

Crawley Borough Council

Report to Overview and Scrutiny Commission 23 November 2020

Report to Cabinet 25 November 2020

Submission Crawley Local Plan 2021 – 2037

Report of the Head of Economy and Planning – PES/367

1. Purpose

- 1.1 The purpose of this report is to recommend that Cabinet requests Full Council approve the submission Crawley Local Plan 2021 – 2037 and its supporting documents for further 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 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 policy¹.
- 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, Housing and Employment Land Trajectories and topic-based technical studies.
- 1.4 This report also recommends the outcomes of the adopted Local Plan Five Year Policy Assessment are approved.
- 1.5 The Submission Draft Local Plan; the adopted Local Plan Five Year Policy Assessment; and the key supporting documents are available through the attached weblinks set out in Section 8 at the end of this Report. Given the length of these documents and current remote working arrangements, hard copies have not been printed. A document could be made available on request for members subject to a delay to arrange printing and collection.

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:
The Cabinet is recommended to delegate the following to the Head of Economy and Planning in consultation with the Cabinet Member for Planning and Economic

¹ National Planning Policy Framework, para. 35 (2019) MHCLG

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 and updated evidence for the purposes of clarity.
- (ii) 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 endorses and recommends to request Full Council to:

- (a) Approve the submission draft Local Plan and Local Plan Map for a further 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.
- (d) Approve the Local Plan Five Year Policy Assessment to confirm that each adopted Local Plan Policy retains full weight for Development Management decisions.

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. A review of this Plan is therefore required, to ensure the borough maintains up to date planning policies. A full Local Plan Review has been undertaken, as well as an interim assessment of the adopted Local Plan policies to provide a strong planning policy position for the borough in the immediate future, and over the next 16 years.

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 2021-2037 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 updated 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).
- 4.6 Following Full Council held on 16 December 2019 which approved the Draft Local Plan for Publication and Submission, formal public consultation took place between 20 January and 2 March 2020, in accordance with Regulation 19. Since the close of this consultation, a number of key changes have been made to the draft Local Plan due to emerging evidence, national aviation policy and advice from the planning inspectorate. On this basis, a further stage of Regulation 19 Publication Consultation of the amended draft Plan is intended.
- 4.7 The following timetable sets out details of the consultations and critical stages for the Local Plan's preparation.

Stage	Date
Draft Crawley Borough Local Plan Early Engagement Stage²	
Early Engagement consultation	15 July 2019 – 16 September 2019
Submission Crawley Local Plan³	
Cabinet Briefing	6 November 2019
OSC	25 November 2019
Cabinet	27 November 2019
Full Council: Publication & Submission	16 December 2019
Initial 6-week statutory Publication consultation	20 January – 2 March 2020
Cabinet Briefing	9 September 2020
Cabinet Briefing	4 November 2020
OSC	23 November 2020
Cabinet	25 November 2020
Full Council: Publication & Submission	16 December 2020
Second 6-week statutory Publication (Submission) consultation	6 January – 17 February 2021
Submission for Independent Examination⁴	
Submission	March 2021
Examination in Public	May - September 2021
OSC	March 2022
Cabinet	March 2022
Full Council: Adoption	March 2022

² Reg. 18 The Town and Country Planning (Local Planning) (England) Regulations 2012

³ Reg.19 The Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ Regs. 22 – 26 The Town and Country Planning (Local Planning) (England) Regulations 2012

- 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 the additional 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 final conclusions of the evidence base, including in relation to the strategic employment allocations, and national policy. In order to avoid delay in progressing the Plan, delegated approval for any such changes following the consultation 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. 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.

Approval of the Crawley 2030 adopted Local Plan Policy Assessment

- 4.11 The council's Local Development Scheme confirms that during the Local Plan Review process, in assessing the relevance of the existing adopted Crawley Borough Local Plan policies, where these remain in conformity with national policy and local evidence they will be considered to retain full weight⁵. In order to ensure the adopted Local Plan is maintained as the up-to-date policy position for the borough whilst the new Local Plan progresses through its Examination to adoption, a policy-by-policy assessment of the continuing relevance and soundness of the existing adopted Crawley Borough Local Plan 2015 policies has been undertaken.

