

# Crawley Borough Council

## Report to Overview and Scrutiny Commission 25 November 2019

### Report to Cabinet 27 November 2019

## Submission Crawley Local Plan 2020 – 2035

Report of the Head of Economy and Planning – PES/336

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### 1. Purpose

- 1.1 The purpose of this report is to recommend that Cabinet requests Full Council approve the submission Crawley Local Plan 2020 – 2035 and its supporting documents for public consultation, and submission to the Secretary of State for independent examination. A subsequent decision for the Local Plan's adoption will be required via Cabinet and Full Council in due course, following the Planning Inspector's decision after the independent examination has been completed.
- 1.2 The Crawley Local Plan Review has been undertaken to ensure the borough's Local Plan remains up-to-date. In accordance with the adopted Local Development Scheme, the new Crawley 2035 Local Plan has been prepared based on the outcomes of monitoring the implementation of the 2015 adopted Local Plan, feedback from the early engagement consultation and updating the supporting technical evidence base. It is considered to be an appropriate strategy, taking into account the reasonable alternatives, and is the Plan which is considered to be 'sound'. This means the Plan is positively prepared, justified, effective and consistent with national planning policy<sup>1</sup>.
- 1.3 The Plan is supported by a number of statutory supporting documents (a Local Plan Map, a Sustainability Appraisal, a Habitats Regulations Assessment and a Consultation Statement). It is also supported by a number of detailed evidence base documents including an Infrastructure Plan, a Housing Trajectory, a Duty to Cooperate Statement, and topic-based technical studies.

### 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 The Cabinet is recommended to:
  - (a) Delegate the following to the Head of Economy and Planning in consultation with the Cabinet Member for Planning and Economic Development (*Generic Delegation 5 will be used to enact these recommendations*), subject to recommendation 2.3 being agreed by Full Council:
    - (i) Factual amendments to the Local Plan necessary in accordance with national policy.

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<sup>1</sup> National Planning Policy Framework, para. 35 (2019) MHCLG

- (ii) Should a clear requirement to continue safeguarding at Gatwick be imposed by the Government through the publication of the Aviation White Paper, that the Local Plan be amended to ensure it is consistent with national policy.
  - (iii) The approval of the supporting documents for the Local Plan and technical evidence base documents to support the Local Plan through Examination.
- 2.3 The Cabinet is recommended to request Full Council to:
  - (a) Approve the submission draft Local Plan and Local Plan Map for Publication consultation (a statutory six-week period of public consultation).
  - (b) Approve the submission draft Local Plan for Submission to the Secretary of State for Examination by an independent Planning Inspector, subject to amendments deemed necessary following consultation and updated evidence for the purposes of clarity.
  - (c) Note that the final Local Plan will be brought back to Full Council following its independent examination for adoption.

### **3. Reasons for the Recommendations**

- 3.1 National Government guidance expects local planning authorities to produce up-to-date Local Plans for their areas, setting out the strategic priorities for the area over a 15-year timescale and showing how development needs will be met. The Crawley Borough Local Plan was adopted by Full Council on 16 December 2015. It covers the period 2015 – 2030 and provides the borough's full planning policies for the purposes of development management decisions.

### **4. Background**

- 4.1 Since the adoption of the Crawley Borough Local Plan in December 2015, central government initiatives have introduced changes to national legislation, policy and requirements. In particular, the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 established the statutory requirement that Local Plans must be reviewed at least every five years, in accordance with legislation set by the Neighbourhood Planning Act 2017. In addition, a revised National Planning Policy Framework was published in February 2019. Alongside this, updates have been made to the Planning Practice Guidance, including introducing the national Standardised Housing Methodology.
- 4.2 In order to adequately take account of the national position alongside the local evidence, a review of the Local Plan has been undertaken to ensure the council maintains an up-to-date Plan.
- 4.3 The Submission Local Plan 2020-2035 follows this review of the existing adopted Local Plan and does not seek to start from a blank page. In many cases, the principles and policies of the Crawley Borough Local Plan 2015 remain up-to-date and 'sound'. Therefore, for some topic areas, there has been little change proposed to the current approach. For other areas, the review has provided the opportunity for proposing a change or a new approach to be considered. New legislation and government policy guidance has also had to be addressed. Notwithstanding this, the whole Plan is open for scrutiny and review as part of this process.
- 4.4 The Local Plan Review has been prepared in accordance with the council's adopted Statement of Community Involvement (SCI) in relation to the formal periods of consultation and on-going informal engagement, and in accordance with the timetable set out in the published Local Development Scheme (LDS). Each stage has been subject to assessment through the Sustainability Appraisal process and has involved continual cooperation and close working with other local authorities and bodies through the Duty to Cooperate on matters of strategic cross-boundary interest. A full draft Local Plan was published for early engagement consultation

between July and September 2019 (Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- 4.5 Planning legislation (s20(1) of the Planning and Compulsory Purchase Act 2004 as amended) requires local planning authorities to submit every development plan document, including Local Plans, to the Secretary of State for independent examination. Prior to submission of the Plan, the local planning authority must publish the submission documents for formal consultation (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). The following timetable sets out details of the consultations and critical stages for the Local Plan's preparation.

