

Crawley Borough Council

Report to Overview and Scrutiny Commission 30 November 2015

Report to Cabinet 2 December 2015

Crawley 2030: Crawley Borough Local Plan 2015 – 2030

Report of the Head of Strategic Housing and Planning Services
Report No: SHAP/52

1. Purpose

- 1.1 The purpose of this report is to seek approval for the adoption of the new Crawley Borough Local Plan (Crawley 2030) and the Local Plan Map, which, once adopted, will replace the current Core Strategy (2008) and the saved Local Plan policies (2000) as the council's Local Plan. The new Local Plan sets the strategic development and land-use priorities for the borough over the 15-year Plan period, between 2015 and 2030, and includes the primary planning policies against which development control decisions within the borough will be made.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

- 2.2.1 The Cabinet is asked to:

Recommend to the Full Council that the submitted Crawley 2030: Crawley Borough Local Plan 2015 – 2030 (September 2014) and Local Plan Map, amended to include all the main modifications recommended by the Planning Inspector to make the Plan 'sound', together with other more minor modifications already agreed with the Inspector, be adopted and published (including any consequential and other appropriate minor amendments) in accordance with Regulation 26 of the *Town and Country Planning (Local Planning) (England) Regulation 2012* and Section 23(2) and (3) of the *Planning and Compulsory Purchase Act 2004 (as amended by s112(3) of the Localism Act 2011)*.

3. Reasons for the Recommendations

- 3.1 National government guidance expects local planning authorities to produce up-to-date Local Plans for their areas over a 15-year timescale, setting out the strategic priorities for the area and showing how development needs will be met.
- 3.2 The new Crawley Local Plan will ensure the town's future development and infrastructure needs can be delivered to support the sustainable economic growth of

the borough, within its accepted physical constraints, and whilst continuing to protect its important built and natural environmental assets.

- 3.3 Substantial 'early engagement'; detailed technical evidence base undertaken throughout the Local Plan's preparation; formal statutory consultation; and scrutiny through its independent Examination, has shaped a justifiable, robust and practical framework against which future development decisions can be made.
- 3.4 Planning legislation¹ requires local planning authorities to submit every development plan document, including Local Plans, to the Secretary of State for independent examination. Section 23 of the 2004 Act² establishes the legislation pertinent to the adoption of local development documents. This confirms that where the person appointed to carry out the examination recommends modifications to make the Plan sound, the authority may adopt the document with main modifications and any additional modifications the authority considers necessary which would not materially affect the document; s23(4) confirms that the authority must not adopt a development plan document unless it is done in accordance with this clause. In order to become the council's statutory Local Plan, it must be adopted by way of a Full Council Decision.

4. Background

- 4.1 The Plan has been prepared based on substantial 'early engagement' and formal statutory consultation, in accordance with the council's adopted Statement of Community Involvement (SCI) and following the timetable set out in the published Local Development Scheme (LDS). The Statement of Consultation which accompanies the Plan summarises this. Each stage has been subject to assessment through the Sustainability Appraisal process and the Habitat Regulations Assessment, additional supporting documents accompanying the Plan. The development of the Local Plan has involved continual cooperation and close working with other local authorities and bodies through the Duty to Co-operate on matters of strategic cross-boundary interest. It is also accompanied by a proportionate evidence base, including: an Infrastructure Plan; a Housing Implementation Plan; a Duty to Cooperate Statement; Viability Assessment; and topic-based technical studies. The Local Plan and its supporting documents were submitted to the Secretary of State for independent Examination in November 2014, and have been subject to rigorous testing, including through examination hearing sessions, led by an appointed Planning Inspector, and consultation on proposed modifications. The timetable of the previous stages of the Local Plan's preparation is set out in Appendix A.
- 4.2 The council has now received the report of the Planning Inspector appointed by the Secretary of State for Communities and Local Government to examine the soundness³ of the submission Local Plan. The Inspector concludes that the Plan is legally compliant and, subject to modifications, is sound. The Inspector's Final Report is provided on the council's website (www.crawley.gov.uk/crawley2030) or using the direct link to the document: [Crawley Local Plan Report final](#). The Inspector confirmed that the Duty to Cooperate has been met, that the Plan is underpinned by a thorough and robust evidence base, and has been subject to a detailed sustainability appraisal which has examined realistic alternative strategies. The Inspector agreed with the Plan's approach for Gatwick 'as is', and only suggests 'early review' on the basis of a government decision on runway expansion and

