



Sussex
Wildlife Trust

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Attn: Strategic Planning
Crawley Borough Council

Draft Crawley Borough Local Plan 2020 – 2035

Submission Publication Consultation Jan – March 2020 (Regulation 19)

The Sussex Wildlife Trust (SWT) recognises the importance of a plan led system as opposed to a developer led process and supports Crawley Borough Council's (CBC) desire to produce a cohesive Local Plan. Therefore we hope that our comments to this regulation 19 consultation are used constructively to make certain that this proposed submission plan properly plans for the natural capital needed within the Borough and ensures that any development is truly sustainable.

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

Crawley 2035 Vision

SWT welcomes the steps CBC have taken to consider and incorporate the comments we made during the Regulation 18 consultation.

We acknowledge that CBC have made a number of amendments to the section headed: Protecting the Environment: Sustainability, including taking on board our comments regarding prioritising sustainable transport modes as per paragraph 110 of the National Planning Policy Framework (NPPF). We do feel the council could ensure the plan is more forward think by stating clearly that they will reduce the need to travel as per our Regulation 18 proposed amendment.

Changes to the biodiversity wording has been incorporated but we encourage stronger and more positive wording in relation to CBC protected sites. This would be in line with section 174 of the NPPF (2019).

To ensure compliance with National Policy, we therefore recommend the following modifications to the Protecting the Environment section:

*By 2035, significant progress will have been made towards Crawley becoming a carbon neutral town. Active travel and public transport will be significantly improved and supported by a road network that prioritises sustainable transport modes. Electric Vehicles will be promoted along with, and through, e-car clubs. A sustainable road network will be complemented by a good public transport system, giving people choice about how they travel. As a modern town, the technological and communication infrastructure will be in place to ensure residents and businesses have the support needed to develop and grow **and reduce their need to travel**.*

Conserving natural resources to support future growth will be vital to the longevity of the town. Air, noise and water

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pollution will be reduced. The borough will prepare for the increasing effects of climate change, through adaptation measures including lower water usage standards and delivering a net gain in biodiversity. ***The borough will protect the connectivity and function of its network of protected sites while delivering wider net gains to the borough's biodiversity.*** Losses to protected and priority species and habitats will have been avoided and the delivery of vital ecosystem services, including pollination, flood alleviation and carbon capture, will have been enhanced in order to facilitate a sustainable and resilient future.

Section 2 – Crawley 2035 Spatial context

SWT is pleased to see that CBC have acknowledge the need for this section to include wording that considers the need for a spatial approach to biodiversity as per 171 of the NPPF.

We believe that the penultimate line of paragraph 2.34 is an error. We support the sentiment and would support its inclusion in the plan, but do not think it has been edited correctly.

We are pleased to see our amendment for a 5th bullet point has been included in section 2.37.

Section 3 – Sustainable development

SWT note that CBC have taken on board our comments relating to section 3.9 and made the proposed amendments to bullet point 4.

Strategic Policy SD2: Enabling Healthy Lifestyles and Wellbeing

We note and welcome that amendments have been made to this policy in line with our comments made during the regulation 18 consultation. However we still advise the term high quality be incorporate in relation open space in line with sections 91 and 92 of the NPPF.

We therefore recommend the following amendments to SD2 to ensure it is consistent with National Policy:

New development must be designed to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles and address health and wellbeing needs in Crawley, as identified in the Crawley Joint Strategic Needs Assessment.

