



The Planning Inspectorate

Report to Crawley Borough Council

by **Martin Pike BA MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO
CRAWLEY BOROUGH LOCAL PLAN 2015-2030**

Document submitted for examination on 26 November 2014

Examination hearings held between 17 March and 18 May 2015

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Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
ASAS	Airport Surface Access Strategy
BOA	Biodiversity Opportunity Area
BS	British Standard
CBLP	Crawley Borough Local Plan
CHP	Combined Heat and Power
CSH	Code for Sustainable Homes
dB	decibels
DCLG	Department for Communities and Local Government
dpa	dwelling per annum
EGA	Economic Growth Assessment
ha	hectare
LDS	Local Development Scheme
MM	Main Modification
MoU	Memorandum of Understanding
mppa	million passengers per annum
NPPF	National Planning Policy Framework
NWS	Northern West Sussex
pa	per annum
PPG	Planning Practice Guidance
PPS	Playing Pitch Strategy
PSA	Primary Shopping Area
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SNCI	Site of Nature Conservation Importance
SPG	Supplementary Planning Guidance
STP	Synthetic Turf Pitch
WSCC	West Sussex County Council

Non-Technical Summary

This report concludes that the Crawley Borough Local Plan 2015-2030 provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the Plan. Crawley Borough Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

The majority of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and/or added consequential modifications. I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Updating the housing requirement to reflect recent household projections;
- Updating the housing allocations and specifying the open space requirements for mixed-use housing/open space allocations;
- Adding a 'housing for older people' site in line with national policy and a small 'housing, biodiversity and heritage' site;
- Emphasising that the Council will work with neighbouring authorities to seek to deliver the housing need that cannot be met within Crawley;
- Updating the employment land supply and clarifying the approach to main employment areas;
- Identifying potential small employment areas in the rural fringe;
- Adjusting the approach to retail development, heritage assets and biodiversity to ensure consistency with national policy;
- Updating the approach to housing standards and sustainable construction to reflect current national policy;
- Ensuring that the impacts of noise arising from industrial and transport sources are dealt with in accordance with current guidance.

Introduction

1. This report contains my assessment of the Crawley Borough Local Plan 2015-2030 (CBLP – the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission Consultation Draft Plan (September 2014).
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.
5. A separate public consultation was carried out on the deletion of the main modification relating to a threshold for affordable housing (see Issue 2c). No responses to this consultation were received.

Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation. The duty requires local planning authorities to co-operate with other Councils and bodies to address strategic cross-boundary issues when preparing Local Plans.
7. Crawley is a planned new town that has tight administrative boundaries and is home to a major economic hub centred on Gatwick airport. For many years the Council has engaged with neighbouring authorities to find solutions to a range of strategic issues which the borough is unable to resolve on its own.

Measures include adoption in 2009 of a Joint Area Action Plan with Horsham District Council for a new residential neighbourhood west of Crawley which is currently being built, and participation in inter-authority economic initiatives relating to the Gatwick Diamond. Joint working has continued throughout the preparation of the Plan at officer and member level, and is on-going. Key features include a Memorandum of Understanding (MoU) among Gatwick Diamond local authorities which established a broad framework for co-operation across the sub-area, and joint evidence base studies on matters such as housing and economic growth with two other authorities, Horsham and Mid-Sussex (collectively known as the Northern West Sussex (NWS) authorities).

8. Some representors question whether this extensive dialogue has produced constructive and effective outcomes, particularly with regard to meeting the need for housing across Northern West Sussex. Because developable land is in such short supply in Crawley, it is accepted that the borough cannot meet its own needs. However, it is argued that Crawley should have been more forceful in its attempts to secure delivery of the housing shortfall in neighbouring districts. The facts that the NWS authorities decided not to prepare a joint plan or joint policies on strategic matters, that there were certain key studies missing from the joint evidence base (such as a joint study of constraints and capacity), and that Crawley did not object when the emerging plans of Horsham and Mid-Sussex failed to make full provision for Crawley's unmet needs, are cited as demonstrating a failure of effective co-operation.
9. Preparation of a joint plan (or joint policies) by the NWS authorities was considered shortly after publication of the National Planning Policy Framework (NPPF) in 2012. However, because each authority has different local circumstances and was at a different stage in its plan-making process, it was decided to continue with authority-specific local plans whilst recognising the need for continued co-operation on housing, employment and other key strategic issues. This has proved somewhat problematic,¹ though whether a joint approach would have resolved the problems is not known; in any event, it is for planning authorities to decide how best to prepare their plans. As to greater use of joint studies in the evidence base, it may be that a consistent, uniform approach to assessing constraints and capacity across the NWS authorities would have given a more transparent and coherent foundation to underpin the respective plans. However, given the wide range of other strategic matters that have been addressed jointly, the absence of such a study does not represent a failure of the duty to co-operate.
10. Ultimately, Crawley is reliant on others if its needs are to be met in full. As Planning Practice Guidance (PPG) makes clear, the duty to co-operate is not a duty to agree: the decision on whether to accommodate Crawley's unmet need is for neighbouring authorities to make, having regard to the policies of NPPF and their own particular circumstances. The evidence shows that Crawley has been persistent in identifying the scale of its unmet needs and in asking

¹ The Mid Sussex District Plan was withdrawn after an Inspector found that the duty to co-operate had not been met (albeit primarily in relation to the housing needs of Sussex coastal authorities rather than Northern West Sussex authorities). Another Inspector has determined that the housing provision in the Horsham District Planning Framework should be significantly increased, partly to accommodate some of Crawley's unmet need.

neighbouring authorities to make appropriate provision. The Council acknowledges that it could have objected to neighbouring plans which failed to meet its needs in full, but believes that an antagonistic approach would be unlikely to encourage co-operation and might have had the opposite effect. This is a reasonable position to adopt. Moreover, the Council does object if it thinks it necessary, as it did to a perceived lack of recognition of Crawley's unmet housing need in Reigate & Banstead's Core Strategy.

11. Overall Crawley has adopted a process of continuous engagement with neighbouring authorities in seeking to meet its strategic needs. Whilst it has not yet been able to secure in full the future provision of its unmet needs, there is no compelling evidence that such failure has resulted from the Council not promoting its case with sufficient vigour. I consider that the legal requirements of the duty to co-operate have been met.

Assessment of Soundness

Preamble

12. Gatwick airport is a major economic hub for Crawley and the wider sub-region. The Plan has been prepared on the assumption that the airport will grow to a throughput of 45 million passengers per annum (mppa) within its current configuration of a single runway and two terminals. However, provision of a second runway at Gatwick airport is one of three shortlisted options considered by the Airports Commission for increasing runway capacity in the South East. Substantial areas of potentially developable land in the north of the borough are currently safeguarded from development which would be incompatible with the development of a second runway. Consequently, the Government's decision on the location of an additional runway could have significant implications for future development in the borough.
13. The Plan identifies three possible scenarios. Firstly, the provision of a second runway at Gatwick, with clarity on the new airport boundary and lifting of safeguarding on any remaining land; secondly, no second runway and safeguarding is lifted; or thirdly, no second runway but continuation of safeguarding. Each scenario has different implications for the amount of land available to meet the development needs arising over the Plan period. The Council therefore proposes that, once the Government's decision is known, some review of the Plan will be necessary.
14. This is a sensible approach, for trying to address all development options for different runway scenarios would have been unduly complex, potentially confusing and very time-consuming. Accordingly I indicated at the outset of the examination that I would not consider evidence which sought to take account of the second runway decision.

Main Issues

15. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified five main issues upon which the soundness of the Plan depends.

1 – VISION AND SPATIAL CONTEXT

Issue: Whether the Plan's vision and strategy provide a sound framework for the sustainable development of the borough.

