

PINS advisory video conference, 2 April 2020

Crawley Borough Local Plan

Inspector notes

1. Introduction

This is a summary of the advisory conference that took place on 2 April. The Council very helpfully produced a list of questions in advance of that session, and these notes aim to answer those questions as far as possible. Some questions however can only be resolved by the Inspector conducting the examination. The numbered topics below do not follow the numbering in the Council's set of questions; rather, I have sought to bring related issues together.

2. Plan review

The concept of a proportionate, whole plan review appears to be appropriate, but obviously it will be for the examining Inspector to conclude on soundness.

3. Strategic policies

See paragraph 20 of the NPPF. The Council need to reconsider the approach taken by the draft plan towards strategic policies since many policies marked "strategic" cover non-strategic subjects. Strategic policies are those that set out an overall strategy in relation to spatial distribution (pattern) scale and quality relating to housing, infrastructure, community facilities, heritage, green infrastructure and climate change. The key lead-in policies for each topic may often be the strategic ones.

4. Meeting housing and other needs

The Crawley Local Plan cannot meet all its housing or employment needs. In this situation an Inspector would examine what work had been done to explore all possibilities for accommodating needs within its area. Such work might include reviewing the redevelopment potential of sites, areas and buildings, examining densities, reviewing open space and, where relevant, undertaking a landscape appraisal and a Green Belt review. An Inspector would also look at any Statement of Common Ground produced as part of the Duty to Cooperate to see what steps were being proposed by nearby local authorities and other public bodies to meet Crawley's unmet needs outside the Borough, and the timescale of such initiatives.

Not only will Crawley have unmet housing need, it also appears that the Standard Method will point to an increase in the housing requirement in other local authority areas in north West Sussex. In the circumstances, the Inspector is likely to look for something more than the statement in

Policy H1 about “continuing to work closely” with its neighbours. The SoCG should contain a commitment from Crawley and its neighbours to work collaboratively on a strategy to meet these needs, with a timescale.

The same goes for existing and future unmet education and health needs. These issues should be addressed in the SoCG and there needs to be a clear strategy and a commitment by the education and health authorities and the neighbouring local authorities to meet them.

In evaluating the obligation under the DtC, the Inspector will look at the collaborative methods and the efforts that have been made to ensure that needs are properly dealt with. Preferably, there should be one SoCG rather than a series of SoCGs with different authorities, because addressing the needs of Crawley and the wider sub-region should take place within a coordinated single strategy.

5. The housing trajectory

In principle there is nothing wrong with a staged trajectory as in Policy H1, in areas with a capacity-based housing requirement where it reflects the reality of delivery rates. The examining Inspector will consider in detail the justification for the trajectory. Policy H1 ought to express the unmet need in terms of dwellings per annum as well as an overall plan figure, to be consistent with the figures set out under the standard method in the table in paragraph 12.8, and to enable the annualised figure to be taken into account in collaborative forward planning with other authorities.

6. Gatwick Airport and safeguarded land

North of Crawley, 613 ha of land is safeguarded for the construction of a runway and associated facilities. Policy SD3 anticipates the removal of the safeguarding and proposes an AAP to govern future economic, housing and other development in the area when safeguarding is lifted, with work starting within 3 months of the adoption of the plan. However, the removal of safeguarding cannot be regarded as certain, nor is any timescale known, partly owing to the current position regarding the Airports National Policy Statement. Also, Gatwick Airport objects to the removal of the safeguarding, and the Gatwick Airport Masterplan states that it is in the national interest to continue with the strategy of safeguarding (para 10.10). Therefore Policy SD3, which puts forward an AAP for the development of the safeguarded area for economic, housing and other uses, is unlikely to be effective as things stand. A further point is that if this large area of land is released from safeguarding during the life of the plan, it would probably result in a significant change to the plan’s overall development strategy; in those circumstances, an AAP

would not be appropriate because AAPs should be consistent with the strategy of the submitted plan.

