
Report to Crawley Borough Council

by Martin Pike BA MA MRTPI

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

Date: 2nd November 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

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

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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	dwellings per annum
EGA	Economic Growth Assessment
ha	hectare
LDS	Local Development Scheme
MM	Main Modification

Non-Technical

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

neighbouring authorities to make appropriate provision. The Council acknowledges

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.

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.

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

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 und/F1rt59 367.y

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

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

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

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
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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

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

borough,

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 f

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

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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.

reasonable that minimum space standards should be applied. Moreover, as the national space standards are less prescriptive than

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

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.