16. As the largest town and main employment location between Greater London and the South Coast, Crawley has an important sub-regional role at the heart of the Gatwick Diamond. However, as indicated above, its tightly drawn administrative boundary and constrained land supply mean that it is unable to deliver all of its identified needs. This places considerable pressure on the Council to identify as much developable land as possible from within the borough, thereby minimising the scale of development sought in neighbouring areas. Not surprisingly, there is close scrutiny from neighbouring authorities to ensure that the Council has "left no stone unturned" in its search for developable land. This approach is sound and is one I have adopted throughout the examination.
17. Crawley's economy is centred on Gatwick airport, Manor Royal Business District and Crawley town centre. With the airport's future dependent on a central Government decision, the latter two are the focus of the Plan. It seeks to protect and enhance the function and role of Manor Royal as the premier B-class employment location of the Gatwick Diamond, which is an appropriate response to concerns that encroachment by non B-class uses is beginning to dilute the function of this key business destination. The Plan aims to protect other main employment areas for a wider range of employment uses, to revitalise the key retail function of the town centre, and to diversify the centre by encouraging a mix of other town centre uses and new housing.
18. Because of its new town origins, most of Crawley's housing stock is relatively new and regeneration sites are mainly found in the town centre. The Plan investigates the housing potential of a wide range of opportunities including surplus education sites, little used open spaces, brownfield sites and locations on the edge of the built up area. The new town has been built on the principle of clearly defined residential neighbourhoods, each having local shops, services and community facilities at its centre. This neighbourhood structure has endured and is inherently sustainable, as it provides many day-to-day needs within walking distance of homes; it is also popular with Crawley residents, who value the sense of community it engenders. In identifying new housing sites, the Plan seeks to protect the neighbourhood principle.
19. The Plan recognises that a balance has to be found between urban consolidation and retaining the valued features which contribute to Crawley's character; it includes a range of policies which aim to protect and enhance areas and amenities of special importance. The compact urban character of the town and the presence of Gatwick and Manor Royal, coupled with good transport links, have consequences for pollution and the demand for energy which the Plan also seeks to address. Importantly, the Plan is underpinned by a thorough and robust evidence base which has informed its policies, and has been subject to a detailed sustainability appraisal which has examined realistic alternative strategies. Overall the Plan sets out a sustainable vision for Crawley at the heart of the Gatwick Diamond which, in broad terms, is sound.

2 – HOUSING

Issue 2a - Whether the assessment of housing need is robust having regard to the evidence base and the requirements of national policy.

20. The Submission Plan traces the evolution of the assessment of housing needs over recent years. The 2009 Strategic Housing Market Assessment (SHMA) is outdated and does not provide a figure of housing need. The 2011 study² identifies a requirement for an average of 542 dwellings per annum (dpa), equivalent to approximately 8,100 dwellings over the Plan period. This figure is at the upper end of a range of different scenarios derived from 2008-based population and housing projections. Using the earliest projections based on 2011 Census data, the 2014 study³ identifies a marginally lower annual requirement of 535 dwellings; this assumes that the projected increases in migration compared with the 2008-based figure will slow down in the latter part of the Plan period. In both these studies the demographic trend-based housing need is above the equivalent figure obtained from a separate economic model based on 3% employment growth.
21. Shortly before the examination hearings, the Department for Communities and Local Government (DCLG) published 2012-based household projections. These update the interim, 10 year projections based on 2011 data and provide a more robust forecast for the post-2021 period. The baseline demographic projection predicts an increase of 8,731 households over the 15 year Plan period, representing 582 per annum (pa).⁴ To this the Council has added a small allowance for vacant stock and a larger allowance for potential suppressed demand over the 2001-2011 period, giving a figure of 614dpa.
22. PPG advises that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals and other indicators of the balance between the demand for and supply of dwellings. Comparison should be made with longer term trends in a range of indicators that address both 'price' and 'quantity', with a worsening trend requiring an upward adjustment to the housing need figure. The Council claims that market signals demonstrate a worsening picture of newly formed households' ability to buy or rent property without subsidy and, as a result, it boosts the need figure (614dpa) by 10%. This increases the housing need to 675dpa, a total increase over the Plan period of 10,125 dwellings.
23. Dealing firstly with price indicators, house prices were rising a little above the national average prior to the recession but, following a more severe drop in 2007-8, have since been closer to the national average. Crawley is the only Northern West Sussex authority in which affordability (as measured by the ratio of lower quartile prices to lower quartile earnings) has improved since 2009, albeit marginally. There has also been a fall in the proportion of households unable to buy or rent without assistance, although the proportion unable to rent in Crawley is higher than the other NWS authorities. And though directly comparable information on private rents is not available, rents

² Crawley Locally Generated Housing Needs Assessment 2011

³ Topic Paper 2, Housing Need (LP011)

⁴ Objective Assessment of Crawley's Housing and Employment Needs, Updated Report, March 2015 (LP083b)

appear to have increased less in Crawley than in other NWS authorities.

24. Turning to indicators of quantity, the total number of house sales has increased in Crawley since the downturn, albeit marginally and at a slightly slower pace compared with other NWS authorities. New housing completions were relatively high prior to 2011, above the (now revoked) South East Plan target and substantially above the 2008 Core Strategy target. Since 2011 completions have dropped markedly, mainly as a result of the economic downturn, though a contributory factor may be the constrained availability of land. Moreover, housing delivery in Crawley is set to increase substantially over the next few years as the Forge Wood new neighbourhood comes on stream. Perhaps the main indicator of a worsening trend is the increase in overcrowding, Crawley experiencing an above-average rise in over-occupation during the 2001-2011 decade.
25. Overall the information on market signals is mixed – the price indicators show a marginally improving situation over the recent past, whereas some indicators of quantity have worsened over the same period. The Council has made a specific adjustment for potential suppressed demand over the 2001-2011 period; this responds directly to the overcrowding indicator, so the main worsening trend has been separately addressed. On this analysis it is questionable whether the additional 10% uplift is justified, particularly as the Council acknowledges that the chosen percentage was not derived directly from the evidence base. I appreciate that there is a strong demand for new homes in Crawley and that affordability remains a significant problem, but that is the situation across the whole of the South East. In relative terms, the situation in Crawley is not as severe as in other NWS authorities, nor has it worsened in recent years.
26. It is pertinent to consider how the growth of 10,125 dwellings derived by this methodology aligns with the DCLG projection of 54,060 households at 2030. At 2012 (the DCLG base date) the projected number of households in Crawley was about 43,500, so the projected increase over the 2012-2030 period is about 10,560 households. Subtracting from this the Council's 10,125 assessed dwelling need over the 2015-2030 period leaves a shortfall of 435 dwellings, which is roughly equivalent to the (very low) number of house completions in Crawley between 2012-2015. In practice, therefore, the Council's market signals uplift, which inflates the level of need over the Plan period, effectively compensates for the failure to provide sufficient dwellings to meet household growth in Crawley during 2012-2015 (ie the backlog immediately prior to 2015 is included in the projection over the Plan period).⁵
27. Based on this analysis, it might be argued that 10,125 household growth over the Plan period is too low because it does not account for suppressed demand from the 2001-2011 period, nor does it allow for vacant dwellings. To place the latest projection in context, consideration of other factors is helpful. Firstly, compared with the wide range of other demographic-based projections, 675dpa (587dpa over the 2012-2030 period) is substantially above all current and past model runs apart from an interim 2011 projection based on short

⁵ The DCLG model projects growth of over 600 households per annum in the 2012-2015 period. Meeting the 10,560 household growth over the 2012-2030 period represents an annual average of 587dpa.

term past migration, which the 2012-based projections have superseded.

28. Secondly, employment forecasts provide a useful sensitivity check between the growth in jobs and the growth in housing. For Crawley the highest (largely unconstrained) projection from the most recent economic forecasts is an annual growth of 1,411 jobs, which equates to an employment-based housing need figure of 529dpa (rising to 551dpa if modification to the suppressed demand and other adjustments are included). In practice constraints on the supply of employment land mean that jobs growth on this scale is unachievable. The baseline employment scenario preferred by the Council, which better reflects the availability of employment land, is an annual growth of 1,011 jobs, equivalent to an employment-based housing need figure of 379dpa (or 395dpa if the adjustments are included). These figures are substantially below the demographic-based projections.
29. Thirdly, an increase in the overall housing need may also be justified if it would help to meet the need for affordable housing. In Crawley the affordable housing need of the 'reasonable preference' group amounts to 197dpa; this is the core need for which there is a statutory duty to make provision and is the baseline figure used by the Council. In the absence of public funding, the primary means by which affordable housing will be delivered is in association with market housing. Policy H4 requires 40% affordable housing from most housing sites, so the quantum of total housing necessary to meet the core affordable housing need is around 500dpa, appreciably below the 675dpa requirement.⁶
30. Thus in all these instances the enhanced DCLG 2012-based figure of 675dpa (587dpa over the 2012-2030 period) is significantly above the need when assessed by other means. In these circumstances a further increase in housing need to cater for suppressed demand and/or vacancies would merely widen the disparity between the latest demographic-based housing need figure and other relevant factors. **MM30** makes the necessary revisions to the objectively assessed need requirement of 675dpa in the Plan.

Issue 2b - Whether the Plan maximises the delivery of housing having regard to local constraints on land supply, and whether the housing trajectory demonstrates a five year supply of housing land.

31. The Council has undertaken various studies to identify sites and broad locations for housing development. These include a Strategic Housing Land Availability Assessment (SHLAA), an urban capacity study, and reviews of open spaces and the boundary to the built-up area. The small size of the borough has enabled comprehensive assessments of all potential opportunities to be carried out. In general these studies appear thorough and there is no evidence that significant additional capacity has been missed, or conversely that delivery of the identified supply has been over-estimated. The objections made to a relatively small number of specific sites (both identified sites and

⁶ This assumes that the element of Crawley's housing need provided outside Crawley (see Issue 2b) will also deliver 40% affordable housing. Whilst this is not certain, because Crawley is expected to deliver about 136 affordable houses each year (40% of 340 annual total), the overall affordable housing need is likely to be met even if a lower proportion of affordable housing is sought by neighbouring authorities.

non-allocated sites) are considered in the sections below.