In order to maximise opportunities to enable healthy lifestyles, new development must:

- *Meet the principles of good urban design and support Crawley's status as a Dementia-Friendly Town, through ensuring legibility of layout, materials and design(Policies CL2 and DD1);*
- *Meet the needs of all through the use of the highest standards of accessible and inclusive design (Policy DD2);*
- *Provide opportunities for **high quality** open space, play and recreation (Policies OS1 – OS2);*
- *Prioritise the use of accessible and reliable sustainable transport and active travel through providing greater levels of safe and attractive opportunities for active travel (Policies OS3, ST1 – ST2);*
- *Be supported by, and not result in a loss of, necessary infrastructure provision (Policies IN1 – IN2);*
- *Ensure proposals are safe for future site users and do not result in unacceptable harmful impacts (Policies EP1 – EP6); and*
- *Ensure proposals incorporate biodiversity and green infrastructure which enable climate change resilience (Policies GI1 and GI2).*

Major developments must set out how they address the requirements of Policy SD2 as part of the planning application. In order to satisfy this policy requirement, a Health Impact Assessment must be included with qualifying planning applications, as set out in the Local List of Requirements, at the point of submission for validation purposes.

Strategic Policy SD3 North Crawley Area Action Plan

In the regulation 18 plan there was a policy referenced as Strategic Policy GAT2: Safeguarding Land. This policy, which referred to safeguarding land for Gatwick Airport's expansion, no longer appears within the submission publication. We therefore assume that policy SD3 has superseded that approach and that now the North Crawley Area Action Plan will identify the priorities in the area.

In the previous regulation 18 consultation we were unclear how the safeguarded land would be considered under the Local Plan process, however we were clear that SWT does not support the expansion of the airport. While we welcome an approach to create a well-defined vision with the North Crawley Area Action Plan, we are concerned that this will not start until after the Local Plan is adopted. A bold commitment now to potential development in this area, including the Western Arm Link Road, with such limited information to inform this concerns us greatly.

We note that the plan talks about working with bordering authorities in relation to this policy, for example with Horsham District Council (HDC). As you will be aware HDC are going through their regulation 18 consultation on their Local Plan Review at this current time. One of the proposed Strategic Locations within the Horsham Local Plan Review relates to Land West of Crawley, Rusper, this appears to border the proposed North Crawley Area Action Plan to the West. We have not had an opportunity to look at HDC Local Plan in detail yet, but question the soundness of this approach of starting the North Crawley Area Action Plan after the adoption of the plan. This will mean we are not able to access the effectiveness of the both plan policies against the proposals in the North Crawley Area Action Plan.

Section 4 – Character, Landscape & Development Form.

We note that since the regulation 18 consultation the heading and sections have change in section 4 and 5 of the plan. We will therefore reference the old and new policy to ensure the comments are clear.

Strategic Policy CL1

This policy previously was CD1: Neighbourhood Principles and we are encouraged to see that our amendments have been incorporated

Strategic Policy CL2: Making Successful Places: Principles of Good Urban Design

This policy previously was CD2: Making Successful Places: Principles of Good Urban Design and we are encouraged to see that our amendments have been incorporated

Strategic Policy CL3: Local Character and the form of New Development

This policy was previously CD3 Local Character and design of new development. We note that there is now a different layout to this policy, but that our amendments appear to have been incorporated in relation to NPPF paragraph 171. This is welcome.

Strategic Policy CL6: Structural Landscaping

This policy was previously within section 5 under policy LC1. We note that our proposed amendments have been incorporated and now sit within section 4.70.

Strategic Policy CL8: Development outside the Built Up Area.

This policy was previously with section 5 under Strategic Policy LC5. We maintain our position that the presumption should be against any development within the Worth Way Local Wildlife Site (LWS). Additionally, given the valuable habitats it contains, any development within Tilgate Country Park must ensure the conservation and enhancement of biodiversity.

However we do note that if the council proceed with this area for development our comments relating to biodiversity have been incorporated into the policy wording.

Section 5 Design and Development Requirements.

Strategic Policy DD1 Normal Requirements of All New Development

This policy was previously within section 4 and referenced as CD6 Normal Requirements of all New Development. SWT are pleased to see the amendments proposed have been included.

Strategic Policy DD5 Tree Replacement Standards

This policy was previously within section 4 and referenced as LC4 Tree replacement standards. We recommended changes to the supporting text and we acknowledge this has been incorporated in to the submission version in section 5.40.

