission Local Plan (September 2014), MM097 (February 2015) CBC

³⁶ LP008: Crawley Borough Council Community Infrastructure Levy and Affordable Housing Viability Assessment, p27 (2013) Nationwide CIL Service

³⁷ National Planning Policy Framework, para 97 (2012) DCLG

³⁸ LP097: Planning and Climate Change in Crawley (2007) Energy Centre for Sustainable Communities; and LP098: Policy Review Document (2009) Energy Centre for Sustainable Communities

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stated that it was essential that a corporate commitment to delivery was dovetailed with the council's planning framework. The council's own Climate Change Strategy³⁹ and then the Waste and Climate Change Strategy⁴⁰, as well as cross boundary working with West Sussex authorities, in particular Horsham District Council⁴¹ (see Appendix K), have assessed this potential further and the councils are now working jointly and supporting each other with regards to each authority's own project delivery.

5.12.5 In line with the NPPF⁴², Crawley has identified opportunities where development can draw energy supply from decentralised supply systems. The council is strongly committed to bringing forward networks alongside key partners in the priority areas as defined on the Local Plan Map⁴³. Appendix A of Topic Paper 7⁴⁴ demonstrates the corporate commitment to this work and provides updates on three priority areas. At K2 Crawley, the initial phase of the network is at implementation stage, a feasibility study for decentralised energy in the town centre is nearing completion and funding from the Department of Energy Climate Change, as part of the Heat Network Development Unit (HNDU) for additional funding for feasibility work for Manor Royal is currently before the department for consideration. A decision is due by the end of February 2015.

5.12.6 The council also engages in detailed pre-application and ongoing discussions on key sites, particularly at Manor Royal and the town centre, and this process enables direct and early dialogue to encourage developers to further explore network connections. These have resulted in developments for SECAMB, Surrey County Council and Elekta, as well as speculative offices at Crawley Business Quarter in Manor Royal and Sussex House in the town centre now being network ready for pipe runs, and retains more opportunities for more detailed liaison regarding site specific conditions in anticipation of the implementation of networks.

5.12.7 The council is equally committed to establishing a clear planning policy framework (see Appendix H) to ensure developers have the opportunity to future-proof developments to connect to the network, as well as the political and financial commitment to deliver the network as part of its project delivery. The council is committed to working alongside adjacent authorities, most demonstrably with Horsham District Council, to consider opportunities for delivery, and has discussed further opportunities with Reigate and Banstead including good practice and key research information. It is also working in partnership with the Carbon Trust, in the delivery and implementation of planning policies and the networks, as well as alongside Islington Council, who are acting as a critical friend in a peer review capacity to assist delivery and technical support following their success in delivering successful networks. The Policy approach is justified and evidenced by the council's commitment to deliver decentralised energy for the town.

³⁹ LP100: Crawley Borough Council Corporate Climate Change Strategy (2008) CBC

⁴⁰ LP099: Crawley Carbon and Waste Reduction Strategy (2012) CBC

⁴¹ Statement of Common Ground between CBC & HDC Climate Change, Appendix K (2015) CBC & HDC