32. Policy H1 makes provision for a minimum of 5,100 dwellings over the Plan period, an increase of about 200 dwellings from the Submission Plan as a result of recent variations to the supply; **MM27, MM28, MM31** and **MM32** make the necessary numerical adjustments to the policy and text. A sizeable proportion of these dwellings (1,900) will come from the new Forge Wood neighbourhood which has recently commenced construction and is expected to take about 10 years to complete. When combined with the many other key housing sites expected to be built by 2020, it is clear that the Council has a supply of deliverable housing land that significantly exceeds the 5 year requirement of the NPPF (including 5% buffer). The front-loading of housing delivery should ensure that the five year supply against the housing target is maintained, despite delivery tailing off towards the end of the Plan period. This is illustrated in the housing trajectory, which includes an allowance for windfalls that is based on reasonably robust evidence that was not contested at the examination.
33. However, the Plan acknowledges that the severely constrained supply of housing land will only meet about half the assessed need over the Plan period. The supporting text indicates that, insofar as is consistent with other policies, the unmet need will be delivered through local plans covering the remainder of the Northern West Sussex and East Surrey housing market areas.
34. Some objectors argue that greater prominence should be given to the identification of land outside the borough to meet Crawley's unmet needs. Policy H1 of the draft plan included a sentence that the unmet need will be delivered through neighbouring plans (where consistent with other policies), but this was deleted because such provision is outside Crawley's control. I accept that the Council cannot be certain that neighbouring authorities will deliver Crawley's unmet housing needs, but I think that an indication of how the Council intends to address the unmet need is justified, as sought by the duty to co-operate. **MM31** adds to policy H1 that the Council will continue to work closely with neighbouring authorities to explore all opportunities for meeting this need in sustainable locations, which include potential urban extensions to Crawley.

Proposed key housing sites

35. Most of the key housing sites allocated under policy H2 attracted little opposition during consultation on the Submission Plan. In some locations (notably Ifield Community College and Russell Way) landowners and/or site developers believe that the estimated yield from the sites is too low. The Council accepts that potentially there is scope for a greater number of dwellings to be provided on all urban sites, for density has been assessed on the basis of a minimum likely yield. Because policy H1 refers to delivery of a *minimum* 5,100 dwellings, and policy H2 states that the capacity of individual sites is *indicative*, in principle there is no reason why greater yield would not be accepted (subject to detailed design and other site specific matters). Consequently, and in the absence of compelling evidence that the figures in policy H2 are too low, the Plan's approach is sound.

Forge Wood

36. Two areas of land which lie outside the permitted Forge Wood site are part of the North East Sector allocation in the adopted Core Strategy and in principle are appropriate for housing development. They are included in the Plan as broad locations for delivery in the medium to long term (year 6 onwards) on the basis that development would need to integrate with, and be tied to the phasing of, construction on the Forge Wood site. To ensure the proper planning of the area it is right that these sites should integrate with the new neighbourhood, both in terms of physical layout and a consistent approach to infrastructure delivery. As to phasing, it may be possible for the sites to come forward earlier if suitable integration is achieved and delivery of Forge Wood is not compromised. This would require discussions between all the relevant parties which do not yet appear to have taken place. Matters of this nature can take a considerable time to resolve, in my experience, and I do not believe that the 'deliverable' tests of the NPPF are satisfied. Consequently the inclusion of this residual land as a broad location in policy H2 is appropriate.
37. A substantial part of the Steers Lane residual land lies within the 66dB noise contour from a second runway at Gatwick airport and, under modified policy ENV11, would not be appropriate for residential development under current safeguarding. The anticipated yield from this site is low to reflect this (and other) constraints, so it is not necessary to specifically mention the noise restriction in the housing section of the Plan. As to the possibility of this land being included within an extended airport boundary if the Government decides on a second runway at Gatwick, that would be a matter for the early review of the Plan.

Tinsley Lane, Three Bridges

38. The sports field land at Tinsley Lane has been considered suitable for housing development by the Council for many years but was removed from the Core Strategy because the Inspector was not convinced that an alternative site for the football club could easily be found, or that the loss of sports grounds was justified in policy terms. Studies have subsequently been undertaken to address not only the recreation issue but also noise from the nearby Crawley railway goods yard (a safeguarded minerals site) and access. Nevertheless, objections to the allocation were received from Sport England, local residents and the goods yard operators.
39. The goods yard takes delivery of aggregates 24 hours a day. A detailed noise study carried out in accordance with revised BS4142:2014 was produced during the hearings and indicates that, even with a 4m high barrier wall around three edges of the site, night-time noise would reach the 'significant adverse effect' level at the most exposed façades of the proposed housing. However, with mitigation in the form of a residential barrier block along the exposed façades, sound-reduction double glazing and in-wall ventilation, there would be sufficient attenuation to meet the internal noise standard of BS8233:2014. The goods yard operators now accept that a housing development which addresses the adverse noise from their operations could be achieved, though they still have misgivings, as do local residents. I consider that the noise assessment is a robust, worst case scenario and demonstrates that an acceptable residential noise environment could be secured. I appreciate that goods yard noise remains a serious concern for existing local residents, but that is outside the scope of the CBLP.

40. Concerns about increased traffic at the junctions of Tinsley Lane with Gatwick Road are understandable, for manoeuvres such as the exit from Tinsley Lane at peak hours can be problematic, but the local highway authority does not object in principle and there is no compelling evidence that undue hazards or congestion would result. Other matters including the density of development would be addressed at detailed design stage. So the remaining issue is the loss of sports pitches.
41. The Council's Playing Pitch Study (PPS) found that the main issue with football provision in Crawley is not the overall quantity of pitches but their quality as a result of protracted heavy use. It recommends the provision of more synthetic turf pitches (STPs) which can be used much more intensively than grass pitches, particularly for youths and as training pitches for adults. For Three Bridges the PPS concludes that "there is an under-supply of outdoor sports space, which future local residential development should not aggravate". I note Sport England's concern about the robustness of the PPS and the speed with which it was prepared, but in my view the study is adequate and provides a sound analysis of the playing pitch needs of the borough.
42. Sport England argues that the proposed housing development on two of the three playing fields at Tinsley Lane would be contrary to the PPS objective. The former works pitch is in very poor condition and has not been used for 10 years or more, so given the overall adequacy of pitches in the borough, the loss of one of the playing fields would have no significant impact on supply. To my mind the issue is whether the loss of the central area, which appears to be used mainly for training, would be adequately compensated by the provision of an STP pitch alongside the senior pitch on the one playing field that would remain. Provided the STP pitch is large enough for youths and training (Sport England advises 79m x 52m), and wider club/community use can be secured, then despite the quantitative loss there would be a small enhancement to the existing provision in terms of capacity for use. A further benefit would arise from the opening up of Summersvere Wood to the public for informal recreation, a type of open space which is absent in this area.
43. In these circumstances I consider that the allocation would satisfy NPPF paragraph 74, which seeks to protect existing open spaces (including playing fields) from development in terms of quantity and quality unless equivalent or better replacement provision is made. However, the drawing submitted during the examination shows a small STP pitch measuring 55m x 37m; despite the contention that this could be increased to 79m x 52m, it is not clear how this would be achieved. Moreover, I saw on my visit that the land appears to slope down towards the north-east corner, perhaps requiring limited cut-and-fill (potentially with land-take implications) to create a level senior pitch. Whilst there may be sufficient space to accommodate two pitches of the required sizes, fitting in the pavilion and car park might be difficult.
44. In the Submission Plan, the sole reference to the many constraints of the Tinsley Lane site is the notation "mixed use recreation/residential" in policy H2. The Council accepted during the hearings that better guidance was necessary and has modified the policy and text to specify the requirements for open space and noise mitigation. In principle this is sound, though it is evident that the stated capacity of 138 dwellings involves the full range of facilities being provided on the retained playing field. Given my concern about

whether this can be achieved, it is prudent to allow for the possibility that some of these facilities (most likely the car park) might have to be sited on the northern part of the adjacent housing site, with a consequent reduction in the number of dwellings. Thus a modest reduction in site capacity to 120 dwellings is a more robust figure at this stage, though the potential for 138 dwellings remains if at detailed design stage the northern field is found to have the capacity to deliver the full range of playing pitch facilities. **MM33** and **MM34** incorporate the necessary modifications, including some minor clarifications suggested by Sport England. I agree that Development Briefs should be prepared in consultation with stakeholders, but as such consultation should be a normal part of the preparation process, it does not require specific mention in the Plan.