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 (Crawley 3030: Crawley Borough Local Plan 2015 – 2030)⁶. However, the requirement to review the Plan every five years and ensure it is up-to-date triggered the need to assess the existing

⁵ Crawley Borough Local Development Scheme 2020 – 2023, para. 2.14 (2020) CBC
<https://crawley.gov.uk/sites/default/files/2020-03/Local%20Development%20Scheme%202020%20-%202023.pdf>

⁶ Crawley 2030: Crawley Borough Local Plan 2015 – 2030 (December 2015) CBC:
<https://crawley.gov.uk/sites/default/files/documents/PUB271853.pdf>

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 Scheme⁷ and the Authority's Monitoring Report⁸ as necessitating a review⁹.

- 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 (750 dwellings per annum), rather than its constrained land supply position (332.5 dwellings per annum), and accordingly local priorities and local designations would only be afforded limited weight particularly in the case of meeting housing and economic development needs¹⁰. 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 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 (2021 – 2037), once adopted, will replace the current Crawley Local Plan (2015 – 2030).
- 5.5 In order to ensure the adopted Local Plan policies retain their full weight for Development Management decision-making during the interim period, while the draft new Local Plan is being prepared, a full policy-by-policy assessment has been undertaken of the adopted Crawley 2030 Local Plan. This confirms that the Crawley Borough Local Plan 2015 – 2030 remains the borough's up-to-date Local Plan, and forms the statutory starting point for decision making, until superseded by the adoption of the revised new Local Plan.

Update since December 2019 Full Council:

- 5.6 Following the Publication consultation held in January – March 2020, advice was sought through the Planning Inspectorate advisory service. A Planning Inspector considered the draft Local Plan, along with some detailed questions and commentary from the council's Strategic Planning team. A meeting was held between the Inspector and the council's officers and a written note provided by the advisory Inspector which will be issued to the examining Inspector. In particular, this highlighted concerns with the approach towards the following key areas:
- Evidence Base Updates
 - Gatwick Airport and the Area Action Plan approach
 - Duty to Cooperate
- 5.7 The Advisory Inspector's recommendation was not to submit the Local Plan until these matters had been resolved. Furthermore, it was recommended that if there were any significant changes made to the Plan a further Regulation 19 Consultation would be necessary.
- 5.8 The current COVID-19 crisis has also created some delays to the Local Plan preparation, particularly in relation to securing the updated evidence base and engaging key stakeholders in the process. Post-COVID medium- to longer-term impacts on viability, the economy, transport and housing needs are still very much

⁷ [Local Development Scheme 2019 - 2021](#) paras 2.13-2.31 (2019) CBC

⁸ [Crawley Borough Local Plan Authority's Monitoring Report 2017/18](#) para. 3.17 (2019) CBC

⁹ "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

¹⁰ National Planning Policy Framework, para. 11 (February 2019) MHCLG

unknown. However, it has been necessary to ensure new evidence reflects the current situation and anticipates future impacts as far as it can reasonably do so. It should be noted the Local Plan is a 15-year Plan and should be sufficiently flexible to respond to changes in economic cycles.

Key Changes to the Local Plan:

5.9 Key changes to the draft Local Plan since it was considered by Full Council in December 2019 include:

- Reinstatement of Gatwick Airport Safeguarding Policy, with an amended boundary, in accordance with National Aviation Policy, whilst seeking to respond to the updated Economic Growth evidence;
- Deletion of the North Crawley Area Action Plan Policy, in accordance with current National Aviation Policy;
- Changes to the economic growth requirement to reflect evidenced need;
- Proposed Allocation of a Strategic Employment Site to respond to the change to the Area Action Plan approach and meet evidenced need;
- Changes to Affordable Housing requirement for the Town Centre and high density schemes to respond to Viability evidence;
- Changes to the open space contribution approach towards town centre sites to respond to Viability evidence;
- Removal of requirement for 5% of new homes to be wheel-chair adapted; instead requiring 100% of new homes to be accessible and adaptable to respond to Viability evidence;
- Merging of the Tree and Landscape Provision Policy into the Biodiversity Net Gain Policy to respond to Viability evidence and address overlaps between the Policies;
- Removal of s106 contribution requirement towards education; instead this will be met through the Community Infrastructure Levy to respond to Viability evidence;
- Structural amendments to the Urban Design Character Policies to enhance clarity;
- Amendments to the Local Heritage Designation Policies to reflect updated evidence (the recommendations in the Heritage Study regarding new Conservation Areas and Locally Listed Buildings will be considered by the council in due course following a focused consultation);
- Inclusion of the Open Space Standards and some of the key evidence recommendations relating to open space and indoor sports facilities;
- Amendments to the Western Link Road policy, to reflect the potential impact on the Rugby Club;
- Removal of the Urban Extensions Policy and insertion of text into the Chapter introduction to reflect the recommendation of the Advisory Inspector and planning legislation;
- Updating of the Retail and Town Centre Policies to reflect the national changes to the Use Classes.
- Changes to the housing numbers to reflect changes to the National Standard Method input data, the longer Plan period (2021 – 2037) and changes to the supply through build out and new permissions;
- Amendments to the Water Efficiency and Flooding Policies to reflect the evidence from the Water Cycle Study;
- Updated Local Plan Map and maps throughout to reflect the new proposed allocations and designations;
- Clearer definition of Strategic Policies and Non-Strategic Policies to reflect National Guidance;
- Changes to reflect the revised programme.