This would suggest that the submitted plan should contain a review trigger rather than a reference to an AAP. A plan review would enable the plan's whole development and spatial strategy to be re-examined should the additional land become available. The plan can flag up the intention to produce a plan review in the event that national aviation policy changes.

The last paragraph of Policy GAT1 should be in the supporting text, since specific requirements will be dealt with by the DCO.

7. The timing of the plan's submission and the availability of documents

Consultation under Regulation 19 has been carried out and there is an intention to submit the plan quite soon. My advice is not to do so, for three main reasons.

Firstly, some key documents are not yet available, including the transport modelling, the viability study, the strategic flood risk assessment, and the key SoCG addressing unmet housing and employment needs. These are important parts of the evidence base and have the potential to influence urban capacity, the housing requirement, affordable housing provision, the distribution of development, and the HRA and AA.

Secondly, stakeholders may have wanted to look at this important evidence when making their representations. This leaves the Council open to criticism that it did not make the appropriate information available to the public at the right time.

Thirdly, it is not good practice to introduce important parts of the evidence base into an examination when it is already under way. These documents may be relevant to the plan's strategy and if they give rise to key issues during the course of the examination there will be delay and possible soundness problems.

Any pre-submission change in strategy, and certainly any decision to drop the AAP policy at Gatwick prior to submission, will make further Reg 19 consultation necessary. It will not be appropriate to deal with these matters as main modifications because they relate to the plan's strategy.

The Council expressed concern that the time taken to complete the evidence base and carry out further Regulation 19 consultation would jeopardise compliance with the 5 year requirement for plan review under 17(6A) of the 2004 Act and Regulation 10A. However, the 5 year requirement relates to the review of the plan, not the adoption of a new plan. "Reviewing" means the Council has assessed its existing adopted

plan in order to decide either that it is fully up-to-date, or that factors such as changes in local circumstances and/or to national policy mean that it needs revising or updating. It appears that the Council has, in effect, already carried out that review as a precursor to the preparation of the new plan for submission. Consequently, there is no difficulty in holding over the plan's submission until the full evidence base and SoCG are in place and until further Regulation 19 consultation has taken place.

8. Urban design and related policies

I appreciate what the Council is aiming to achieve in terms of urban design, but would suggest that there is too much overlap between the character, movement, layout and scale policies. This risks reducing their legibility for stakeholders and decision makers and hence their effectiveness. I would suggest that CL2 should be the main strategic policy for urban design, containing all the main urban design principles (such as permeability, legibility, connectivity active street frontages, natural surveillance, the quality of spaces, the role of density, the use of design review and other participatory techniques and so on) and cross-referencing to subsequent non-strategic policies, each of which should deal solely with a single topic: local distinctiveness, movement, density requirements, masterplanning and so on. DD1 deals with living conditions and does not need to stray into urban design.

The plan can set out density policies, but should recognise that on-the-ground densities need to take into account other factors such as local character and heritage, housing mix and proximity to public open space.

9. Employment

The NPPF states that planning policies should set out a clear economic vision and strategy and plans should meet anticipated needs over the plan period. These include the requirements of different sectors including clusters of knowledge, data-driven, creative and high tech industries. These won't necessarily be predicted by extrapolating past trends.

I would suggest that the policy situation is not the same now as it was when the current local plan was examined. The NPPF says that local plan policies should positively and proactively encourage sustainable economic growth. With the safeguarding of land at North Crawley still in place, the Council should be proactively seeking to accommodate unmet economic needs in nearby authority areas through the DtC.

Obviously, if a decision were made to release the safeguarded land, the implications of this could lead to a different strategy, but as previously pointed out, this would be the subject of a plan review.

10. Urban extensions

Policy H3g contains an urban extension policy for land outside Crawley's boundaries but this is not appropriate because it has no jurisdiction over these areas. Instead, the relevant approach is to get these principles into a SoCG with the neighbouring authorities.