Breezehurst Drive, Bewbush

45. For Bewbush the PPS indicates that sports pitch provision currently exceeds the quantitative capacity required, though many of the pitches are not of good quality. The extensive playing fields at Breezehurst Drive and Skelmersdale Walk have not been used for the past couple of seasons; whilst the majority of the playing surface is classified as poor quality, it is surprising that the playing field identified as 'excellent' is not currently used despite being available. Based on Sport England's current approach to pitch assessments of "what do we need and when", the evidence suggests that there is no current or potential future demand for this entire area being retained as playing fields. Moreover, the Open Space Study indicates that there is a quantitative surplus of open space in Bewbush, with only two typologies (allotments and youth play space) being deficient.
46. The PPS does not oppose development at Breezehurst Drive but recommends that the loss of open space is mitigated by improvements to retained sites in the neighbourhood. This seems a sensible conclusion and one that would comply with the NPPF. The argument that quantitative minimum standards should always be adhered to does not take into account the fact that better quality provision can increase the capacity of facilities and lead to greater participation. As with the Tinsley Lane site, the Council accepts that policy H2 and the text should be expanded to specify the recreation improvements that should be delivered in association with the housing development; again these form part of **MM33** and **MM34**.

Henty Close, Bewbush

47. This small area of predominantly informal open space lies south of the well-used playing fields at Bewbush West. Subject to replacement of the play area on the remaining open space nearby, its loss would have little impact on the quantity or quality of recreational provision in this locality. This site has the added benefit of facilitating a safe and high quality bus, pedestrian and cycle link to the new Kilnwood Vale neighbourhood under construction in Horsham District. Despite its limited yield (24 dwellings), this allocation is a good example of the close scrutiny of all potential opportunities that the Council has had to undertake to satisfy the "leave no stone unturned" objective. As with the other allocations which combine housing with open space provision, **MM33** adds to policy H2 the requirement to replace the play area.

Horsham Road/Silchester Drive

48. Policy H2 identifies an area of large detached dwellings in sizeable grounds on Horsham Road/south of Silchester Drive as a site for 52 dwellings in years 6-10. However, given the current lack of interest from landowners in pursuing the redevelopment of their properties, the site is no longer considered by the Council to be deliverable over the Plan period and has been deleted as part of **MM33**. I agree that the evidence no longer supports this allocation, though in principle the site is suitable for residential intensification and, if the landowner's intentions change, it could come forward as a windfall.

Sites not allocated in the Submission Plan

Land East of Street Hill

49. The Grade I listed church of St Nicholas Worth is one of the finest Saxon churches in England. The significance of the church derives primarily from its historic heritage value as a rare example of an Anglo-Saxon church with many original features. There is aesthetic heritage value in its design and construction, and some communal heritage value from its continual use as a place of worship for over 1,000 years. As to its setting, the church was not part of a settlement but originally stood in a clearing in the Wealden forest, linked by paths to scattered small settlements. The original forest was cleared to make way for cultivated land which, in turn, has been replaced by the developing new town and the M23 motorway to the east, which separates Crawley from the surrounding countryside. Bishops Lodge and its grounds, the Old Rectory, and the open meadows, woodland and ponds which lie between the church and the potential housing site are all relatively recent. Thus the isolated woodland setting of the church has largely been lost and replaced by land uses which are mostly not associated with the church, though the former Rectory garden has some significance as an illustration of how the setting of the church has changed over time.
50. The potential housing site is not visible from the church or churchyard, whilst any fleeting glimpses of the church spire from the site would only be possible through the intervening trees in winter. Consequently, some limited development would not harm the appreciation and experience of the church, nor would the heritage values that define the historic significance of the church in its current setting be significantly affected. Indeed, a suitable housing scheme on the site could have less impact on the setting of the church than the recent suburban housing of Maidenbower to the west, which is closer to the church and the other listed buildings.
51. Worth Conservation Area is intended "to seek to preserve and enhance the rural character and appearance of the open setting of St Nicholas Church...". Housing development would cause some harm to the appearance of the Conservation Area, but that harm would be limited by the visual and topographic separation of the site from the grade I listed building and other features of significance close to the church. Moreover, it would be possible to minimise this harm by a scale and design of development which respects the semi-rural nature and open historic character of the Conservation Area.
52. Turning to undesignated heritage assets, the site is within an historic park and

garden identified by the Council, though evidence of whether the site was part of the historic garden associated with the former Rectory is inconclusive. There are no obvious landscape features typical of an historic park or garden on the site today, though the archaeological appraisal considers there to be a high potential for discovery of medieval finds on the site. Immediately south of the site is a small, square medieval moat thought to have been the site of a hunting lodge; this would not be affected by the development. The County Archaeologist recommends that an unbuilt margin around the moat is excluded from the housing area and that enhancement to better reveal the moat and its setting is undertaken as part of any development. Together with other measures which would enhance the appreciation of the heritage assets, the impact on these archaeologically sensitive areas would be limited.

53. Worth Meadows Site of Nature Conservation Importance (SNCI) was designated in 1992 for its mix of species-rich meadow, woodland and pond habitats. The quality of the nature conservation interest on the part of the SNCI proposed for development has diminished appreciably since designation as the grassland habitat is being succeeded by encroaching bramble scrub. The recent habitat survey noted that the meadow is becoming less diverse as the finer grass species are being out-competed by coarse grasses typical of rank semi-improved grassland. No rare or endangered plant species were noted, though the single-visit survey may not have fully detected their presence. The site has high potential to support bats and breeding birds.
54. The woodlands and ponds would not be affected by the proposed houses. There is little doubt that, without intervention (which seems unlikely) all the meadow grassland habitat for which the SNCI was primarily designated will in time be replaced by bramble scrub and, ultimately, woodland. Consequently there is considerable force to the argument that proper management of the two-thirds of the SNCI not affected by development would enable the decline of the remaining species-rich meadow habitat to be arrested, thereby mitigating the harm caused by the loss of part of the meadow. This would be secured as part of the development by a comprehensive and binding management plan which would also ensure the necessary protection and/or mitigation for any protected species found on the site.
55. West Sussex County Council (WSCC) advises that such mitigation should only be contemplated after it has been judged that there are no alternatives available to delivering the housing need. That is indeed the current position – Crawley cannot meet its own need and the latest indication is that the other two NWS authorities are finding it difficult to fully make up the shortfall. A similar judgement is made in respect of the heritage assets – the limited harm to the Conservation Area and the setting of the church ('less than substantial harm' in terms of NPPF) and the non-designated assets is outweighed by the public benefit of a small but nonetheless significant contribution towards meeting Crawley's housing need on a site within Crawley. Consequently the site is added to the housing supply as part of **MM33** and **MM34**.
56. The scheme promoter believes that the site could provide 30 dwellings, but it is difficult to envisage how this number might be accommodated in a loose-knit, low density form that would be in keeping with the immediate area. It is important to distinguish this development from the suburban housing of Maidenbower to the west. In the absence of any illustrative layout, I indicated

in my preliminary findings that the site is likely to be suitable for about 15 dwellings. The Council proposes this number as a maximum; given the constraints of the site, this limitation is sound. Indeed, the illustrative layout for 21 dwellings provided by the promoter in response to the modifications consultation serves to demonstrate that it will be challenging to achieve the required loose-knit character with as many as 15 dwellings.

57. Whether the site is likely to come forward in years 1-5 (as the promoter argues) or 6-10 (as the Council suggests) matters little: the Council rightly acknowledges that there is nothing to prevent a satisfactory scheme coming forward sooner. The retention of the site within the countryside is consistent with the Council's approach to the properties on Church Road and Worth Way that lie to the north of St Nicholas Church. The fact that the principle of housing development on the site is established through a specific allocation is sufficient to allay concern about conflict with other local plan policies. Minor adjustments to the wording of policy H2 and the text are made for clarity and to reflect the fact that not all the SNCI is controlled by the site owner.

Oakhurst Grange Nursing Home

58. Oakhurst Grange nursing home is in a highly accessible location close to the town centre and Crawley hospital. The nursing home closed in August 2013 following concerns from the Care Quality Commission at the standards of care and the withdrawal by WSCC of the majority of its residents. All 75 residents (63% of the 120-bed capacity) were found alternative accommodation promptly. The site was subsequently marketed as a care home but there was no interest from care home operators; subsequent discussions with registered providers interested in the over-55 market have also not resulted in a sale.
59. There is an obvious rationale for the Council's argument that the property is ideally suited to some form of accommodation for the elderly. However, the evidence to justify the site being retained for nursing home use is limited. Crawley has a young age profile (two-thirds of the population being under 45) and a much lower proportion of elderly people than surrounding areas, though this proportion is set to increase. The site owner's demographic needs assessment points to a marginal shortfall in the current demand for nursing frail elderly beds and a slightly greater shortage of dementia beds within the local catchment area, but anticipated provision over the next few years should more than meet this demand. On the other hand, data from WSCC based on demographic benchmarking suggests that in future there is likely to be a particular demand for residential care provision in Crawley.
60. The need for Oakhurst Grange to be retained as a nursing home to meet a current shortfall is not compelling. Given the severe shortage of land for housing in Crawley, it is important that the site is put to some productive use rather than remaining vacant for a protracted period. There is specific support in the revised PPG for accessible and manageable homes that enable older people to live independently in their own home for as long as possible; **MM29** addresses the principle of such provision. Oakhurst Grange presents the ideal opportunity to require new housing to be designed and built to meet the needs of older people, thereby partially off-setting the longer term demand for the specialist accommodation that this housing would replace. And to ensure that the existing care home use is not perceived as inappropriate on this site, the

allocation in policy H2 should specifically refer to class C2 residential home use as well as housing for older people. **MM33** and **MM34** include the necessary modifications to the Plan. As with all policy H2 sites within the urban area, the capacity figures are indicative and would not prevent a higher number of older persons' dwellings, or a different combination of specialist care categories, from coming forward.