Stage	Date
<b>Draft Crawley Borough Local Plan 2020 – 2035 (Early Engagement Stage; Reg. 18 The Town and Country Planning (Local Planning) (England) Regulations 2012):</b>	
Early Engagement consultation	15 July 2019 – 16 September 2019
<b>Submission Crawley Local Plan 2020 – 2035 (Publication Stage; Reg.19 The Town and Country Planning (Local Planning) (England) Regulations 2012):</b>	
Cabinet Briefing	6 November 2019
OSC	25 November 2019
Cabinet	27 November 2019
<b>Full Council: Publication &amp; Submission</b>	16 December 2019
6-week statutory public consultation period: Publication (Submission) consultation	20 January – 2 March 2020
<b>Submission for Independent Examination (Regulations 22 – 26 The Town and Country Planning (Local Planning) (England) Regulations 2012):</b>	
Submission	March 2020
Examination in Public	July - September 2020
Cabinet	November 2020
<b>Full Council: Adoption</b>	December 2020

- 4.6 Technical evidence base documents informing the Local Plan need to be published alongside the document for consultation and are listed in the background documents.

Delegations for Modifications to the Submission Local Plan

- 4.7 The Plan being considered is the Local Plan the council considers to be its legally compliant and 'sound' Plan. This will be the Plan the council publishes for formal Regulation 19 public consultation and submits to the Inspector for its independent Examination (subject to typo and factual corrections).
- 4.8 However, amendments and modifications may arise in response to representations made during the Regulation 19 consultation and/or as a result of the emerging evidence base and national policy. Up-to-date evidence is critical which has meant that some of the studies were not possible to commission until after the early engagement consultation as they relied on more information regarding policy positions, development levels and sites. This includes transport modelling and viability. Other evidence, such as the open space and playing pitch study, required seasonal assessments to take place. Furthermore, the Aviation Strategy White Paper is not now due out until 2020, and so currently only the Green Paper can be

relied upon. If published, it will be necessary to take account of any changes in the White Paper in the submission and examination of the Local Plan. These more substantive amendments and modifications require Council approval and, in order to avoid delay in progressing the Plan, delegated approval for any such changes is sought now from Full Council.

- 4.9 On this basis, and as previously undertaken with the existing Crawley Borough Local Plan, it is good practice to prepare a 'modifications plan' including all the factual and more substantive amendments to submit to the Planning Inspectorate along with the Submission Plan. This is considered by the Inspector and as part of the hearing sessions held in public. All final proposed Main Modifications require further public consultation as part of the Examination, prior to the Inspector preparing their final report which will include their recommendation on the proposed Modifications. Once the Inspector's report has been received, a legally compliant and 'sound' Local Plan will require Full Council approval for its adoption, before it becomes the council's Local Plan for the borough.
- 4.10 The importance of this delegation relates to the need to ensure the Local Plan meets the timetable set out in the Local Development Scheme in order to achieve its anticipated adoption date and maintain the council's up-to-date Local Plan five years from the adoption of the existing Crawley 2030 Local Plan. Therefore, for expedience, flexibility and proportionality, delegations are requested as part of this report, to allow these modifications to be made and agreed by the Head of Service for Economy and Planning in consultation with the Cabinet Member for Planning and Economic Development, prior to submission of the Plan to the Secretary of State and as part of the examination process as necessary.

## **5. Description of Issue to be resolved**

- 5.1 It is essential that the Local Plan is progressed in a timely manner. Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) 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 control decision making.
- 5.2 Crawley currently has an up-to-date adopted Local Plan. However, the requirement to review the Plan every five years and ensure it is up-to-date triggered the need to assess the existing policies against the revised national planning policy requirements. In particular, the standard methodology and the housing delivery test have been identified through the adopted Local Development Scheme<sup>2</sup> and the Authority's Monitoring Report<sup>3</sup> as necessitating a review<sup>4</sup>.
- 5.3 Without an up-to-date Plan, all planning decisions would be based on the guidance in the NPPF and the borough's total housing need based on the standard methodology (752 dwellings per annum), rather than its constrained land supply position (320 dwellings per annum), and accordingly local priorities and local designations will only be afforded limited weight particularly in the case of meeting housing and economic development needs<sup>5</sup>. Therefore, potentially undesirable developments could go ahead to the detriment of Crawley's character and quality of life for residents. Similarly, the NPPF requires local targets for affordable housing levels required by new development to be set in the Local Plan. Without an up-to-date Local Plan, based on an up-to-date assessment of local needs and viability, the

