

Matter 1 – Legal and Procedural Requirements

Matter 1, Issue 1 – Whether the Council has complied with the duty to cooperate in the preparation of the Plan?

Q2. For each of these, who has the Council co-operated with during the preparation of the Plan, what form has this taken? What has been the outcome of this co-operation?

1.1.1 See response below, under Q4.

Q4. How has the Council co-operated to establish and meet a housing need? How specifically have development constraints influenced that co-operation, particularly water neutrality?

- 1.1.2 As set out in its cover letter to the Crawley Borough Council (CBC) representations to the Horsham District Local Plan Regulation 19 consultation, dated 1 March 2024, CBC confirms it has a long history of close cross boundary working with Horsham District Council (HDC) on strategic issues, particularly housing need. This is established in recently agreed Statements of Common Ground which the authorities are both signatories to:
- DC.01: North West Sussex Statement of Common Ground, July 2024
 - DC.02: North West Sussex Housing Needs Statement of Common Ground, July 2024
 - DC.04: Crawley Borough Council and Horsham District Council Statement of Common Ground, July 2024.
- 1.1.3 As confirmed in paragraph 1.7 of Document DC.02: North West Sussex HMA Statement of Common Ground: Housing, the NWS HMA authorities have historically been able to demonstrate that the need arising in the HMA could be met in full through the previously adopted Local Plans (dated 2015 for the Horsham District Planning Framework and Crawley Borough Local Plan and 2018 for the Mid Sussex District Plan). This reflects the councils' positive and on-going engagement to seek cross-boundary strategic solutions.
- 1.1.4 Paragraph 2.2 of Document DC.04: Crawley Borough Council and Horsham District Council Statement of Common Ground highlights how this long-established joint working includes the direct delivery of a new neighbourhood immediately adjacent to Crawley within Horsham District's administrative area (Kilnwood Vale), which is now being built out, following the preparation and adoption of the West of Bewbush Joint Area Action Plan Development Plan Document 2009.
- 1.1.5 CBC formally wrote to HDC raising its anticipated unmet needs arising from the Crawley Borough Local Plan (CBLP) Review in January 2020 and then again in April 2023, as the CBLP had progressed to its repeated Regulation 19 stages. HDC formally replied on 2 March 2020 and 19 April 2023 respectively.
- 1.1.6 In its response in 2020, HDC confirmed that it was currently testing options for levels of housing growth which included levels for meeting a proportion of Crawley's unmet housing needs. The letter confirmed that HDC accepts the principle that there is an unmet housing need in Crawley and this has to be taken into account in progressing the Horsham District Local Plan (HDLP).
- 1.1.7 In its response in 2023, HDC highlighted the challenges it was facing with water neutrality and confirmed that at that stage HDC were unable to commit to meeting any part of the unmet overall housing needs of Crawley at that time.

- 1.1.8 On 24 November 2023, HDC wrote to CBC to confirm the impacts of water neutrality on the HDLP housing numbers and highlight HDC’s unmet housing needs.
- 1.1.9 These letters are provided in Appendix 1 to this Written Statement.
- 1.1.10 In its formal representation to the HDLP 19 consultation, CBC responded to the matter of Water Neutrality as a constraint against Horsham being able to meet its full Housing Needs, and subsequently, none of Crawley’s unmet housing needs. This recognised the current constraints and impacts of water neutrality on the levels of housing and other development delivery within Horsham district since 2021. It is acknowledged that this under-delivery has impacted on the ability of the district to continue its previous commitments and intentions for higher delivery levels in the early periods of the HDLP.
- 1.1.11 As part of its representation to the HDLP Regulation 18 (Early Engagement) consultation, CBC had raised concerns that delivery immediately adjacent to the borough should be secured to meet unmet needs arising from Crawley. Notwithstanding this, CBC reluctantly accepts that, due to the unique and unforeseen situation of water neutrality, numerically, HDC may be unable, in the short term, to meet any of Crawley’s unmet housing needs. However, this does not negate the need for any proposed development “at Crawley” to be designed to minimise impacts on the borough and maximise opportunities for Crawley residents to access the available housing, including in terms of suitability of housing mix and affordability. This is set out in more detail in CBC’s Regulation 19 representations to Strategic Policy HA2: Land West of Ifield and in its Written Statement to Matters 6, 8 and 9.
- 1.1.12 Furthermore, CBC considers that this restriction in housing delivery is temporary and related to the ability for securing water neutrality, rather than an absolute capacity constraint for delivering housing across other parts of the district. There is a concern that, as drafted, the HDLP assumes water neutrality is a fixed capacity constraint and suggests that HDC will accept no additional housing beyond the levels currently considered deliverable until after 2032 or whenever the alternative water supply date is. However, should opportunities for alternative water sources come forward more quickly, and/or opportunities for water offsetting progress faster than anticipated, there may be greater scope for allowing further development within Horsham district. CBC considers that this possibility should be reflected in the HDLP, perhaps by including an early review trigger should alternative water sources or greater offset options become available.
- 1.1.13 The CBLP was adopted on 16 October 2024. This established the levels of development needs, supply and unmet needs arising from the borough over the Plan period (2023-2040). These are set out below:

	Crawley Objectively Assessed Need	Crawley Borough Local Plan Supply	Crawley Unmet Needs
Housing Need (dwellings per annum)	755dpa	314dpa	441dpa
Housing Need (2023– 2040)	12,835 dwellings	5,330 dwellings	7,505 dwellings

	Crawley Objectively Assessed Need	Crawley Borough Local Plan Supply	Crawley Unmet Needs
Employment (Business) Land (2021 – 2037) in Hectares	26.2ha (of which: 22.9ha Industrial Land)	10.29ha on sites predominantly located within Main Employment Areas (of which 4.97ha is for Industrial Land) & a minimum 17.93ha Industrial Land through the allocation of a new Strategic Employment Site.	None

- 1.1.14 In finding the CBLP 2023 to 2040 legally compliant and ‘sound’ the CBLP Inspectors confirmed that *“the Borough is a geographically small area, and as such it is widely recognised that it is not possible to accommodate the full extent of the Borough’s housing need”* (paragraph 99) and that they *“consider that the Plan has sought to accommodate as much of the housing need as reasonably practicable and that no stone has been left unturned...”* and *“...are satisfied that it is justified and effective that the housing requirement in the Plan reflects the likely supply”* (paragraph 107).
- 1.1.15 Notwithstanding this shortfall in meeting the full housing need arising from Crawley, the CBLP Inspectors confirmed *“that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met”* (paragraph 31).
- 1.1.16 In particular, they highlight that *“in preparing individual Local Plans across NWS, it is better, in our view, that Crawley’s Plan is examined and adopted ahead of Horsham and Mid Sussex in terms of providing certainty around the scale of unmet needs and any infrastructure requirements”* (paragraph 27).
- 1.1.17 The CBLP 2023 to 2040 (October 2024) and the final Report into the Examination of the Crawley Borough Local Plan (September 2024) are provided alongside the CBC Written Statements as appendices.

Appendix 1: Duty to Cooperate Letters between Crawley Borough Council and Horsham District Council

- Crawley Borough Council Unmet Needs Letter (January 2020)
- Horsham District Council Response to CBC Unmet Needs Letter (March 2020)
- Crawley Borough Council Duty to Cooperate Statement and Unmet Needs Letter (April 2023)
- Horsham District Council Response to Crawley Borough Council April 2023 Letter (April 2023)
- Horsham District Council Duty to Cooperate Letter to Crawley Borough Council (November 2023)

CBC responded to HDC's letter of November 2023 and the matter of water neutrality as part of its formal response to the Horsham District Local Plan Regulation 19 consultation.

Contact: [REDACTED]

Date: 21 January 2020

Direct Line: [REDACTED]

Email: [REDACTED]

By Email Only

Dear Councillor,

Crawley Borough Local Plan Review 2020 – 2035: Duty to Cooperate

As you may be aware, the Crawley Borough Local Plan Review 2020 – 2035 was approved for publication and submission at the Full Council meeting held on 16 December 2019. The publication consultation will take place for a 6-week period commencing **Monday 20 January until Monday 2 March 2020**.