⁴² National Planning Policy Framework, Para 97 (2012) DCLG

⁴³ LP002: Crawley Submission Local Plan, Local Plan Map (2014) CBC

⁴⁴ LP016: Topic Paper 7: Climate Change, Appendix A (2014) CBC

5.13 Are the proposed modifications to policy ENV8 (flood risk) consistent with the NPPF?

- 5.13.1 Policy ENV8⁴⁵ has been developed through joint working with the Environment Agency and West Sussex County Council, in its role as Lead Local Flood Authority. This collaborative approach reflects NPPF requirements⁴⁶, with input from the EA and WSCC having informed updates to the Strategic Flood Risk Assessment (SFRA)⁴⁷ and the evolution of the policy approach.
- 5.13.2 Surface Water flooding is recognised as a particular issue for Crawley⁴⁸, with the West Sussex Local Flood Risk Management Strategy identifying Crawley as a ‘wet spot’, where over 5,000 dwellings and/or business premises are at risk of flooding from fluvial or surface water sources. However, most Local Plan allocations are recognised as being at low risk from local sources⁴⁹, and where surface water flooding is a factor, site specific advice has been provided by the EA through the SFRA⁵⁰. The proposed modifications to Policy ENV8 respond to feedback provided by the EA⁵¹ at Crawley Submission Local Plan consultation, specifically relating to the effective implementation of Sustainable Drainage Systems (SuDS).
- 5.13.3 Whilst supporting the overall policy approach, the EA response advised that, as drafted, a policy focus on achieving Code for Sustainable Homes (CfSH) and BREEAM standards would not reduce overall runoff totals within the borough. Alternative wording was suggested by the EA to require that where necessary and feasible, new development should reduce peak and annual run-off rates to less than previous conditions for the development site (greenfield runoff rate).
- 5.13.4 It was considered that the council did not have the detailed evidence in place to justify going beyond requirements identified in the draft SuDS National Standards and Specific Criteria⁵². The council and EA have therefore agreed on a pragmatic way forward through the Policy ENV8 wording proposed in the Submission Modifications Draft Local Plan.
- 5.13.5 This retains the overarching policy objective to achieve a reduction in surface water run-off through the effective implementation, use and maintenance of SuDS. The approach reflects NPPF requirements to reduce flood risk from all sources⁵³, whilst providing flexibility to assist the viability and deliverability of development⁵⁴. The modification wording refers to the Planning and Climate Change SPD⁵⁵, which will be produced in consultation with the EA and WSCC in order to provide advice on the

⁴⁵ LP001a: Crawley Submission Modifications Draft Local Plan (November 2014) Pages 103-106.

⁴⁶ National Planning Policy Framework, Para 100 (2012) DCLG

⁴⁷ LP103: Crawley Borough Council Strategic Flood Risk Assessment (August 2014)

⁴⁸ REP/023: Environment Agency (2014)

⁴⁹ LP103: Crawley Borough Council Strategic Flood Risk Assessment, Para 124 (2014) CBC

⁵⁰ LP103: Crawley Borough Council Strategic Flood Risk Assessment, Paras 101-122 (2014) CBC

⁵¹ REP/023: Environment Agency (2014)

⁵² LP147: Delivering Sustainable Drainage Systems, Annex draft national standards and criteria for sustainable drainage. Page 18 (September 2014) DEFRA & DCLG

⁵³ National Planning Policy Framework, Para 100 (2012) DCLG

⁵⁴ National Planning Policy Framework, Paras 173-174 (2012) DCLG

⁵⁵ LP040: Crawley Borough Council's Local Plan Local Development Scheme 2013-2016 (2013).

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ENV8 approach to managing surface water flood risk. The SPD will consider localised surface water flood issues in Crawley, in order to identify the most appropriate SuDS responses. This will help inform the application of Policy ENV8, alongside implementation of any national SuDS standards should these be adopted in the Plan period.

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5.14 Do the provisions of policy ENV9 (water stress) accord with national policy, and are they based on robust assessments of viability? Does the policy provide sufficient clarity about future requirements once national standards for water efficiency have been adopted?

5.14.1 Since the 2012 Issues and Options stage⁵⁶ of the CBLP the council has identified an intention to address the main sustainability issues facing Crawley. With water stress and energy production being identified the council proposed more stringent locally specific criteria for new developments. Building on the successes of SPG14 Sustainable Design⁵⁷ and support from Surrey County Council and the Environment Agency, the Local Plan policies evolved in setting higher local water targets as set out in the CBLP Preferred Strategy Plan⁵⁸.

5.14.2 Having been identified as within an area of serious water stress by the Environment Agency, the council looked to clarify requirements for both residential and commercial development within the borough. The table under paragraph 7.70 of the CBLP⁵⁹ illustrates a comparison between the litres per day as set out in the building regulations against the evolving Code and BREEAM levels. The viability assessments undertaken in 2013⁶⁰ demonstrate that that code level 3 assessment of development viability and additional water credits for code 4 were assessed as part of the assessment, with an additional policy cost of £453 being identified as not adversely affecting development viability. This has been further considered and is illustrated at a rate of £2500 as per table 5.1 of question 5.11.