¹ s20(1) of the Planning and Compulsory Purchase Act 2004 as amended

² amended by s112 of the Localism Act 2011

³ A 'sound' Plan is: Positively Prepared; Justified; Effective; and Consistent with National Policy, as set out in the National Planning Policy Framework, paragraph 182 (2012) DCLG

safeguarding removal/retention. He supports the principle of a compact town and the need to balance the high development growth needs with the character of the town and designations of local importance. On this basis, he supports the neighbourhood principle, the supply-led housing requirement and the strong policies to protect existing employment land, and considers 40% affordable housing and 10% low cost to be 'sound'. The Inspector expressly recognises how far the council has had to go to demonstrate 'no stone unturned' in identifying sites to meet development needs

- 4.3 Appended to the Inspector's Report are a series of modifications he considers necessary to make the Plan sound (available on the council's website: [CBLP Main Modifications Appendix](#)). The changes shown are either underlined (additions) or struck through text (deletions). None of the Main Modifications are unexpected: they relate solely to matters discussed in length at the examination hearing sessions, and include those put forward by the council. The majority of these remain as consulted upon during the six-week formal public "Modifications" consultation, only a few have been slightly amended from the council's own versions. The Inspector explains in his report where he has made any further amendments to the proposed text. In the main, the Plan and the Policies remain as considered by Full Council (23 July 2014).
- 4.4 The final Crawley Borough Local Plan, Local Plan Map and Sustainability Appraisal are available using the direct links to the documents below:

- *Crawley Borough Local Plan:* www.crawley.gov.uk/pw/web/PUB271853
- *Local Plan Map:* www.crawley.gov.uk/pw/web/PUB271702
- *Sustainability Appraisal:* www.crawley.gov.uk/pw/web/PUB271703

A hard copy of each of these documents, along with the Inspector's Final Report and Main Modifications Appendix, have been placed in the Member's Room. If any Member requires a hard copy, they should make a request to The Planning Policy Manager whose contact details appear at the end of this report.

5. Description of Issue to be resolved

- 5.1 To retain local control over development within the borough it is essential that the Local Plan is progressed in a timely manner. Planning law⁴ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, so a Local Plan is critical for development management decision making. Without an up-to-date Plan, all planning decisions will be based on the guidance in the National Planning Policy Framework (NPPF), and local priorities will only be afforded limited weight. Adoption of the Local Plan is the mechanism to achieve this control, including setting the housing delivery requirement, affordable housing targets, local design and sustainability standards and environmental designations.
- 5.2 Government regulations⁵ limit S106 financial contributions from new development towards infrastructure improvements, unless they are directly related to the development site. Instead, local authorities are expected to establish a Community Infrastructure Levy (CIL), by setting out a charging schedule and a list of priority infrastructure projects for the borough. The charging schedule and the list of infrastructure projects must be related to an up-to-date Local Plan otherwise these contributions will be missed.

6. Information & Analysis Supporting Recommendation

- 6.1 As explained in paragraphs 5.1 – 5.2 above, the Local Plan is critical to retain local control over the development and growth of Crawley. An adopted Local Plan

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004

⁵ The Community Infrastructure Levy Regulations, as amended

provides clarity for residents, businesses and developers about how development should take place in the borough, and is essential for decision making on planning applications. It will provide more certainty in the development control process and will allow the council to introduce a CIL charge for new development taking place within the borough.