The Local Plan has been prepared in the context of substantial, positive, ongoing cross-boundary working carried out over the various functional strategic areas in which Crawley forms part and I acknowledge and thank you for this.

The purpose of this letter is to draw your attention to the critical outcomes of the Crawley Local Plan in relation to meeting Crawley borough's objectively assessed development needs. I invite your comments on the information provided and formally request confirmation of the role your authority is able to play in assisting my council in addressing identified unmet development needs under the Duty to Cooperate provisions.

I have extended the range of this letter to those authorities considered to have some degree of strategic planning relationship with Crawley even where administrative boundaries are not shared.

As has been acknowledged in the currently adopted Local Plan (Crawley 2030), in light of Crawley's tight administrative boundaries, the historic Gatwick Airport 'safeguarded' land for a potential southern runway and physical constraints such as aircraft noise contours, flooding, nature conservation constraints and few infill opportunities due to the age and planned nature of the New Town, there is very limited land within the borough for accommodating further development.

There is already long-established, effective joint working within the Northern West Sussex (NWS) Housing Market Area (HMA). Crawley's unmet housing need established from the adopted Local Plan is being addressed by the combined adopted Local Plans within the NWS HMA. Currently, the adopted Local Plans for Horsham and Mid Sussex are anticipated to provide an additional 3,150 dwellings, predominantly to meet Crawley's unmet needs, above their objectively assessed housing needs, over the period from 2020. However, it is acknowledged that through Local Plan Reviews this is likely to change, particularly as the Standard Method increases the housing needs within these districts above those established in the adopted Plans.

The updated total **unmet need**, calculated for the Local Plan Review, against the assessed needs for both housing and employment, arising from within Crawley over the Plan period (2020 – 2035) is:

- Housing: 5,925 dwellings;
- Employment: a minimum 21ha of land for B Use Classes, based on a continuation of past development levels with a constrained employment land supply.

The following sections of this letter set out a summary of Crawley's position in relation to its housing and employment needs. Comments would be welcomed in relation to whether your authority is in agreement with the conclusions reached.

Housing

Crawley's submission Local Plan confirms that the government's Standard Methodology for calculating housing need results in a total housing need for the 15 year plan period (2020-2035) of 11,280 dwellings (based on 752 dwellings per annum).

The draft Local Plan identifies the borough's land supply allows for almost half of this to be met on sites within the borough's administrative boundaries: a minimum totalling 5,355 dwellings (an increase of 549 dwellings since the Regulation 18 Local Plan (July 2019) due to additional sites and increased densities of existing sites following their reassessments). This equates to an annualised average of 357dpa.

However, a stepped trajectory is reflected in the Policy to account for the higher delivery in the early Plan period and the lower anticipated levels towards the end (due to the build out of the last remaining large sites available within the borough):

- Years 1-5 (2020-25): 500dpa
- Years 6-10 (2025-30): 450dpa
- Years 11-15 (2030-35): 121dpa

The council is working hard to maximise capacity within the borough's boundaries, including by introducing extremely high density targets for the Town Centre and accessible locations (Policy CL5) and a series of housing typology policies to positively influence development opportunities within, and immediately beyond, the borough (Policies H3, and H3a-H3g).

This leaves a total unmet need figure of 5,925 dwellings to be accommodated within the wider housing market area, insofar as is consistent with the National Planning Policy Framework and delivery of sustainable development.

In addition to the overall unmet housing needs amount, the 2019 Strategic Housing Market Assessment (SHMA) has considered the needs of specific communities within the borough. This has included:

- Those who require affordable housing
- Families with children
- Older people
- Students
- People with disabilities
- People who rent their homes and
- People wishing to commission or build their own homes.

Affordable Housing:

With particular reference to affordable housing, the SHMA has highlighted a net need for 739 affordable homes per year in Crawley (of which 563 dwellings per year are needed as rented affordable housing). As Crawley is only able to meet approximately 50% of its overall housing needs within the borough, even with the 40% affordable housing requirement established by the Local Plan policy (Policy H5) there will be a significant shortfall of affordable housing.

Therefore, where Crawley's unmet housing needs are being met outside the borough boundary, it is requested discussions can take place to explore and agree mechanisms for opportunities for Crawley's affordable housing needs to similarly be met, including through nomination rights being extended to residents on Crawley's housing register. This is particularly, but not restricted to, where housing needs are being met by developments on Crawley's boundaries.