5.14.3 Following the consultation on the government's Housing Standards Review the council further amended the detailed wording of the policy to indicate that the council considers itself to be one of the areas cited in the Housing Standards as having the need to consider additional water efficiency targets, through the optional requirement as set out in the Housing Standards Review⁶¹. Policy ENV9 also shares the approach of Policy ENV6 which allows developers the flexibility to show how they will address this and does not prescribe technologies or specific requirements as to how this might be feasible.

5.14.4 Policy ENV9 in the modifications submission Local Plan⁶² also includes the wording: "where viable and technically feasible" and recognises that the Housing Standards following adoption in 2015 may result in a more generic approach to water efficiency. However, given the serious issues of water stress apparent in the town, it is considered necessary to provide the policy hook for adopting the more stringent optional requirements within the Housing Standards once they are adopted. This

⁵⁶ LP032: Crawley Borough Council Crawley 2029 Local Plan Issues and Options Topic Papers, Topic Paper 2: Climate Change and Sustainability (2012) CBC

⁵⁷ Supplementary Planning Guidance Note 14: Sustainable Designs (1990) CBC

⁵⁸ LP028: The Crawley Borough Council Local Plan 2014 – 2029 Preferred Strategy Consultation Draft, p113-115 (2012) CBC

⁵⁹ LP001: Crawley Borough Local Plan, p100 (September 2014) CBC

⁶⁰ LP008: Crawley Borough Council Community Infrastructure Levy and Affordable Housing Viability Assessment, p27 (2013) Nationwide CIL Service

⁶¹ Housing Standards Review para 206 (2013) DCLG

⁶² LP001a: Crawley Borough Local Plan Modifications Draft (November 2014) CBC

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approach is supported by the Environment Agency in the Statement of Common Ground (Appendix L). The Environment Agency and the water companies operating in Crawley agreed the Water Cycle Study⁶³, which included the recognition that Crawley is in a water stressed area. Whilst the water companies acknowledge that they can provide supply, given the level of water stress in this area, much of strategy involves pumping water supplies in from elsewhere. The Water Cycle Study recommended that CBC should be doing everything it can to assist water providers, particularly given the water stress issue, and should push for highest water sustainability standards.

⁶³ LP101: Crawley Water Cycle Study Update (2013) CBC and Amec Environment and Infrastructure UK Ltd; LP102 Gatwick Sub-Region Water Cycle Study (2011) Entec UK Limited; LP107: Gatwick Joint Water Cycle Scoping Study (2010)

5.15 Is policy ENV11, as proposed to be modified, consistent with national policy and guidance? For noise sensitive development, what is the reason for the distinction between ‘mitigation’ of noise impact from transport sources, and ‘careful planning, layout and design’ for noise impact from industrial/commercial sources? Is it appropriate that the provision for rejecting proposals where the noise impact cannot be made acceptable only relates to noise sensitive development?

- 5.15.1 The Government’s aim is to reduce the number of people exposed to noise, without restricting the ability of commercial or industry to grow. This is reflected in Policy ENV11, which responds to NPPF Paragraph 123⁶⁴ requirements that planning policies should avoid noise from giving rise to significant health and quality of life impacts as a result of new development, and mitigate and reduce noise impacts to a minimum. Policy ENV11 is also consistent with the NPPF Paragraph 109 objective that development should not contribute to or be put at unacceptable risk from, or adversely affected by, unacceptable levels of noise⁶⁵.
- 5.15.2 The intention of Parts A(i) and A(ii) of Policy ENV11 is therefore to separate, as far as possible, noise receptors and noise sources, and to ensure that where conflict does arise, that appropriate mitigation is delivered through the planning and design process to ensure that noise impact for future uses is acceptable. The wording of Parts A(i) and (ii) of the Policy is seeking to achieve this objective, albeit recognising that the transport and industrial are different noise sources with different impacts.
- 5.15.3 To address any ambiguity, it is considered that Policy ENV11 Part A (i) and (ii) could be modified⁶⁶ in order to better clarify the approach for noise sensitive development without eroding the overall policy intention. Amended policy wording is suggested in Appendix M.
- 5.15.4 The NPPF is clear that existing businesses should not have unreasonable restrictions placed on them because of changes in nearby land use⁶⁷. This is addressed in part by Local Plan Policy EC4, which manages, in amenity terms, the relationship between economic and residential uses. Policy ENV11 expands, with Part A (as amended in the proposed modifications) requiring noise-sensitive development proposals in areas affected by existing noise to demonstrate that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable. This approach is considered to provide appropriate policy guidance where noise-sensitive receptors are proposed in an area of existing noise.