Areas of search for future housing

61. The Plan's key diagram identifies land to the north of Langley Green and north of Forge Wood as areas of search for future housing if safeguarding for a second runway at Gatwick is lifted. The majority of these areas lie within the second runway 66dB noise contour, within which residential development is not normally acceptable (see issue 4b), though they have significant potential if safeguarding is lifted. Part of the land at Langley Green, which includes SHLAA site 299 (land adjacent to Langley Walk/Burlands), is outside the 66dB noise contour and has potential for housing even if safeguarding remains. I acknowledge that access to this area is a significant problem, thereby justifying its omission from the current Plan, but in my view the Council (a major landowner) should investigate all possible means of unlocking this land for future housing development when the Plan is reviewed.

Issue 2c – Whether the Plan makes sound provision for a range of housing in terms of mix, affordability and type.

Housing mix

62. In principle it is appropriate that the mix of dwelling types and sizes to be provided on housing sites should broadly reflect the evidence in the SHMA and future updates. This is particularly relevant to affordable housing, where there is generally a closer match between household size and dwelling size than exists in the market sector, as the 2012 SHMA update recognises. However, when addressing housing mix in the Submission Plan, the distinction between market and affordable housing was not clear-cut and led to some confusion over interpretation. **MM36** provides the necessary clarity to policy H3 and indicates that market demand is also an important consideration. In addition, the 2014 affordable housing needs update found a greater demand for small (1 and 2 bedroom) affordable homes than was estimated in the 2012 study. **MM35** amends the text to ensure that the Plan addresses the latest evidence.

Affordable and low cost housing

63. Policy H4 originally proposed that all residential development should provide 40% of dwellings as affordable housing. Shortly after the Plan was submitted for examination, a Written Ministerial Statement (WMS) and associated change to PPG stated that affordable housing should not be sought from schemes of 10 units or less. The Council proposed a modification to policy H4 to comply with this change in national policy, which was accepted by the parties present at the hearings. In August 2015, following a successful High Court challenge to the Secretary of State's policy change⁷ and the subsequent deletion of the alterations to PPG, the Council proposed to revert to the original policy H4 by

⁷ West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin).

removing the threshold for affordable housing contributions. This is the basis⁸ on which I have assessed the soundness of the policy.

64. Policy H4 allows for an exception to the 40% affordable housing target if there is evidence that a particular scheme would not be viable. Despite this, house-builder representatives argue that the 40% requirement is too onerous and would prevent marginal schemes coming forward. During the hearings it became apparent that the Council's February 2015 viability update had not fully assessed the cost of impending national policy changes, such as the shift towards more energy efficient housing, nor did it take full account of the cumulative costs associated with other policies of the Plan. These matters were addressed in the April 2015 viability update and discussed at the final hearing session. As a result of much higher development values which reflect the strengthening economy, the updated viability study indicates that despite significantly increased costs, all residential sites would be viable. A further update in August 2015 shows that viability is likely to be maintained on the small (10 dwelling or fewer) sites to which policy H4 now applies.
65. There is no compelling evidence which challenges the findings of the viability study and, given the appreciable margin by which most sites exceed the viability threshold, it is reasonable to assume that 40% affordable housing should not be a major issue. Moreover, if a specific site encounters particularly high development costs which make 40% affordable housing unviable, the exception clause in the policy would apply. For these reasons the 40% affordable housing target is sound.
66. The Council identifies a distinct gap in the housing market, comprised of people who do not qualify for affordable housing but cannot afford entry-level market housing. To meet this particular need, policy H4 seeks approximately 10% of housing on sites of 15 dwellings or more to be provided as low cost market housing (at a discount of up to 10%) to first-time buyers. This requirement is additional to the 40% affordable housing and, as it has been incorporated into the viability studies, in theory it should be deliverable. I acknowledge developer concerns that the viability study may have underestimated build costs (especially for medium-size schemes) by using the lower Gleeds index rather than the more common Building Cost Information Service, but most schemes show sufficient margin above the viability threshold to provide some tolerance should build costs be higher. I accept that the omission of abnormal site costs (including site preparation) from the generic modelling does not accord with best practice, but an allowance is included in the site-specific studies on which I have placed greater reliance. In any event, the exception clause of policy H4 applies to low cost housing and provides an appropriate mechanism for sites where viability is a concern.
67. As the Government's 'Starter Homes' initiative demonstrates, there is clearly a need for low cost market homes to help first time buyers get onto the housing ladder. Concerns over a lack of precision about how the requirement would operate have been addressed by **MM37** and **MM38**. These indicate that low cost housing is a one-off discount that is likely to form part of the developer's marketing strategy – the Council gave examples of incentives such as the waiving of stamp duty and/or the inclusion of carpets in the house sale. In

⁸ As set out in the Council's document CBC/061.

addition, the modifications include a hierarchy of expectations for subsidised housing in which the low cost element is the first to be reduced or removed if a particular scheme is not viable. Subject to these modifications, the low cost housing proposal is sound.

Accommodation for gypsies and travellers

68. A recent needs assessment found that, while there is not an immediate or short-term need for a site for gypsies and travellers, a reserve site should be identified to meet a possible need for up to ten pitches from newly-formed families in future years. Broadfield Kennels, a vacant Council-owned site, is in most respects ideally located, being on the edge of the settlement but reasonably secluded from surrounding uses and close to the facilities of Broadfield neighbourhood centre. Concerns about the safety of highway access from the high speed A264 dual carriageway are understandable, but the local highway authority is satisfied that, with improvements to both its width and gradient, the access can be made safe. The Council believes that the cost of these improvements is not prohibitive, though no details were provided; given the contingent nature of the proposal, this is acceptable.
69. Broadfield Kennels is on the edge of the countryside and High Weald Area of Outstanding Natural Beauty (AONB), necessitating careful consideration of the landscape and ecological impacts of any development. Despite concerns, the High Weald AONB Unit does not object to the allocation. There is sufficient land to enable the effects on the landscape and scenic beauty of the AONB and the biodiversity interests of the location to be moderated. I believe that the site is the only reasonable option of the alternatives identified and there is no evidence that the possible need could be met elsewhere. Thus in principle a limited development on this previously developed land in the AONB is acceptable. Subject to **MM39**, which identifies the scale of the need and adds a requirement for adequate pedestrian and cycle access, policy H5 is sound.
70. Policy H5 also sets out criteria for assessing other proposals for permanent or transit sites for travellers. I note the concern about the impact of noise levels above 57dB for temporary sites, but the policy ensures that exposure to higher noise levels would only be short-lived and there is no evidence that this would cause serious long term health impacts.

3 – EMPLOYMENT and TOWN CENTRES

Issue 3a - Whether the assessment of employment need is robust having regard to the evidence base and the requirements of national policy.

Objectively assessed employment need

71. Economic Growth Assessment (EGA) studies have produced scenarios which model employment growth using trend-based forecasts for different economic sectors. The Submission Plan identified a baseline demand for 16,500 new jobs over the 2011-2031 period, based on May 2013 data. At examination an updated EGA uses December 2014 data to forecast 15,160 new jobs over the 2015-2030 Plan period, of which about 25% (3,720) would be in B-class uses. This represents 1,011 new jobs pa and translates into a B-class land

requirement of 57.9ha. Two alternative scenarios assess the potential uplift to economic growth that could arise if additional sites were brought forward over the Plan period. The higher growth scenario focuses on a number of key sectors thought to have greatest potential for growth in the Gatwick Diamond area and forecasts a total increase of 17,595 jobs, with nearly all the increase over the baseline forecast being in B-class uses. A third (theoretical) scenario explores the potential for additional growth if two strategic employment sites were brought forward in Crawley; this would create 21,160 new jobs.