Recent National Announcements regarding Changes to the Planning System:

5.10 In August 2020, the Government published a White Paper on planning reforms “Planning for the Future”. It proposes fundamental changes to the planning system,

including the format and role of Local Plans and a 30 month timeframe for their preparation. The consultation document sets out the vision for the reforms, but states that it does not comprehensively cover every aspect of the system and that the details of the proposals will require further development following the consultation, as well as primary and secondary legislation. Transition arrangements are proposed, including allowing 42 months for the preparation of a new Local Plan from the date of the legislation being brought into force for those local planning authorities that have adopted a Local Plan within the previous 3 years or where a Local Plan has been submitted for examination. In the latter case, the 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later. It is important that there continues to be an up to date Local Plan for Crawley whilst the details of these major planning reforms emerge into legislation, and continuing to progress this Local Plan Review through to adoption should give the council a further year to transition to the new approach.

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 (2020) sets the timetable for the Local Plan Review. This has been updated to reflect the additional Regulation 19 consultation now proposed and commits the council to submitting the Local Plan to the Secretary of State for independent Examination in March 2021.
- 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 through being 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 at that stage 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 a further 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

1. Submission Crawley Local Plan 2021 – 2037:
<https://crawley.gov.uk/sites/default/files/2020-11/1.%20Crawley%20Borough%20Submission%20Draft%20Local%20Plan.pdf>
2. Crawley 2015 – 2030: Adopted Local Plan Five Year Policy Assessment:
<https://crawley.gov.uk/sites/default/files/2020-11/8.%20Crawley%202030%20-%20Five%20Year%20Policy%20Assessment.pdf>
3. Submission draft Local Plan Map: https://crawley.gov.uk/sites/default/files/2020-11/2.%20Local%20Plan%20Map%20-%20November%202020_0.pdf
4. Sustainability Appraisal/Strategic Environmental Assessment Draft Report:
https://crawley.gov.uk/sites/default/files/2020-11/3.%20Sustainability%20Appraisal%20-%20November%202020_0.pdf
5. Draft Consultation Statement: <https://crawley.gov.uk/sites/default/files/2020-11/4.%20Consultation%20Statement%20-%20November%202020.pdf>
 - Appendix 1: Early Engagement Consultation Materials
<https://crawley.gov.uk/sites/default/files/documents/PUB354597.pdf>
 - Appendix 2: Regulation 18 Representations Received and Draft Officer Response <https://crawley.gov.uk/sites/default/files/documents/PUB354598.pdf>
 - Appendix 3: January 2020 Initial Regulation 19 Consultation Materials
<https://crawley.gov.uk/sites/default/files/2020-11/5.%20Consultation%20Statement%20Appendix%203.pdf>
 - Appendix 4: January 2020 Initial Regulation 19 Consultation Representations Received https://crawley.gov.uk/sites/default/files/2020-11/6.%20Consultation%20Statement%20Appendix%204_0.pdf

6. Draft Infrastructure Plan: <https://crawley.gov.uk/sites/default/files/2020-11/7.%20Infrastructure%20Plan%20-%20November%202020.pdf>

Report author and contact officer: Elizabeth Brigden, Planning Policy Manager x8624