- 6.2 The council can only adopt a Plan considered sound by the Inspector and this includes incorporating all of the modifications he considers necessary to make the Plan 'sound'. During the Local Plan Examination Hearing Sessions and through Inspector's written notes, queries were raised and challenges made by the Inspector and from objectors, through the Inspector, towards some of the detailed aspects of the Plan and Policies. In some cases, these have led to modifications to the submission Local Plan (September 2014), to address issues arising in light of changes to government guidance; new evidence; legal case law; and clarification following scrutiny by the Inspector and stakeholders. The Inspector's final report includes the schedule of all the modifications he considers necessary to address matters of soundness.
- 6.3 The council are also able to make additional modifications to the Plan where these do not materially affect the policies if they were to be adopted just with the Main Modifications – i.e. where they do not go to the heart of soundness of the Plan. These include modifications for clarification, consistency of terminology, correcting errors, and consequential amendments to reflect the Main Modifications. To ensure these have also been exposed to the same degree of public scrutiny, these were also subject to formal consultation as part of the Modifications consultation. In addition, for the purposes of clarity and confirmation, these were submitted to the Inspector alongside the Main Modifications, for his consideration in relation to their implications for soundness.
- 6.4 The Local Plan is a key policy document for the borough as a whole and, therefore, impacts on every ward. Ward Members and Members of the Local Plan Working Group have been involved throughout the preparation stages of the submission Crawley Local Plan. All Members' Seminars have been held on the proposed site allocations; housing needs; Gypsy and Traveller needs and provision; viability; the draft Submission Plan; and the Modifications consultation. Queries received from Members have been responded to as fully as possible, and comments have been taken into account in the preparation of the final document. The Local Plan was subject to Full Council approval in July 2014 for publication and submission for independent Examination.

7. Implications

- 7.1 Following adoption (which takes effect immediately on the resolution of Council), the council must make the Local Plan publicly available as soon as reasonably practicable, this includes the Local Plan Map, along with an 'adoption statement' and the final Environmental Statement/sustainability appraisal report, all must be published and made available for inspection. Parties involved in the process will also be notified. There will be a period of six weeks for legal challenge, although the Local Plan would remain in effect pending the outcome of any challenge.
- 7.2 The newly adopted Local Plan will have the status as the Development Plan immediately following adoption. All decisions on applications and appeals (notwithstanding when an application or appeal was submitted) will need to be in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The new Local Plan, once adopted, will replace the current Core Strategy (2008) and the saved Local Plan policies (2000).

- 7.3 The only options available to the council at this stage are to either adopt the Plan in its entirety, with all of the Main Modifications required by the Inspector, or to not adopt the Plan at all. A considerable amount of resources have been expended on the process to date and to not adopt the Plan at this stage would risk this being wasted. The allocated Local Plan budget has covered the costs of preparing the Local Plan. Part of the budget was funded through the Housing and Planning Delivery Grant, ring-fenced specifically to bring forward the new Local Plan. This Grant is no longer available. As the council is expected to have an up-to-date, NPPF-compliant, sound local plan in place, if this Plan is not adopted the process will have to be started again, either in its entirety or on focused elements, and undertake each of the legal stages of its preparation, including submission and examination.
- 7.4 The government has announced its intention to prepare a Plan on behalf of a local authority if an up-to-date Local Plan is not in place by 2017⁶, the costs of which will be recovered from the local planning authority, and is introducing new powers through the Housing and Planning Bill to further support this.
- 7.5 There are no significant resource implications arising from the adoption of the Plan.
- 7.6 The recommendations in this report comply with the statutory requirements set out in The Planning and Compulsory Purchase Act 2004 and regulations made under that Act. Regard has been taken account of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance.