Strategic Policy DD7 Advertisements.

This policy was previously within section 4 and referenced as CD8 Advertisements. Although we recommended a standalone bullet point we acknowledge that the impact of light pollution on sensitive species and habitats have been included in bullet point (b).

Section 7 – Open Space, Sports and Recreation

Strategic Policy OS2: Provision of Open Space and Recreational Facilities

We note that a number of amendments have been made to this policy including the amendments we suggested.

Section 9 – Economic Growth

Policy EC12: Rural Economy

Our proposed amendments made in our regulation 18 comments have not been incorporated within this policy therefore we maintain that this policy would benefit from the addition of a further bullet point in order to comply with paragraphs 170 and 174 of the NPPF. We therefore make the following recommendation:

'Developments proposals that would result in the loss of connectivity or function of the green infrastructure network and or sites of biodiversity value will be avoided.'

Section 10 - Gatwick Airport

Strategic Policy GAT 1: Development of the airport with a single runway

SWT does not believe that the sustainable expansion of Gatwick Airport is possible against the backdrop of the legal requirement to reduce carbon emissions and meet net zero targets. SWT proposed amendments to the policy that have been partly incorporated. However we are frustrated that the amendment that seeks to include the term *avoided* has not been included.

We recommend the inclusion of avoidance to ensure the policy is compliant with section 175 of the NPPF. We therefore recommend the following amendments to the policy:

ii) *The impacts of the operation of the airport on the environment, including noise, air quality, flooding, surface access, visual impact, biodiversity and climate change, are ~~minimised~~ avoided, where necessary satisfactory safeguards are in place to ensure they are appropriately mitigated and, as a last resort, fair like for like compensation is secured...*

Section 11 – Crawley Town Centre

Strategic Policy TC2 Town Centre Neighbourhood Facilities

SWT notes that changes to this policy have been made, however they do not fully reflect the amendments we proposed.

We encourage CBC to include a reference to high quality green spaces that is accessible to all within the list of neighbourhood facilities. This is needed to be compliant with paragraphs 91 and 96 of the NPPF. We therefore make the following amendment to the policy:

To facilitate the changing role of Crawley Town Centre, development of facilities and services that meet the needs of its growing residential population will be supported. Such Town Centre Neighbourhood Facilities may include:

- i. Local shopping facilities;*
- ii. Community facilities, including community halls, flexible community space, and space for religious or faith activities;*
- iii. Healthcare*
- iv. Education*
- v. Leisure provision.*
- vi. Accessible **High quality green**, open or recreational amenity space, **accessible to all**.*

Section 12 – Housing

Strategic Policy H1: Housing Provision

SWT is concerned by the capture all approach within this policy which states that: *'All reasonable opportunities will be considered including: brownfield sites; surplus green space; town centre living; and opportunities on the edge of Crawley, where these are consistent with the other policies and proposals in this Local Plan and the principle of sustainable development.'*

We acknowledge the policy wording does state 'consistent with the other policies' however we do suggest that the terminology of 'reasonable opportunities' is unclear. CBC should provide further clarity on how the reasonableness of an opportunity will be assessed.

Strategic 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 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.

Therefore we continue to recommend that the Land east of Balcombe Road allocation should be **removed** from the policy. However if CBC are minded to act contrary to the PPG then we do note that CBC have

incorporated the wording we proposed in order to strengthened the policy wording and avoid as many impacts as possible.

Strategic Policy H3g: Urban Extensions

Sussex Wildlife Trust note that this policy does include bullet points (xiii, xiv) that reference biodiversity matters. However we are concern about the deliverability of these points and others within the policy when the urban extension could sit outside the administrative boundaries of CBC. Will this policy be effective in delivery biodiversity net gain for a very large urban extension?

Therefore partnership working with other local authorities that propose policies which related to any urban extension close to but outside CBC administrative boundary must recognise the importance of irreplaceable/priority habitats, strategic green infrastructure and biodiversity net gain.