Self and Custom Build Homes:

The SHMA has also highlighted the need for Duty to Cooperate discussions to explore opportunities to meet needs of those who wish to Self- or Custom-Build their own home. As a planned, urban New Town, the potential for meeting the level of development needed is limited within Crawley borough. Also, the high density nature of the majority of Crawley's anticipated delivery, particularly in the Town Centre, is not often appropriate for Self- or Custom-Builders.

The emerging Crawley Borough Local Plan proposes a draft policy approach. However, discussions would be welcomed to consider whether there are opportunities for this to be considered over a wider area (particularly if there are duplicate entries across districts and boroughs).

Employment

In addition to the unmet housing needs, joint working undertaken across Northern West Sussex through the joint commissioning of the recent Economic Growth Assessment (EGA), 2020, has highlighted continued significant anticipated levels of economic growth in the Functional Economic Market Area. Much of the identified growth is associated with the economic strength of Crawley and Gatwick.

The EGA identifies a need for a total of 33 hectares of business land in Crawley over the Plan period, based on a continuation of past development levels which are based on a constrained land supply. As identified by the Employment Land Trajectory, the available business land supply pipeline within Crawley is approximately 12ha, resulting in an outstanding current requirement for 21ha business land.

However, there is potential for a greater level of business growth in Crawley, which uses the 'unconstrained' housing need figure of 752dpa, which identifies a projected B-class business land requirement of 113ha. This level of growth is considered likely to be needed should further major urban extensions to Crawley come forward.

In order to take a proactive approach to addressing economic growth needs in the area, the draft Crawley Local Plan proposes the removal of "safeguarding" of land for a potential southern runway at Gatwick Airport. This land, covering 613ha to the north of Crawley, between the town and the Airport, has instead been designated for an Area Action Plan (AAP).

The AAP will assess the needs for future growth and operational needs of the airport alongside other development needs arising in Crawley, including:

- i. Economic growth;
- ii. Housing (although this will be very limited due to noise constraints from the existing runway);
- iii. Infrastructure;
- iv. Community/recreation facilities; and
- v. Other uses identified through the evidence gathering and consultation on the AAP.

The council is committed to commencing work on the AAP within three months of the adoption of the Local Plan and it may conclude that sites for Strategic Employment Location(s) can be identified within Crawley, should some or all of the AAP land not be required for airport expansion. The AAP will be a future Development Plan Document.

I would welcome a written response from your local authority by **Monday 2 March 2020**, to help formalise the understanding between us with regard to whether your authority is able to assist Crawley in meeting its unmet needs.

Similarly, please let me know if your authority considers there are any other strategic issues not sufficiently covered or ways in which you believe Crawley may be able to assist you in your strategic planning needs.

Please contact me or my officer, [REDACTED] should you have any questions or require further clarification with any of the content included above.

I look forward to continuing to work with you in the future to seek positive solutions to these challenging strategic issues.

Yours Sincerely,

[REDACTED]

[REDACTED]

Cabinet Member for Planning and Economic Development

██████████
Cabinet Member for Planning
and Economic Development
Crawley Borough Council, Town Hall
The Boulevard
Crawley
RH10 1UZ

Our ref: Crawley DtC
Your ref:

Date: 02 March 2020

Sent by email to ██████████, Planning Policy Manager

Dear ██████████

Re: Crawley Borough Local Plan Review 2020-2035: Duty to Cooperate

Thank you for your letter dated 21 January 2020. Horsham District Council is committed to continued close cooperation and joint working between our councils, reflecting our joint housing market area and common functional economic market area. I am pleased that we are building on our existing Northern West Sussex Authorities joint Position Statement and working towards an updated Statement of Common Ground between Crawley Borough Council and Mid Sussex and Horsham District Council.

