

CRAWLEY BOROUGH LOCAL PLAN EXAMINATION

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

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

February 2015



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

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

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

- 5.7 Does policy ENV2 pay sufficient regard to the distinction between national and local biodiversity designations, and does it properly reflect the slightly different approach to their protection in NPPF?
- 5.8 Is the extent of the land east of Balcombe Road identified as part of a Biodiversity Opportunity Area based on robust evidence?
- 5.9 Is the identification of land east of Street Hill as Natural Open Space based on robust evidence?
- 5.10 Is the inclusion of clause (d) of policy ENV4 (open space), which refers to matters tested in other policies of the Plan, appropriate?
- 5.11 Do the proposed modifications to policy ENV6 appropriately reflect the impending introduction by Government of national construction standards for dwellings? Is the BREEAM Excellent standard for non-domestic buildings justified by evidence, including that on viability? Are the criteria of policy ENV6 unnecessarily prescriptive?
- 5.12 How would the proposed hierarchy in policy ENV7 (as proposed to be modified) operate – is the policy hierarchical? Is the requirement to be “District Energy network ready” based on robust evidence and consistent with NPPF? Should the ‘technically and financially viable’ clause relate to the entire policy, not just to part of it?
- 5.13 Are the proposed modifications to policy ENV8 (flood risk) consistent with NPPF?
- 5.14 Do the provisions of policy ENV9 (water stress) accord with national policy, and are they based on robust assessments of viability? Does the policy provide sufficient clarity about future requirements once national standards for water efficiency have been adopted?
- 5.15 Is policy ENV11, as proposed to be modified, consistent with national policy and guidance? For noise sensitive development, what is the reason for the distinction between ‘mitigation’ of noise impact from transport sources, and ‘careful planning, layout and design’ for noise impact from industrial/commercial sources? Is it appropriate that the provision for rejecting proposals where the noise impact cannot be made acceptable only relates to noise sensitive development?
- 5.16 Are the threshold noise levels identified in the CBLP Noise Annex justified by robust evidence?

Appendices (separate document)

Appendix A: Proposed Policy ENV2 Main Modifications

Appendix B: Sussex Biodiversity Target Area Identification

Appendix C: Gatwick Woods Biodiversity Opportunity Area Statement

Appendix D: Hedgerow Habitat Action Plan

Appendix E: Gatwick Flood Attenuation Scheme; Landscape, Access and Ecological Mitigation and Enhancement Strategy

Appendix F: Proposed Policy ENV4 Modifications

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

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

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

5.7.2 However, it is agreed that this could be clearer and a further

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

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

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

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

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

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

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

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

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

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

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

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

CBC/012 Matter 5 Character and Environment; Issue 2 February 2015

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

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

- 5.12.5 In line with the NPPF⁴², Crawley has identified opportunities where development can draw energy supply from decentralised supply systems. The council is strongly committed to bringing forward networks alongside key partners in the priority areas as defined on the Local Plan Map⁴³. Appendix A of Topic Paper 7⁴⁴ demonstrates the corporate commitment to this work and provides updates on three priority areas. At K2 Crawley, the initial phase of the network is at implementation stage, a feasibility study for decentralised energy in the town centre is nearing completion and funding from the Department of Energy Climate Change, as part of the Heat Network Development Unit (HNDU) for additional funding for feasibility work for Manor Royal is currently before the department for consideration. A decision is due by the end of February 2015.
- 5.12.6 The council also engages in detailed pre-application and ongoing discussions on key sites, particularly at Manor Royal and the town centre, and this process enables direct and early dialogue to encourage developers to further explore network connections. These have resulted in developments for SECAMB, Surrey County Council and Elekta, as well as speculative offices at Crawley Business Quarter in Manor Royal and Sussex House in the town centre now being network ready for pipe runs, and retains more opportunities for more detailed liaison regarding site specific conditions in anticipation of the implementation of networks.
- 5.12.7 The council is equally committed to establishing a clear planning policy framework (see Appendix H) to ensure developers have the opportunity to future-proof developments to connect to the network, as well as the political and financial commitment to deliver the network as part of its project delivery. The council is committed to working alongside adjacent authorities, most demonstrably with Horsham District Council, to consider opportunities for delivery, and has discussed further opportunities with Reigate and Banstead including good practice and key research information. It is also working in partnership with the Carbon Trust, in the delivery and implementation of planning policies and the networks, as well as alongside Islington Council, who are acting as a critical friend in a peer review capacity to assist delivery and technical support following their success in delivering successful networks. The Policy approach is justified and evidenced by the council's commitment to deliver decentralised energy for the town.

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

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

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

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

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

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

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

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

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

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

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