We also propose the following amendment to bullet point xvi

xvi. Up to date ecological information must be used to inform the design of the development. The D development must incorporate Strategic Green Infrastructure throughout, provide ecological linkages, in particular to support pollination, and result in a Net Gain to biodiversity;

Section 14 – Green Infrastructure and Biodiversity

Strategic Policy GI1: Green Infrastructure

We are supportive of the inclusion of a distinct green infrastructure policy. SWT feels that it demonstrates recognition of the value this infrastructure plays in a multitude of delivery areas, within and across the boundaries of the borough.

We are encouraged to see that the policy has incorporated SWTs suggested wording from the regulation 18 consultation and that other aspects of the policy are strengthened in particular bullet point (iii).

Strategic Policy: GI2 Biodiversity and Net Gain

It is imperative that the policy and guidance is clear that net gain is required in addition to any mitigation and compensation that is required through the mitigation hierarchy.

We are supportive of the inclusion of a biodiversity Net Gain policy as it reflects the aspirations of the NPPF (particularly paragraph 170). The clear aim of this policy should be to set out the council's commitment to ensuring that over the lifetime of the plan there is a measurable net gain to biodiversity through all development. As a result, CBC will need to ensure they are clear on their biodiversity assets at the start of the plan period. Otherwise the monitoring proposed in the sustainability appraisal will not be able demonstrated biodiversity net gain has been achieved. Do CBC feel that their current evidence base will enable this?

It is also important to recognise there will be changes to biodiversity over the plan period as ecosystems shift and change over time. To achieve net gains to biodiversity, the council will need to have clear understanding from the outset of the biodiversity value of the sites proposed for development, the ecosystem services they are delivering and their context in the wider network (to understand function). Therefore, in order to make the policy deliverable, it needs to recognise the necessity of providing the baseline for biodiversity on a proposed site and its surroundings. If measurable net gains are to be achieved as per 174 if the NPPF, then the Defra metric must be successfully applied.

We made recommendations in relation to this point during the regulation 18 consultation, but are concerned that the policy still fails to acknowledge the clear need for up to date ecological information to be the foundation of the approach to net gain.

We note that the council has now included a minimum percentage for the net gain in the policy wording, we support this. However, it maybe that some of the additional wording could be within the supporting text to make the policy more straightforward to apply.

Within the second paragraph of the policy it is stated that the offsite provision of net gain can be through financial contributions. In order for this approach to have any success, we would suggest that CBC ensure that they have a strategic plan in place for the delivery of net gain. We make this suggestion as we are aware of other local authorities within Sussex that have failed to take a strategic approach to biodiversity delivery, simply in terms of compensation for development, without the added need for net gain. This has result in developments that not currently delivering the conditions of the approval.

We propose the following amendments to the policy:

All development proposals will be support by ecological information to ensure that the current biodiversity value of the site is calculated. All development proposals will be expected to incorporate features to encourage biodiversity and enhance existing features of nature conservation value within and around the development. Development will be required to demonstrate how it will meet the government's requirement for securing a 'net gain' in biodiversity. As a minimum, all development proposals will need to achieve a net gain for biodiversity in accordance with government expectations¹¹⁸ currently a 10% increase in habitat value for wildlife compared with the pre-development baseline.

*In the first instance, net gain for biodiversity will be expected to achieve a minimum 10% net increase on site. Only where it is clearly justified this is not practicable to achieve, and where it is shown to have been considered and sought from the early stages of the design and layout of the development, will off-site provision, in the form of equivalent financial contributions, be agreed. **This off site financial provision will be delivered via an identified strategic mechanism for net gain within the Borough.***

Applications should include consideration to securing benefits for the purposes of pollination and biodiversity as part of their on-site landscaping schemes. This can include consideration for green roofs and green walls, where soft landscaping at ground level is limited. Discussions with Gatwick Airport Limited in relation to planting and management to minimise, as far as possible, the risk of bird strike should be held at an early stage of landscape design, in accordance with Policy DD6.