You have rightly identified a number of key Duty to Cooperate issues on which I have provided my initial response below. We recognise that you are still preparing a number of key pieces of evidence to support the draft Crawley Plan, and by corollary the proposed unmet need figure. Our comments are therefore not able to reflect the outcome of these studies and we would welcome the opportunity to review and comment as they become available. These studies include the Transport Study, the Viability Study, and a Windfall Allowance Review. A further key piece of work which is in our view needed to provide a solid basis for further discussion is a study which examines appropriate densities and potential infill and regeneration opportunities in Crawley (a 'densification study'), the potential scope of which is discussed in further detail below.

Clearly such matters will be a basis of ongoing discussion between our authorities and I am confident that we can reach positive outcomes on these matters.

Housing

You have formally asked what role HDC is able to play in assisting CBC in addressing unmet housing needs. You have stated that the total unmet need for housing arising from Crawley for the period 2020-2035 is 5,925 dwellings.

Capacity in Horsham District

Horsham District currently has a housing target of 800 dwellings per year which includes an annual contribution towards the current Crawley unmet need of 150 dwellings per year. This provides a significant amount of housing which, together with sites in Mid Sussex District, has ensured that the previously assessed housing need for the North West Sussex area has largely been met. As you will know the need is being met through strategic sites including the West of

Bewbush strategic allocation as set out in the Joint Area Action Plan that was adopted by both councils in 2009 and Land to the North of Horsham.

The Horsham District Local Plan review has reached Regulation 18 stage and has been published for a period of consultation between 17 February and 30 March 2020. The consultation document reaffirms that the main housing market area for the District continues to be North-West Sussex, but that the south east of the district also falls within the Coastal Sussex housing area. As reported in the jointly prepared North West Sussex HMA SHMA, the assessed Local Housing Need for Horsham is 965 homes per annum, compared with the 650 per annum need established in the Horsham District Planning Framework before the 150 homes to meet Crawley’s unmet need is added. We are currently testing options for the overall level of growth, as follows:

1000 homes per year	This would meet the minimum local housing need as determined using the Government’s standard formula. This would fully address the housing need in Horsham District, together with the 5% buffer that is required to provide flexibility, but would not provide any additional housing towards the unmet housing needs of Crawley and the Coastal Sussex area.
1,200 homes per year	This would meet the local housing need and 5% buffer. It would also provide around 200 homes each year to help meet the unmet housing needs of Crawley in particular, and a small element in the Coastal Sussex area.
1,400 homes per year	This would meet the local housing need and 5% buffer and provide around 400 homes each year to help meet the unmet housing needs of Crawley and the Coastal Sussex area.

This demonstrates that the Council accepts the principle that there is an unmet housing need in Crawley and that this has to be taken into account as we take forward our own local plan. Notwithstanding this, there are known to be significant challenges in meeting even the lower level of growth highlighted above, and we will not know what capacity (if any) there will be to meet additional growth requirements relating to Crawley, over and above the local housing need for Horsham district (965 dpa, compared with the 800 dpa target in the adopted Horsham District Planning Framework). There is significant work being done to support the emerging Horsham District Local Plan Review in this respect, the outcome of which will not be known for some months.

To assist you I have highlighted below the known significant constraints to achieving the very high levels of growth that would be needed in Horsham District to make a substantive contribution to the Crawley unmet need, and the work currently being undertaken to find out the extent to which these limit capacity to meet this.

Constraint	Details	Action / evidence
Landscape capacity	Horsham district has two areas of nationally designated landscape protection: the South Downs National Park to the south (14.3% of the District – HDC is not the planning authority), and the High Weald AONB to the north-east (7% of the District). Much of the rest of the district enjoys very good quality landscape, which is highly valued by local communities, and provides many	HDC is currently reviewing its Landscape Capacity Study. Final site assessments relating to prospective new site allocations will take account of this evidence, and seek to avoid areas of low/no capacity for development.

