



Sussex
Wildlife Trust

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by email only

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Sussex Wildlife Trust Response to May/June 2023 Regulation 19 Submission Version - Crawley Local Plan.

Having reviewed the Submission Local Plan, the Sussex Wildlife Trust (SWT) wishes to submit further comments, in addition to our previous Regulation 19 consultation comments.

SWT previously submitted to the first Crawley Borough Council (CBC) Regulation 19 response in March 2020 and the second Regulation 19 consultation in Jan 2021. Having looked at the current Regulation 19 we can see that some of our comments have been considered and incorporated in this latest submission version. However, unless stated our comments from previous submissions still stand and we will assume these will also be sent to the Planning Inspector.

An absence of comment on an individual policy should not be considered a reflection of our support or objection to a policy.

Where we are proposing a change to policy or the supporting text, recommended additions are highlighted in **bold** and deletions are ~~struck through~~.

Section 10 Gatwick Airport

Policy GAT2: Safeguarded Land

SWT highlights that there has been uncertainty from the LPA about this policy throughout the consultation process, but that it has now been incorporated into the submission version of the plan.

SWT does not support the expansion of the airport and we do not feel this policy is consistent with sections 170 and 174 of the NPPF. The potential impacts on the land, and in particular those areas of high biodiversity value, must be made clear. We highlighted that CBC have not currently made it clear what the safeguarded land would be considered potentially suitable for if the safeguarding was removed.

We support the position of the Woodland Trust that;

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The policy should ensure that no areas of ancient woodland or veteran trees are included in this land safeguarded for future airport development.

We are concerned that the proposed area includes the following ancient semi-natural woodlands (ASNW):

- Allen's Wood ASNW (Grid reference: TQ3003540208)
- Huntsgreen Wood ASNW (Grid reference: TQ2828540024)
- Horleyland Wood ASNW (Grid reference: TQ2898240539)
- Rowley Wood ASNW (Grid reference: TQ2791939226)
- Unnamed ASNW at TQ2955640750

In addition, we are concerned about the proximity of the site to

- Black Corner Wood ASNW (Grid reference: TQ2996939934)

We consider that this policy is not legally compliant or sound unless these areas of ancient woodland are excluded from any future development sites, with an appropriate buffer specified.

Section 12 Housing

Our comments relating to this section still stand. However, we wish to recognise that the page references have changed from 152-154 and are now 158-160.

SWT recommends that CBC is strong in setting out the constraints in the district to delivering housing. A ministerial statement in relation to planning was made on 6 December 2021¹ and in light of this statement, which highlighted potential changes in respect of housing components of strategic plans, SWT asks whether CBC will seek to reconsider the delivery of the housing target?

Policy H2: Key Housing Sites

We note this policy suggests new housing sites as well as those that are being brought forward from the last plan. We are not aware of any work to show that preliminary ecological appraisals of these sites have been undertaken prior to their inclusion within the submission Local Plan. We strongly encourage CBC to consider the way these potential allocations sit within the green infrastructure strategy for the Borough and to ensure that when allocations are made, they do not act to sever ecological networks vital for climate change resilience and natural capital, as per paragraphs 170 and 148 of the NPPF.

SWT maintains its objection to the allocation of a Local Wildlife Site for housing. Given the requirement in the NPPF for plans to promote the conservation, restoration and enhancement of ecological networks and the fundamental role that locally designated sites play in this network, this is inappropriate.

The Government's Planning Practice Guidance (ref: 013-20190721) states that LWS are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.

¹ <https://questions-statements.parliament.uk/written-statements/detail/2022-12-06/hcws415>

Therefore, we continue to recommend that the Land East of Balcombe Road/Street Hill, Pound Hill Land / allocation should be removed from the policy. Whilst we acknowledge that the policy includes measures to protect the LWS and supporting habitat, we feel that these extensive measures only act to highlight the value of the area for biodiversity and as such development of this allocation should not be pursued.

Section 14 Green Infrastructure and Biodiversity

Policy GI2 Biodiversity Sites

SWT strongly supports the inclusion of this policy.

SWT notes that our comments relating to policy GI2 made at the Jan 2021 Regulation 19 consultation have now been Incorporated into this most recent submission version of the plan.

Policy GI3 Biodiversity and Net Gain

SWT supports the inclusion of a policy which sets out the need for the delivery of measurable net gain, in line with the National Planning Policy Framework 2021 and the Environment Act 2021.

While we are supportive of the policy, we consider small elements of the policy wording need to be more clearly expressed to applicants.

We would suggest that the policy must be clear from the outset that delivery of a measurable net gain to biodiversity will be in addition to the requirements of the Mitigation Hierarchy. It is important that this is clear to applicants, who may not be familiar with this process. This could be achieved by moving the paragraph that is currently last in the policy further up, to sit as the third paragraph. SWT would suggest this then makes clear that the Mitigation Hierarchy for an application must be established first. The policy can then go on to explain that in addition to this requirement, development must also deliver a net gain to biodiversity.

Our other comment relating to clarity, is that the policy currently states:

Developments that are of a smaller size should look to use the Urban Greening Factor criteria to achieve appropriate improvements and gains to the environment.