Proposals which would result in significant harm to biodiversity will be refused unless:

- i. this can be avoided by locating on an alternative site with less harmful impact; or*
- ii. the harm can be adequately mitigated, or, as a last resort, compensated for.*

Compensation should consider losses of all the benefits provided by the natural environment.

Development whose primary objective is to conserve or enhance biodiversity will be supported; while opportunities to incorporate biodiversity improvements in and around developments will be encouraged, especially where this can secure measurable net gains for biodiversity.

Developers may be required to commit to providing an Ecological Management Plan/Biodiversity Offset Management Plan for the development site. This will usually apply to larger developments or where a development site is close to an LWS. The developer and/or site manager must ensure the relevant management plan is handed over and explained to any maintenance company or staff responsible for maintaining landscaping and/or gardens and buildings. A simplified version should also be provided for householders and other occupiers, explaining how biodiversity is being protected and encouraged on the site. This commitment will form part of the obligations on a planning permission and will be secured by way of a S106 legal agreement and/or planning condition.

Strategic Policy G13: Biodiversity Sites

We welcome the amendments made to this policy in light of our recommendations. SWT welcomes the acknowledgement that sites designated for their biodiversity value are recognised and protected in line with NPPF paragraphs 171 and 174. Further to this we can see that CBC have taken on board some of our amendments to the policy so that the second paragraph now recognises the importance of function, connectivity and subsequent climate resilience.

We would however ask CBC to consider an amendment to the policy that removes the final part of the sentence relating to past ecological surveys. This is because it may be the case that the site has not been previously surveyed, but it has features that are recognised as valuable for wildlife, for example veteran trees and species rich grassland.

We also suggest that the policy incorporates the clear requirement to follow the mitigation hierarchy as per 175(a) of the NPPF.

We therefore recommend the following amendment to the first paragraph of the policy and additional wording between the current first and second paragraph. Without this we do not believe the policy is compliant with national policy:

Up-to-date habitat and species surveys and associated reports will be required to accompany planning applications which may affect the areas listed below or sites showing likely ecological value. ~~based on past ecological surveys.~~

If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or as last resort compensated then planning permission should be refused.

Hierarchy of Biodiversity Sites

To ensure a net gain to biodiversity...'

Strategic Policy G14: Local Green Space

We welcome the inclusion of this policy as Local Green Spaces can serve many functions for local communities, as well as acting as a valuable area of Natural Capital for the Borough. While we are not in a position to currently identify further local green spaces, we do encourage the council to ensure that the local community is consulted with to ensure these valuable spaces are identified and protected.

Section 17 Sustainable Transport

Strategic Policy ST4: Safeguarding of a search corridor for Crawley Western Relief Road.

SWT is very concerned about the inclusion of this policy with very little explanation of the level of need, potential impacts or understanding of alternative options. The submission plan now provides a further paragraph (17.28) which suggests the corridors area of search may be on the southern edge or within the area previously safeguarded for Gatwick's expansion. The safeguarded area is not clear on the map included in the plan and while we acknowledge the comments made in relation to Policy SD3 the broad area appears to cover areas of known biodiversity value including a Local Wildlife Site and ancient woodland.

More detailed information must be provided to justify the inclusion of this policy.

Sustainability Appraisal

SWT encourages CBC to ensure that the parameters that it intends to use to assess the impacts of the plan are effective in what they are trying to measure. We suggest they look at the effectiveness of these measures in relation to the last iteration of the Local Plan and Sustainability Appraisal to consider whether the sustainability predictions the previous SA came to fruition in terms of impacts on the sustainability objectives. There will be a clear impact on the natural environment from development coupled with a clear focus on the need for planning to deliver net gains to biodiversity. CBC need to ensure they have a sufficient evidence base in place and effective monitoring of targets to demonstrate how this net gain has been achieved. Do CBC think the Sustainability appraisal has gone far enough to address the impacts of development on quality of biodiversity as well as quantity?

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,

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