72. NPPF requires plans to have a strategy which positively and proactively encourages sustainable economic growth, supports existing and emerging business sectors, and has flexible policies that can accommodate unforeseen circumstances. I appreciate the argument that the higher growth scenario might be regarded as better meeting these objectives than the baseline scenario, particularly given Crawley's position at the heart of the Gatwick Diamond. However, analysis of the data does not provide unequivocal support for either the baseline or the higher growth scenarios.
73. The updated baseline scenario is based on 'Gross Value Added' growth of 3.1%pa, which is a reasonably strong level of growth over a 15 year period that is likely to see periods of slower as well as faster growth. It represents an appreciable uplift on the May 2013 forecast of 822 jobs pa on which the Submission Plan was based, reflecting better growth prospects as the economy emerges from recession, and would result in slightly more jobs than the annual average growth over the past 18 years of 992 jobs pa. Focusing on B-class jobs (the element of employment growth on which land requirements are based), the 248pa growth in B-class jobs in the updated baseline forecast is lower than the equivalent figure of 294pa B-class jobs in the earlier forecast, mainly as a result of slower predicted growth in office employment. However, the figure is above the long term historic growth in B-class jobs of 222pa.
74. Given the strong current demand for office floorspace in Crawley, the lower growth prediction in the updated report is somewhat surprising and, as the report suggests, may be a reflection of the sensitivity of local forecasts to national macroeconomic conditions. It is also difficult to reconcile with the much higher jobs forecast derived from the forward projection of past take up rates. Nevertheless, it is probably a slightly more robust prediction than the higher growth scenario, which forecasts B-class jobs growth of 395pa over the Plan period, substantially above previous predictions and the levels reached in the recent past. This lends weight to the Council's argument that the baseline forecast is, as its name suggests, the minimum level of employment growth that should be planned for.
75. It is important to recognise the limitations of this trend-based analysis, which projects forward past patterns of regional growth in different economic sectors and does not take account of local changes between sectors or significant policy interventions. In particular, the Government's decision on the future of Gatwick airport could have major implications for economic growth in Crawley. Furthermore, the analysis assumes no change to the inter-relationship between Crawley and other districts in the Gatwick Diamond. Given the constraints on land availability in Crawley and the intention that around half the population growth is expected to occur at unknown locations outside the

borough, future living and working patterns may change. Thus, whilst the baseline figure of employment growth is sound at present, further testing of population and economic growth is required at sub-regional level once these issues are resolved; this should occur as part of the early review of the Plan following the Gatwick airport decision.

Issue 3b - Whether the Plan maximises the delivery of employment land having regard to local constraints and the requirements of national policy.

76. The severe constraints on the availability of developable land in Crawley and the competition for that land from housing and other needs mean that even the baseline B-class land requirement cannot be met. The Submission Plan identified a need over the 2011-2031 period of about 77ha and a supply of 42ha, leaving a shortfall of 35ha. Since then a number of sites have been fully developed, which is a good indication of the strength of demand for employment land at Crawley, but it reduces the available supply to about 23ha. Nevertheless, because the updated growth forecast for 2015-2030 lowers the baseline land requirement to 57.9ha, the shortfall remains at approximately 35ha. The revised figures are set out in **MM15** and **MM16**.
77. I note the argument that the available supply is reduced further, to about 17.5ha, when the current development intentions of site owners and occupiers are taken into account. The Council believes that the figure in the modified Plan is correct because work has not started on these sites, though it acknowledges that much of the supply will soon be taken up given the rapid turnover of sites at Manor Royal, the main source of available land. In practice it matters little which figure is used; the plain fact is that there is insufficient land to meet the employment needs of Crawley beyond the next few years. Moreover, most of the current supply comprises relatively small sites that do not meet the needs of corporate investors. There is strong evidence that at least one new strategic allocation (35-40ha) is required if the growth of the wider Gatwick Diamond is not to be compromised.
78. Sufficient land to meet this need exists in the north of Crawley, but it is within the safeguarding zone for a second Gatwick airport runway and is currently not available. The latest employment land trajectory identifies large areas to the north of Manor Royal and to the east of Gatwick airport which are being promoted for employment development. I share the Council's view that these are the preferred locations for a strategic employment allocation, for they would complement the existing provision at Manor Royal and the airport and would utilise the established transport connections and infrastructure. But there is no realistic prospect of bringing this land forward in advance of the Government's decision on airport expansion.
79. A small elongated area of land at Jersey Farm lies between the northern edge of development at County Oak (part of Manor Royal) and the southern limit of airport safeguarding. The Council considers this to have potential for employment development in years 6-10, whereas the site promoter believes it could be available sooner. There are no significant environmental constraints preventing the early development of this site, and the fact that it is currently countryside should not be an overriding constraint given the scarcity of employment land within the borough. Subject to the detailed design for this area not prejudicing the potential development of safeguarded land to the

north, there is in principle no reason why this land could not contribute to the employment land supply in years 1-5. There is no mention in the Plan of minor extensions of this nature to the built-up area; **MM7**, **MM8** and **MM17** make the appropriate adjustment to policy CH9 and associated text. They are phrased in general terms to allow for the possibility that other small areas of land between Manor Royal and the safeguarding boundary may be identified.

Sites not allocated in the Submission Plan

80. I have considered the contention that because it is not directly required for operational uses associated with a second runway, the safeguarded Gatwick Green site to the east of Balcombe Road should be released now for employment development. It may be, as the promoter argues, that the large area of surface parking for which most of this land is provisionally identified in the Gatwick Master Plan represents a sub-optimal use of land, given its scarcity, and that decked parking could free up land for employment uses. However, the safeguarded area has been identified for many years, it is endorsed by the Civil Aviation Authority, and there is no compelling evidence to suggest that it would not all be required should a second runway be built. As the Core Strategy Inspector remarked, it is difficult to identify on a contingent basis the precise area of land required for such a complex major project and it is not unreasonable to include some flexibility even if not all the land is ultimately used. I consider that the evidence on safeguarding is robust and satisfies the "could be critical" test of paragraph 41 of the NPPF.
81. It is also pertinent that, should Gatwick not be identified as the location for a second runway and safeguarding is lifted, identifying Gatwick Green now would pre-empt a decision about the location of a strategic employment site. At this stage it is appropriate that the Council leaves all options open, including the potential selection of land to the north of Manor Royal, pending the review of the Plan following the second runway decision. For this reason I do not accept the suggestion that a reserve site should be identified. The Council has gone as far as it can by identifying areas of search; to do anything more would be premature and could involve abortive work.
82. For similar reasons, I do not accept the argument that the Council should be more active at this stage in engaging with other authorities to seek provision of employment sites outside the borough. If Gatwick remains a single runway airport and safeguarding is lifted, the available land to the south and/or east of the airport is best placed to meet the medium and longer term employment needs of the borough and the wider Gatwick Diamond. This is different to the housing situation, where the amount of land suitable for new homes would not meet the identified needs even if safeguarding is lifted. Clearly the Council may have to look to its neighbours to satisfy its employment needs if Gatwick gets a second runway or safeguarding is not lifted, but that is a matter for the review of the Plan following the Government's decision.

Issue 3c – Whether the policies for existing employment areas and Gatwick airport are positively prepared and effective.

83. Given the scarcity of employment land, policy EC2 rightly seeks to retain existing employment areas in their current uses and to resist any loss of employment floorspace unless certain conditions are met. It is not entirely

clear from the Submission Plan whether the protection of employment floorspace applies to all main employment areas, including Manor Royal and the town centre; **MM18** ensures that it does. Various amendments are made to clarify and better define the extent of main employment areas, while the boundary between Lowfield Heath and the airport is revised to accurately reflect the current airport boundary (**MM2**, **MM19** and **MM52**). The omission of Manor Royal Buffer Zones from the Local Plan Map is addressed by **MM54**.

84. Policy EC4 aims to ensure that employment uses will not adversely affect adjacent residential areas. The operators of Crawley Goods Yard are concerned that the policy does not adequately address the situation of new residential development that is proposed close to established noisy businesses, thereby potentially threatening those businesses. Recognition of the importance of this railhead as a safeguarded minerals site is provided by **MM20**, while **MM21** makes an appropriate adjustment to policy EC4 by requiring residential development not to constrain the economic function of employment areas.