Elements of this material (but not all) might be set out within the explanatory text, as a statement of intent about what the Council will seek. But it is more important to address it through collaboration with other authorities and record the agreement in the SoCG.

11. Affordable and specialist housing

Paragraph 63 of the NPPF and paragraph 23 of the PPG on planning obligations are clear that affordable housing should only be sought on major developments. The same applies to contributions. The PPG states that CIL is the appropriate approach on smaller sites.

There is no in-principle reason why affordable homes could not be delivered through certain Use Class C2 developments, or that affordable housing itself should not fall within Use Class C2. Paragraph 61 of the NPPF states that the type and tenure of housing needed for different groups in the community, including older people and people with disabilities, should be reflected in planning policies; it makes no distinction between C2 and C3 uses in this regard, and nor does the PPG. There appears to be nothing to prevent affordable care being included in such a policy provided it meets the definition in Annex 2 of the NPPF.

There are however four rather obvious points to make. The first is that any such policy should be supported by good evidence. The second is that the Council will need to demonstrate that the policy will be effective: that it will be able to deliver specialist housing of this kind in practice. Thirdly, to avoid sterile arguments in the future about use classes and policy applicability, the policy should be crystal clear about what it is seeking and what it applies to. Finally, the viability of such a policy should have been assessed, the more so because it is sometimes argued that specialist facilities are more costly to construct, equip and maintain.

12. Energy and water efficiency

LPA's can include energy requirements in local plans but there are two issues with Policy SDC1. Firstly, the hierarchy in the policy is not reflected in national policy and would need to be justified by clear evidence. Secondly, it appears imprecise in saying "all development should respond to the issue of climate change in accordance with the [following] objectives". This raises an issue of effectiveness. For the benefit of

applicants and decision makers, there needs to be greater clarity about the standards applicable in different circumstances.

Regarding water efficiency and Policy SDC3, the PPG on optional technical standards states that where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day. Policy SDC3 mentions this standard, but then talks of tighter targets of 100 litres/person/day and 80 litres/person/day. This part of the policy lacks precision because it contains no clear indication as to when these tighter standards would be sought, and the evidence that would support such standards specifically for Crawley is unclear.

I understand that local authorities in the area are working with the water industry on the possibility of promoting tighter efficiency standards than the Building Regulations optional requirement, and one reason given is to compensate for the lower water efficiency of the existing housing stock. National planning policy does not refer to this possibility, and such an initiative would need to be broad and consensual, include the housebuilding industry, and would require a strong evidence base. I am doubtful whether these circumstances exist at present to the extent that this element of the policy would be supported.

13. Climate change monitoring

An Inspector will consider whether the policies for the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These can include a wide range of policies, including spatial and transport policies as well as energy and flood risk. There is nothing wrong with monitoring targets based on the number of permissions that further those objectives. Monitoring targets for carbon emissions themselves might however be problematic in respect of measurement, interpretation and action in a highly connected location such as Crawley.

14. Safeguarded route

The safeguarded route in Policy ST4 will be looked at carefully by the examining Inspector. It would need to be fully justified by evidence and supported by the relevant local authorities and stakeholders in the SoCG.

15. Sustainability appraisal

The SA should be proportionate to the job in hand. Whether it is legally compliant will be a matter for the examining Inspector. If the Council is in any doubt prior to submission it may wish to obtain legal advice.

16. Other matters

Inspectors find topic papers very useful for key subjects such as housing need and the housing requirement, affordable and specialist housing, economic growth, the spatial strategy and site selection, gypsies and travellers, and perhaps issues particular to the locality such as, in this case, Gatwick Airport. They are especially helpful where the evidence is technical or spread across several documents. They contain an explanation of the reasoning that led to the policies in the plan, with a summary of the evidence, and they point the Inspector towards the relevant parts of the detailed evidence base.

Jonathan Bore

INSPECTOR

3 April 2020