We remind CBC that the Defra Metric does provide a Small Sites Metric in addition to the main metric. The Small Sites Metric² is designed for small sites where priority habitats are not on site. SWT supports the use of the Urban Green Factor in the local plan policy for the appropriate sites. It is important to recognise that BNG and the Urban Green Factor provide two completely separate measurements and cannot be mixed. BNG concentrates on ecological biodiversity while the UGF is more interested in the wider environmental benefits that green infrastructure can provide.

As a result, it might be pertinent to consider that wording relating to the Urban Green Factor is not just related purely to size of the development.

² <https://publications.naturalengland.org.uk/publication/6047259574927360>

SWT proposes that the policy must be clearer on the delivery mechanism for Biodiversity Net Gain.

Currently the policy states:

In the first instance 'net gains' should be sought on-site. If on-site is not feasible then offsite 'net gains' should be sought in the form of 'Biodiversity Credits'. Gains should be sought for perpetuity for the lifetime of the development. Any credits that are bought to deliver off-site Net Gains should demonstrate that they will be secured for at least 30 years via conditions or agreements.

The policy currently seems to suggest that if BNG cannot be delivered on site then it jumps straight to it being sought off site in the form of biodiversity credits. SWT suggests the policy should highlight that net gain should be sought on site through the delivery of units, but if this is not possible then habitat creation off site through the delivery of units is pursued; and provide clarity that if BNG cannot be delivered through either of these means then it should take the form of Biodiversity Credits to be delivered as part of strategic solution with focus on the emerging Local Nature Recovery Strategy. SWT proposes the following amendments to the policy wording:

*In the first instance 'net gains' **units** should be sought on-site. If on-site is not feasible then **delivery of** offsite 'net gains' **units should be identified as part of a strategic solution. Where neither of these options can be identified, net gains** should be sought in the form of 'Biodiversity Credits' **that can contribute to a strategic solution**. Gains should be sought for perpetuity for the lifetime of the development. Any credits that are bought to deliver off-site Net Gains should demonstrate that they will be secured for at least 30 years via conditions or agreements.*

By adopting the proposed amendments, the policy would be in line with the guidance from Natural England³

Strategic Policy GI4: Local Green Space

SWT supports the Inclusion of this policy, as per our previous representation.

Section 15 Sustainable design and construction

Policy SDC4: Water Neutrality

Sussex Wildlife Trust welcomes the Inclusion of this new policy in light of Natural England's findings, which relate to impacts on Protected Sites within the Sussex North Water Resource Zone. We recognise the inclusions of these Water Neutrality Policies in the Local Plans of the Local Authorities within the Sussex North Water Resource Zone are emerging and therefore their effectiveness has yet to be tested.

We do draw CBC's attention to the fact that the current policy wording in the submission plan does not seem to state the need for 'off setting' to be in place ahead of occupation of properties.

³ https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compressed-002.pdf

This is not consistent with the Sussex North Water Neutrality Study: Part C – Mitigation Strategy Final Report, November 2022, which stipulates that:

“Offsetting must be in place before the water demand is generated, for instance before new houses are occupied. If it is not possible to provide sufficient offsetting, either because it cannot be delivered fast enough, or there is not enough available offsetting to meet demand, this will restrict the amount of growth that can go ahead.” (Paragraph viii).

We propose an addition to the policy:

Offsetting must be in place and operational before occupation of dwellings occurs.

We note that the Monitoring report states that 'Net change in water demand within the part of Crawley which falls within the Sussex North Water Resource Zone.' Is this a consistent approach with the other LPA monitoring?

Section 17 Sustainable Transport

Policy ST4: Area of Search for a Crawley Western Multi-Modal Transport Link

SWT notes that this policy has changed its name since the last Regulation 19 Consultation, when it was referred to as ST4: Safeguarding of a Search Corridor for a Crawley Western Link Road. Despite the name change, SWT sees that the area search still includes areas of known biodiversity value including a Local Wildlife Site and ancient woodland.

We acknowledge that the supporting text (17.24) states:

New highways crossing the Ifield Brook Meadows and Rusper Road Playing Fields Local Green Space would be wholly unacceptable, given the impact this would have on ancient woodland, the biodiversity in the LWS and LNR, the character of Ifield Village Conservation Area, the flood plain and the recreational use of the Local Green Space.

SWT is concerned that this commitment is not translated into the policy wording. We propose an amendment to the policy wording, ST4, bullet point (a):

The design and route of the Western Multi-Modal Transport Link must take account of:

a. its impact on (but not limited to):

- *existing properties which could be affected by the final route;*
- *residential and commercial properties close to the final route;*
- *the flood plain;*
- *the rural landscape;*
- *local biodiversity & **protected sites**;*
- *sports pitch provision and recreation facilities; and*
- *heritage and heritage landscape assets and visual intrusion.*

This would support consistency with policy GI2 and NPPF2021; Para 174, 179 & 180.

We hope our recommendations are adopted to ensure that the policies within the Crawley Local Plan are as robust and effective as possible.

SWT would be happy to discuss any of the above points with CBC.

We do wish to attend the Examination in Public to ensure our views are given due consideration.

Yours sincerely,

Laura Brook
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