Gatwick airport

85. The Plan distinguishes between two separate safeguarding requirements in the vicinity of Gatwick airport. Firstly, land adjacent to the airport is safeguarded under policy GAT2 to ensure that, if required by national policy, a second runway and associated airport expansion would not be prejudiced by incompatible development. The airport operator argues that clarification is required over what is meant by minor development which may be acceptable. I believe that the examples provided in policy GAT2 (changes of use and small scale building works, such as residential extensions) are sufficient to convey in broad terms what is likely to be accepted. The Council has proposed to modify the policy to indicate that planning permission may be granted on a temporary basis (**MM51**), which is appropriate. In some instances a judgement as to what comprises minor development will have to be made, but I do not think that further examples in the policy would necessarily assist that process. Nor do I consider that a blanket restriction on traveller, gypsy and travelling show-people sites is warranted simply because gaining vacant possession of the safeguarded land could be difficult.
86. The second matter is aerodrome safeguarding, which requires the Council to consult the airport operator on all planning applications falling within an extensive designated area to ensure that the height or design of development does not interfere with the operational safety of the airport. I acknowledge that Annex 2 to Circular 01/2003 indicates that plans should include a policy on aerodrome safeguarding, but it seems to me that having two policies on safeguarding with two separate land designations on the policies map could cause confusion. Despite there being no mention of aerodrome safeguarding in the extant Local Plan or Core Strategy, there is limited evidence of developers being caught out by the Circular 01/2003 procedure, which in any event requires action solely by the Council. The safeguarding for a second runway is the more significant requirement in that it affects a large area of land which otherwise has major potential for development. In these circumstances I consider that paragraph 9.20 in the Plan, which provides details of the aerodrome safeguarding arrangement, is sufficient.

87. In response to sustainable transport objectives, the Airport Surface Access Strategy (ASAS) for Gatwick seeks to deliver 40% access by public transport modes once the airport reaches 40mppa, with a target stretching to 45% once 40% has been achieved. Nevertheless, the demand for car parking will rise as passenger numbers increase. Currently about 38% of all authorised parking spaces are provided outside the airport. Policy GAT3 requires all new airport parking to be provided within the airport boundary, on the basis that this is the most sustainable location. The airport's car parking strategy indicates that the necessary increase in spaces can be provided on-site by a range of measures, including block parking and decking over existing car parks. I appreciate that decked parking is an expensive way to provide long-stay parking, but there is no evidence that the options in the ASAS are not viable. I acknowledge the risk that higher charges for on-airport parking will increase 'kiss and fly' journeys, which are the least sustainable option, but tackling this is part of the airport's strategy.
88. I accept that there will be some instances where off-airport parking results in shorter overall journeys by private vehicles. However, and in the absence of cogent evidence to the contrary, there is obvious logic to the argument that car parks close to the terminals will minimise the length of car journeys for most people, and that on-airport provision is therefore a more sustainable option. This is particularly the case with the growth in 'meet and greet' services where the extra trip to the parking location invariably extends the car journey length. There may be occasions where sustainability arguments justify a temporary airport parking use, such as on the safeguarded land at City Place, but exceptions such as these do not negate the validity of the policy. Furthermore, given the scarcity of land in Crawley and the available capacity at the airport, there is a strong argument that the priority for land which becomes available outside the airport should be a more productive use such as housing or employment. Overall I conclude that policy GAT3 is sound.

Issue 3d - Whether the approach to retail development and Crawley town centre is effective and consistent with national policy.

89. The Plan adopts the 'town centres first' approach to main town centre uses, identifying Crawley town centre as the focus for retail and other investment that would support the vitality and viability of the sub-regional centre. The town centre boundary is widely drawn to include sizeable areas of office, leisure and educational use, and the Plan encourages a greater diversity of uses including residential. Whilst this is appropriate and consistent with the NPPF, there was some lack of clarity in policies EC5 and EC6 between the approach to the primary shopping area (PSA) and the town centre outside the PSA. The distinction between the PSA and identified shopping frontages was also not entirely clear. **MM22**, **MM23** and **MM24** provide the necessary clarification.
90. The retail evidence base identifies capacity for an additional 26,650 sq m of comparison retail floorspace over the Plan period, a modest increase and significantly less than envisaged in the 2008 Core Strategy. However, no sites are identified in the Plan for retail use, nor is the quantum of retail floorspace stated. I accept that, given the need to retain flexibility and the difficulty in demonstrating the deliverability of retail development on any particular site, specific retail allocations would not be appropriate. However, it is desirable

that the Plan gives an indication of the scale of the anticipated retail growth to 2030; **MM25** makes the required additions to the text.

91. Policy EC7 sought to reflect the sequential and impact tests of the NPPF, albeit within a local context which defines the primary shopping area as the most sequentially preferable location. However, the policy included a need test for proposals for edge-of-centre and out-of-centre locations, which is no longer part of national policy. It also included a floorspace threshold of 2,500 sq m net for the impact test, whereas PPG indicates that the threshold should be 2,500 sq m gross unless a locally appropriate threshold is set. The Council accepts that there is no justification for a local threshold and acknowledges that the figure should be gross rather than net; it also accepts that the requirement for need to be demonstrated is not consistent with national policy. **MM26** is necessary to address these matters.

4 – CHARACTER AND ENVIRONMENT

Issue 4a – Whether the policies for maintaining Crawley's distinctive character are proportionate, effective and consistent with national policy.

92. Policy CH3 lists a series of design, amenity and safety considerations against which all development proposals will be assessed and was broadly supported. However I share the concern about the requirement to comply ("must adhere...") with supplementary planning guidance (SPG) which has not been tested and found sound at examination. **MM3** substitutes the words "should comply..."; this gives some flexibility and, because SPG is merely guidance which does not have the force of policy, it satisfactorily addresses this matter.
93. Internal and external residential space standards are set out in policy CH5 and reflect the standards previously applied by the Council over two decades. During the examination the Government introduced optional technical standards on a limited number of matters, including internal space standards, which can be applied by local authorities provided they form part of local plan policies. For two and three storey dwellings, the internal standards in policy CH5 are more onerous than the prescribed national standard. The Council argues that its local standards should continue to apply until superseded by the national standards, but as these national standards came into force on 1 October 2015, there is no merit – and considerable scope for confusion – in continuing with outdated local requirements. The Council accepts that the policy should be revised to accord with current national policy; this is achieved by an amended **MM4**.
94. PPG indicates that internal space policies should be justified having regard to viability, timing and need. The Council's viability appraisal was based on floorspaces which, on average, are larger than those in the national standard, so viability should not be a concern. Because space standards are already in place, there is no requirement for a transitional period to allow the costs to be factored into land acquisitions. As to need, there is no evidence that the historic application of space standards has inhibited housing development in Crawley. In a town where relatively high density housing predominates, and given the pressure to maximise the number of new dwellings within the borough so as to limit the need for housing in neighbouring areas, it is

reasonable that minimum space standards should be applied. Moreover, as the national space standards are less prescriptive than those currently applied by the Council, there is no additional burden on developers. In these circumstances the internal space standards (as modified) are sound.

95. Submission policy CH5 also includes standards for external amenity space which are a continuation of private outdoor space standards currently applied by the Council. Although the use of such standards is not precluded by recent national policy changes, paragraph 59 of NPPF cautions against design policies that include unnecessary prescription or detail, seeking instead policies which concentrate on guiding matters such as the overall scale, density and layout of new development in relation to neighbouring buildings and the local area. This follows a move away from inflexible space standards to a design-led approach which facilitates imaginative solutions when meeting design objectives.
96. Not only are the external space standards of policy CH5 unnecessarily prescriptive, they are also unduly onerous. At the hearings the Council was unable to convince me that, for example, a typical 3-bed 5 person terraced house requires 90 sq m of private amenity space if it is to satisfy the 'good design' requirement of NPPF. In an urban borough where there is insufficient land to meet about half the housing need, there is a real risk that the Council's space standards militate against innovative housing layouts which could increase densities whilst still delivering high quality residential environments. **MM4** and **MM5** include the necessary deletion of the external space standard. Although the modified policy includes a reference to the extant guidance on external space, that guidance has limited weight given its age and incompatibility with current best practice; moreover, as the modified policy acknowledges, it will be superseded by forthcoming guidance on urban design.
97. The Council acknowledges that the stated 16-18cm diameter of replacement trees required by policy CH6 was an error and should have related to girth. The substitution of the specific size requirement with a more flexible criterion which has regard to the species, location and other factors, as stated in **MM6**, is a more appropriate design-led and site-specific solution.
98. The Submission Plan's approach to heritage assets is complex and, insofar as it appeared to give greater protection to locally rather than nationally designated assets, not consistent with the NPPF. I appreciate that, because the borough has relatively few nationally designated heritage assets, the Council wishes to give great weight to protecting the more numerous local designations, but the Plan should nevertheless reflect the distinction in national policy between designated and non-designated assets. **MM10**, **MM11**, **MM12**, **MM13** and **MM14** change the critical words in policies CH13, CH14, CH15, CH16 and CH17 to ensure that the tests better reflect national policy. In light of Historic England's response to the modifications consultation, I accept that the revised wording to the overarching policy CH12 is not entirely apposite. On reflection I believe that the phrase "respected, preserved or enhanced" best signals the overall approach to the different categories of heritage asset and I have amended **MM9** accordingly.