	opportunities for informal recreation for surrounding areas, including Crawley.	
Environmental constraints	Much of the landscape of the District is still heavily wooded of which over 6% is classified as ancient woodland. Approximately 8% of the land is designated for its importance in nature conservation terms, including the Arun Valley Special Protection Area and the Mens Woodland SAC, which are of international importance. The Mens Woodland SAC has a secondary area of constraint relating to the protection of bats which forage beyond the Internationally-designated site. 6% of the district is located within functional floodplain, however, the majority of the district is very rural in character with its natural fluvial and surface water management role.	These environmental constraints are inherent constraints. Opportunities for mitigation will be tested through the Local Plan review, by way of the Habitats Regulation Assessment process and the Sustainability Appraisal.
Pressure on infrastructure	There is justifiable concern within HDC and across communities that the scale and pace of development in Horsham district will lead to failure of infrastructure to cope. There are particular concerns for the combined impact that large scale new development will have on the transport networks. Education provision is also at capacity in some areas of the district. Significant new development will require new infrastructure to be provided potentially including new sewage works. Larger pieces of infrastructure provision may delay the level of development that can be supported until they are in place.	HDC is preparing a new Infrastructure Delivery Plan (IDP) to identify where the significant gaps are likely to occur, and how these might be addressed. HDC is also preparing a comprehensive Horsham District Transport Study, focusing on the road network, which includes a strategic model to assess likely impacts of growth scenarios and identify appropriate mitigation. A Water Cycle Study is also being prepared jointly with Crawley BC and Mid Sussex DC.
Market absorption of scale of growth	The level of growth necessary to go above and beyond the minimum Local Housing Need is unprecedented. We are aware that delivery rates are an area of scrutiny at Local Plan Examinations and have to be clearly demonstrable. The ability of the market to deliver enough homes annually may stymie the growth levels required for meeting additional need from neighbouring areas.	HDC has commissioned Icen Projects Ltd to undertake a Housing Delivery Study. This will provide a steer on the limits housing market geographies and developer practices will have on overall levels of development in the district.

There are of course a number of further constraints that HDC has or will provide evidence on, which will have a further bearing on realistic levels of development. These include viability and flood risk.

Capacity in Crawley District

In your letter you state that CBC is working hard to maximise capacity within the borough's boundaries. I am pleased to see that the draft plan has sought to identify a number of different mechanisms by which the standard housing methodology figures as calculated for Crawley Borough could be achieved. I note that this covers a range of approaches, including through increased densities, estate regeneration, the development of any surplus open spaces, town centre development and upward extensions, increased building heights and garden sites.

However we remain unclear at this stage as to the extent to which the potential yield that such approaches could generate over the plan period has been considered, and whether there is potential for this to assist housing delivery, particularly in the latter part of the plan period. For example Policy CL5 sets minimum densities for development, and Policy TC3 identifies a number of Key Opportunity Sites in the Town Centre. Paragraph 11.19 states that at least 1,500 dwellings are anticipated across all of these sites (consistent with Policy H1), however there is no clear evidence of how this number has been arrived at, or whether a comprehensive study of opportunity sites within the town centre, and appropriate densities within these, has been undertaken.

It is not clear to me how opportunities for estate regeneration (and associated densification) have been looked at. The draft Local Plan in paragraph 12.55 states that there are no estate regeneration projects planned in Crawley. We would welcome discussion as to why this has not been taken forward as an option for increasing housing delivery within Crawley Borough whilst also delivering significant community benefits.

I note that the Strategic Housing Land Availability Assessment (SHLAA) supporting the emerging Local Plan makes an assumption that the Gatwick southern runway may still come forward, and incorporates an assumption that maximum permissible noise levels may therefore be exceeded. This change appears to have had the effect of ruling out large sites of several hectares which had previously been included in the housing trajectory for the 2015 Local Plan. The SHLAA recognises that such sites may be reconsidered as part of the North Crawley Area Action Plan. Although we appreciate there are considerable uncertainties in relation to this matter, it could be argued that such sites should not have been ruled out at this stage, given the increase in housing need for Crawley and for the housing market area. Again, we would welcome further discussion around these points.

Further areas of investigation regarding land use efficiency and maximising delivery within Crawley Borough could reasonably include:

- i. A more generous assumption relating to windfall development (currently assumed at 55 dwellings per hectare). It is noted that the draft Local Plan refers on page 223 to a background document 'Windfall Allowance Review 2020-2035' however this does not appear to have been published on your website.
- ii. Positive identification at the plan-making stage of any further surplus or under-used green space or industrial land in Crawley Borough (albeit it is recognised that fit-for-purpose green infrastructure should be protected and enhanced). It is noted that currently published open space studies are some 6 years old and may now be in need of update;
- iii. Reassess whether sites in the SHLAA should have been found to be unsuitable for development. The airport noise contour issue has already been mentioned above, and there are further justifications given for rejecting sites that could be better evidenced,

e.g. site adjacent (but not within) a flood risk area, or the higher infrastructure costs associated with redeveloping industrial sites.