8. Background Papers

Localism Act 2011

Planning and Compulsory Purchase Act 2004

Town and Country Planning Act 1990

The Town and Country Planning (Local Planning) (England) Regulations 2012

Inspector's Report (2 November 2015)

Inspector's Preliminary Findings 1 (26 May 2015)

Inspector's Preliminary Findings 2 (23 June 2015)

Crawley 2030: Crawley Borough Local Plan 2015 – 2030 (December 2015)

Crawley 2030: Crawley Submission Local Plan (September 2014)

Crawley 2030: Crawley Modifications Consultation Local Plan (June 2015)

Crawley Local Plan Map (2015)

Crawley Sustainability Appraisal (December 2015)

Consultation Statement (June 2015)

Duty to Cooperate Statement (2014)

All background information and the full set of supporting and technical evidence base documents can be accessed at www.crawley.gov.uk/crawley2030

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⁶ Prime Minister Press Release (12 October 2015): Councils must deliver local plans for new homes by 2017

APPENDIX A: PREVIOUS STAGES OF LOCAL PLAN DEVELOPMENT

Stage	Dates
Issues & Options (Early Engagement Stage; Reg. 18 The Town and Country Planning (Local Planning) (England) Regulations 2012):	
6-week discretionary public consultation: Core Strategy Review	May 2009
Local Plan Working Group	July 2011
Local Plan Working Group	27 September 2011
Cabinet (Approval of Gatwick Diamond Local Strategic Statement and Memorandum of Understanding)	5 October 2011
All Members' Seminar (Locally Generated Housing Needs)	10 November 2011
Cabinet (adoption of Statement of Community Involvement)	30 November 2011
Local Plan Working Group	8 December 2011
All Members' Seminar (Consultation Drop-In Session)	18 January 2011
6-week discretionary public consultation: Crawley2029	19 January – 1 March 2012
Local Plan Working Group	20 March 2012
Local Plan Working Group	17 April 2012
Preferred Strategy (Early Engagement Stage; Reg. 18 The Town and Country Planning (Local Planning) (England) Regulations 2012):	
Local Plan Working Group	17 July 2012
Cabinet Briefing	17 July 2012
Cabinet Briefing	4 September 2012
Local Plan Working Group	11 September 2012
Cabinet	10 October 2012
6-week discretionary public consultation: Crawley2029 Preferred Strategy document	22 October – 3 December 2012
Local Plan Working Group	13 December 2012
All Members' Seminar (Viability Training)	17 January 2013
Local Plan Working Group	25 February 2013
All Members Seminar (Sites Consultation)	8 May 2013
Local Plan Working Group	9 May 2013
All Members' Seminar (Gypsy & Traveller Training)	20 May 2013
Cabinet (Adoption of Local Development Scheme)	5 June 2013
4-week discretionary public consultation: Preferred Strategy – Additional Sites	4 June – 1 July 2013
Emerging Local Plan Changes and Challenges:	
Cabinet Briefing	16 July 2013
Local Plan Working Group	19 July 2013
Local Plan Working Group	5 September 2013
All Members meeting (Affordable Housing and CIL)	18 September 2013
Local Plan Working Group	3 October 2013
Cabinet Briefing	8 October 2013
All Members Seminar (submission Local Plan)	28 October 2013
Submission Local Plan (Publication Stage; Reg.19 The Town and Country Planning (Local Planning) (England) Regulations 2012):	
Cabinet Briefing	3 June 2014
OSC	30 June 2014
Cabinet	2 July 2014
Full Council	23 July 2014

Stage	Dates
6-week statutory public consultation period: Publication Consultation 'submission Local Plan'	1 September – 13 October 2014
Submission for Independent Examination (Regulations 22 – 26 The Town and Country Planning (Local Planning) (England) Regulations 2012):	
Submission to Secretary of State	26 November 2014
Consultation on the Inspector's Matters, Issues and Questions	20 January – 27 February 2015
Examination in Public	17 – 27 March 2015
Additional Hearing Session	18 May 2015
Inspector's Preliminary Findings Report 1	26 May 2015
Inspector's Preliminary Findings Report 2	23 June 2015
6-week statutory public consultation period: Modifications Consultation 'modifications Local Plan'	1 July – 12 August 2015
4-week public consultation period: Affordable Housing Modification	18 August – 18 September 2015
Inspector's final report	2 November 2015