⁶⁴ LP023 National Planning Policy Framework, para 123 bullet points 1 and 2 (2012) Department for Communities and Local Government

⁶⁵ LP023 National Planning Policy Framework, para 109 (2012) Department for Communities and Local Government

⁶⁶ LP001d: Schedule of Further Proposed Modifications to the Submission Local Plan (September 2014), MM098 (February 2015) CBC

⁶⁷ LP023 National Planning Policy Framework, para 123 bullet point 3(2012) Department for Communities and Local Government

Issue 2: Whether the policies for environmental protection, open space and sustainable construction are proportionate, robust and consistent with NPPF.

5.15.5 It is also recognised that noise sources may be proposed close to areas that contain existing noise sensitive uses. This is considered by Part B of Policy ENV11, which seeks to ensure that existing uses are not adversely affected by the inappropriate introduction of noise generating development. Again, the intention is to ensure that where such development is proposed, existing uses are not exposed to unacceptable noise impacts, and that noise generating development proposals will be refused if the noise climate cannot be made acceptable. It is considered that modified policy wording would assist in clarifying this position. This also ensures consistency with the proposed approach of ENV11 Part A.

Issue 2: Whether the policies for environmental protection, open space and sustainable construction are proportionate, robust and consistent with NPPF.

5.16 Are the threshold noise levels identified in the CBLP Noise Annex justified by robust evidence?

- 5.16.1 Without clear guidance from the government on acceptable levels of noise for residential developments, it has become incumbent on each local authority to develop their own standards. This is recognised by Planning Practice Guidance: Noise⁶⁸, which outlines that Local Plans may include specific standards to apply to various forms of proposed development and locations in their area.
- 5.16.2 This process is greatly assisted by the development of two major summaries on the impact of noise on Health. Public Health England (formerly the Health Protection Agency) developed the 'Environmental Noise and Health in the UK' report⁶⁹ in 2010 by the Ad Hoc Expert Group on Noise and Health. More recently, as a part of its thorough review of all evidence related to the Aviation Industry, the Airports Commission produced the very comprehensive Discussion Paper 05: Aviation Noise⁷⁰. Both documents incorporate the reports on health and noise released by the World Health Organisation and the European Union, and updated these studies having regard to more recent published research papers. It was from these reports that the CBLP Noise Annex was developed.
- 5.16.3 At the North East Sector inquiry, the Planning Inspector's interpretation⁷¹ of PPG24 has been to permit developments in locations up to 72dB (average daytime level). The more recent evidence, published since this decision, clearly demonstrates that this level of noise would have an unacceptable adverse effect on people's health. In fact, the evidence suggests that unacceptable adverse effects could occur at as low a threshold as 66dB, a finding which was supported by the North East Sector Decision. However, because there is likelihood for infill in existing high noise locations it is considered that in certain circumstances development up to 69dB may be acceptable. To mitigate high levels of noise to ensure that there is an acceptable internal noise climate, extensive sound insulation and mechanical ventilation (or even air-conditioning) will be required. As required by Policy ENV11, in these instances proposals would be expected to demonstrate that noise impact for future users would be made acceptable.

⁶⁸ LP024: National Planning Practice Guidance: Noise. Para 10 (2013) Department for Communities and Local Government.

⁶⁹ LP145: Environmental Noise and Health in the UK (2010) Health Protection Agency

⁷⁰ LP144: Discussion Paper 05: Aviation Noise (2013) Airports Commission

⁷¹ LP146: Report to the Secretary of State for Communities and Local Government: Land at North East Sector, Crawley. File Ref: APP/Q3820/A/08/2092933 (2009) PINS.