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<sup>2</sup> [Local Development Scheme 2019 - 2021](#) paras 2.13-2.31 (2019) CBC

<sup>3</sup> [Crawley Borough Local Plan Authority's Monitoring Report 2017/18](#) para. 3.17 (2019) CBC

<sup>4</sup> "Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly": National Planning Policy Framework, para. 33 (February 2019) MHCLG

<sup>5</sup> National Planning Policy Framework, para. 11 (February 2019) MHCLG

council would not be in a strong position to defend its policy requirement if challenged by an applicant.

- 5.4 Positive planning through the preparation of the Local Plan, together with joint working with neighbouring local authorities across the housing market area, will secure a stronger position for the council to defend against inappropriate developments. This has been proven to be the case with the strong position of the existing up-to-date adopted Local Plan being cited in Inspectors' appeal decisions. This Local Plan (2020 – 2035), once adopted, will replace the current Crawley Local Plan (2015 – 2030).

## 6. Information & Analysis Supporting Recommendation

- 6.1 As explained in paragraphs 5.1 – 5.4 above, the Local Plan is critical to retain local control over the development and growth of Crawley, and it is a statutory requirement. Crawley's Local Development Scheme (2019) sets the timetable for the Local Plan Review, and commits the council to submitting the Local Plan to the Secretary of State for independent Examination in March 2020.
- 6.2 A key milestone in achieving this commitment is undertaking the statutory period of consultation ('Publication of the Local Plan') by making a copy of each of the proposed submission documents available for inspection at the Town Hall and published on the council's website. Any representations received during this period are required to be submitted with the Local Plan to the Secretary of State, and respondents will be able to present their case to the Inspector at the Examination. Minor amendments for the purposes of clarity can be made to the Local Plan itself following the consultation, prior to Submission. The council can also propose other modifications to the Inspector for consideration as part of the Examination process. The only other option in response to representations is for the entire Plan to be withdrawn and further consultation undertaken.
- 6.3 The independent Inspector's role will be to assess whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The Inspector can suggest changes in order to make a Plan sound, but these would have to be subject to further consultation.
- 6.4 The local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
- a. **Positively Prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b. **Justified:** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c. **Effective:** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d. **Consistent with national policy:** enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 6.5 The Local Plan is a key policy document for the borough as a whole and therefore impacts on every ward. Members of the Local Plan Working Group have been involved throughout the preparation stages of the submission Crawley Local Plan.
- 6.6 In carrying out the function of preparing a local Plan and Statement of Community Involvement regard must be given to the public sector equality duty set out in Section 149 of the Equality Act 2010. As part of the process undertaken for the

Sustainability Appraisal (SA), the potential effects of the Plan on people in respect of disability, gender and racial equality impacts were considered, in accordance with this duty. Therefore, the draft SA/SEA Report incorporates the Equalities Impact Assessment and Health Impact Assessment.

## **7. Implications**

- 7.1 An adopted Local Plan 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.

### Legal Implications

- 7.2 The Planning and Compulsory Purchase Act 2004 (as amended) and The Town and Country Planning (Local Planning)(England) Regulations set out the requirements and the statutory procedure for the preparation of a Local Plan, relevant regulations are referenced in this report.

### Finance Implications

- 7.3 The allocated Local Plan budget includes funds to cover the costs of Publication Consultation. The subsequent submission of the Local Plan leads to a Public Examination, which the Borough Council is required to fund, including the cost of the Inspector. Funds are allocated for this in the Local Plan budget.

## **8. Background Papers**

Submission Crawley Local Plan 2020 – 2035:

<http://www.crawley.gov.uk/pw/web/PUB354140>

Submission draft Local Plan Map: <http://www.crawley.gov.uk/pw/web/PUB354135>

Sustainability Appraisal/Strategic Environmental Assessment Draft Report:

<http://www.crawley.gov.uk/pw/web/PUB354139>

Habitat Regulations Assessment Draft Report:

<http://www.crawley.gov.uk/pw/web/PUB354136>

Draft Consultation Statement: <http://www.crawley.gov.uk/pw/web/PUB354137>

Appendix 1: Early Engagement Consultation Materials

<http://www.crawley.gov.uk/pw/web/PUB354142>

Appendix 2: Regulation 18 Representations Received and Draft Officer Response

<http://www.crawley.gov.uk/pw/web/PUB354141>

Draft Infrastructure Plan: <http://www.crawley.gov.uk/pw/web/PUB354138>

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