Issue 4b – Whether the policies for environmental protection, open space and sustainable construction are proportionate, robust and consistent with national policy

99. Policy ENV2 did not clearly distinguish between national and local biodiversity designations and, as a result, the slightly different weight given to their protection in NPPF was not apparent. **MM40** introduces a hierarchy of biodiversity sites and ensures that policy ENV2 better reflects national policy.
100. The identification of land to the east of Balcombe Road as a Biodiversity Opportunity Area (BOA) was made by Sussex Biodiversity Partnership, not the Council, and the inclusion of this area on the Policies Map merely (and properly) reflects this designation. Whilst this agricultural land has less biodiversity interest than the ancient woodland to the west, it does contain ancient hedgerows and land where there are opportunities for enhancement, so there is a reasonable basis for the BOA designation. As the Council points out, a BOA is not a statutory designation or a constraint upon development.
101. The land east of Street Hill that is identified as natural green space is not accessible to the public and, as the Council accepted at the hearings, should not be included in the quantitative assessment of open space. Furthermore, being a natural space which is not "entered and used by the general community" but one which "contributes to visual amenity", it is outside the terms of natural green space in the Council's open space study. The NPPF treats separately accessible open spaces which contribute to sport and recreation (paragraphs 73-74), and green spaces or green areas which, if they have particular value to local communities, can be designated as Local Green Space (paragraph 77 refers to "...green areas *or* open space"). In terms of national policy, I consider that the land east of Street Hill is a green area which is not of sufficient importance to be designated as Local Green Space. Its value is appropriately recognised in its designation as part of a SNCI and a Conservation Area.
102. In the Submission Plan, the final clause of open space policy ENV4 appeared to apply a protection to open spaces which, even if not required for open space purposes, have an amenity, nature conservation, historic or cultural value. **MM41** ensures this clause is no longer a requirement of policy ENV4; instead it indicates that such protections are addressed in greater detail in other policies of the Plan.
103. The Government's review of sustainable design and construction standards progressed throughout the examination and policy ENV6 requires modification to ensure it is up-to-date. **MM42** and **MM43** replace references to the now superseded Code for Sustainable Homes (CSH) with its integration into the Building Regulations regime. In addition, the Council has modified its requirement for non-domestic buildings to achieve BREEAM⁹ 'excellent' to relate only to water and energy credits, and inserted a viability clause. **MM42** also deletes from policy ENV6 the reference to the allowable solutions element of zero carbon homes in light of the recent announcement¹⁰ that the Government does not intend to proceed with this carbon offsetting scheme.
104. Policy ENV6 lists a range of sustainability objectives which all development, including the alteration and extension of existing buildings, should achieve.

⁹ Building Research Establishment Environmental Assessment Methodology

¹⁰ "Productivity Plan - Fixing the Foundations: Creating a more prosperous nation" HM Treasury and Department for Business, Innovation and Skills, 10 July 2015. See Note from Crawley BC dated 21 August 2015, CBC/064.

Whilst it is arguable whether the retention of these objectives is essential, **MM42** requires achievement of them to be 'considered'. On the basis that the sustainability objectives are now aspirational, and as they present a local perspective on the priorities for sustainable construction, the policy as modified is sound subject to a consistent approach in the final paragraph to the objectives being 'addressed' rather than 'achieved'.

105. The Council's commitment to bring forward three district energy networks demonstrates the potential for, and significance of, this form of low carbon energy production in the borough and justifies the inclusion of policy ENV7. However, the Submission policy required developments to make provision for connection to existing or future networks; this goes beyond national policy and unduly limits the options available to developers when meeting energy efficiency standards. **MM44** requires district energy networks to be 'considered' and allows for alternative approaches to securing decentralised energy in cases where such networks are not feasible or viable. Whilst this modification provides the necessary flexibility, the Council also added a new requirement to the alternative solutions, which is that they would be "more carbon efficient". This criterion is more onerous than the original policy and because it imposes a degree of prescription which is not consistent with NPPF, it has been deleted from the modification.
106. One representor criticises the Council for failing to understand the benefit of working collaboratively to bring major combined heat and power (CHP) schemes to fruition. The proposal for a major CHP scheme serving the Gatwick Diamond communities (including a new Rusper Garden Suburb) would, from the limited information provided, lie outside Crawley and, if it is considered feasible, would no doubt form part of the duty to co-operate discussions with neighbouring authorities. My main task in this examination is to ensure a robust policy framework for Crawley; policy ENV7 applies equally to large and small scale proposals and would support major CHP schemes. As modified, the policy is sound.
107. Parts of Crawley are at risk from flooding and, as required by the NPPF, policy ENV8 includes a sequential approach which seeks to direct development to areas of lowest flood risk. **MM45** is necessary to remove reference to the superseded CSH and clarifies that Sustainable Drainage Systems are the preferred means for treating and reducing surface water run-off. With regard to water supply, there is compelling evidence that Crawley is within an area of serious water stress, thereby justifying application of the optional water efficiency standard for new homes that is available in the Building Regulations. Policy ENV9 was drafted before the optional standards procedure was finalised; **MM46** and **MM47** make appropriate revisions, deleting the reference to CSH and incorporating the tighter water efficiency requirement that is necessary for the optional Building Regulations standard to be invoked.
108. Areas of Crawley suffer from high levels of noise from main roads, industrial activity and Gatwick airport. Policy ENV11 aims to control and, where possible, reduce people's exposure to noise without restricting the ability of noise generating businesses to grow, in line with NPPF paragraph 123. Whilst broadly achieving this aim, the reason for the different approaches to dealing with transport and industrial/commercial noise was not clear, nor was it clear why the test to determine the acceptability of noise impact varied between

noise sensitive and noise generating development. A simplified and more consistent approach is set out in **MM48**, which satisfies the NPPF tests.

109. Detailed technical guidance on the application of policy ENV11 is provided in the Noise Annex at the end of the Plan. In terms of transport noise, the Council points to evidence that suggests that unacceptable adverse effects on health could occur at a threshold of 66dB, a figure that was supported in the Secretary of State's decision on the North East Sector development (now Forge Wood). Despite this, a figure of 69dB was included in the Noise Annex to allow for the possibility of infill development in existing high noise locations. There was no evidence to justify a figure above the 66dB threshold, and the fact that some existing dwellings may be exposed (either now or in future) to higher levels is not sufficient reason to add to them. In these circumstances an upper limit of 66dB is appropriate; **MM53** includes the necessary revision.

5 – INFRASTRUCTURE AND IMPLEMENTATION

Issue – Whether the Plan is sufficiently effective and proactive to ensure timely delivery of its proposals and the necessary infrastructure.

110. Policy IN1 includes a general requirement for development to be supported by the necessary infrastructure. Some utility and infrastructure providers have suggested that the Plan requires a specific policy to address their particular area of interest. However, the CBLP is accompanied by an Infrastructure Plan (IP) which identifies, for each key infrastructure type, the current situation, the needs arising from the implementation of the CBLP, any additional studies required and the likely sources of funding. This is a reasonable approach and avoids the complexity of having to separately identify in the Plan the requirements of a wide range of infrastructure providers.
111. Highways England seeks assurance that the improvements required at M23 junction 9 to cater for the total amount of housing proposed in Crawley by 2030 are affordable and deliverable. The IP identifies a range of likely sources of funding over the Plan period which includes £18.1m already secured from the Coast to Capital Local Enterprise Partnership for a package of schemes set out in the Strategic Economic Plan. Other funding sources are not quantified, so at present it is not possible to be certain that the total cost of highway works required to cater for the growth proposed in the Plan will be secured. Nevertheless, as the junction 9 works would not be needed until the latter part of the Plan period, there is a reasonable prospect that additional bids for funding will be successful.
112. In any event, the implication of policy IN1 is that development would not be permitted if the necessary infrastructure is not in place. This is reinforced by **MM49**, which includes a more stringent policy test of "significant cumulative effects" on existing infrastructure services, and the change to the text (**MM50**) which indicates that the overall capacity limits advised by infrastructure providers should not be breached. I consider that the Plan as modified contains sufficient safeguards to allay the concern of Highways England. The same reasoning applies to the concerns of the sewerage and water undertakers that extra capacity may be required in the latter part of the Plan period.

113. The Submission Plan includes a brief monitoring and implementation section which identifies the monitoring indicators that will be used to assess delivery of the Plan against key objectives. This section is part of a separate Monitoring and Implementation Framework (MIF) and it omits important aspects of the MIF such as targets and triggers for remedial action if the desired outcomes are not being delivered. To avoid creating a false impression that a robust system for monitoring is not in place, **MM1** removes this section from the Plan and replaces it with a sentence which refers to the existence, scope and purpose of the separate MIF.

Assessment of Legal Compliance

114. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Crawley Borough Local Plan 2015-2030 is identified within the approved LDS (November 2014 Update) which sets out an expected adoption date of October/November 2015. The Local Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2011 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (November 2013) sets out why AA is not necessary.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

115. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

116. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Crawley Borough Local Plan 2015-2030 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Martin Pike

Inspector

This report is accompanied by the Appendix containing the Main Modifications