In summary, Horsham District Council recognises that some steps are being taken to increase housing delivery within Crawley Borough, but we would question whether sufficient evidence exists to show that there has been no stone unturned. We therefore request that a more comprehensive study which examines appropriate densities and potential infill and regeneration opportunities in Crawley is undertaken (i.e. a 'densification study'). This should consider the above questions and others as appropriate, to provide a robust understanding of how much of the Crawley housing need should in principle be accommodated by neighbouring authorities including Horsham district.

Affordable housing

I note your request to discuss the issue of nominations rights for affordable housing being delivered outside Crawley Borough to meet Crawley's unmet needs. For HDC's part, we are obliged first and foremost to prioritise meeting our own very significant housing needs, which includes an assessed need for 503 affordable homes per year. It will be very difficult to meet this in full, even with a high policy requirement, and it is therefore anticipated that there may be limited opportunity to meet a significant proportion of Crawley's affordable housing need on top.

Employment

I note your comments on an unmet need for employment land supply. It is encouraging to note that there may be opportunity to meet this through the North Crawley AAP. I also understand that Crawley has further opportunity to work with Reigate and Banstead Borough Council to further address the need through allocation of employment land in that district.

For Horsham's part, our emerging Local Plan has the key aim of maximising the self-containment of the district, and to this end we are working to the principle of providing one job per new home. Clearly if there is land allocated in Horsham District to help meet Crawley's unmet housing needs, we would expect employment to come forward to meet the employment needs of those communities, thereby helping to address the 'unconstrained' growth scenario you outline in your letter.

Next steps

I would welcome further discussions on the full range of issues covered by the Duty to Cooperate. We will of course continue to look for opportunities to meet the wider unmet development needs of the area, but this has to be in the context of prioritising the needs of our own District, and dependent on an appropriate level of evidence being made available to support the unmet needs 'ask' from Crawley. I believe both authorities recognise the scale of the challenges we jointly and respectively face, and look forward to positive and meaningful discussions to support our respective local plans. My officers will continue to engage and be available for such discussions in the first instance.

Yours sincerely,



Cabinet Member for Planning and Development

Economy and Planning

Contact name: [REDACTED]

Email: [REDACTED]

Date: 14 April 2023

Direct line: [REDACTED]



By Email Only

Dear Head of Planning,

Crawley Borough Submission draft Local Plan 2024 – 2040: Duty to Cooperate

As you may be aware, the Crawley Borough Local Plan 2024 – 2040 was approved for publication and submission at the Full Council meeting held on 22 February 2023. The publication consultation will take place for a 6-week period commencing **Tuesday 9 May until Tuesday 20 June 2023**.

The purpose of this letter is to draw your attention to the Crawley Local Plan in relation to meeting Crawley borough's objectively assessed development needs. The Local Plan has been prepared in the context of substantial, positive, ongoing cross-boundary working carried out over the various functional strategic areas of which Crawley forms part and I acknowledge and thank you for this.

As you are aware this will be the third time the draft Crawley Local Plan review has been subject to formal Publication (Regulation 19) consultation. Ahead of the initial Publication consultation held in January 2020, Crawley Borough Council sent a formal letter requesting assistance in addressing identified unmet development needs as part of the Local Plan Review. A number of Statements of Common Ground have since been agreed between authorities (attached where relevant) and our Duty to Cooperate Statement has been updated to document these and all the work which has been carried out to date in relation to cross-boundary, strategic issues.

I invite your comments on the information provided within the updated draft Duty to Cooperate Statement (enclosed).

In particular, I formally request confirmation of the role your authority is able to play in assisting my council in addressing identified unmet development needs under the Duty to Cooperate provisions:

- The updated total **unmet housing need**, calculated for the Local Plan Review, based on the Standard Methodology for housing, arising from within Crawley over the Plan period (2024 – 2040) is **7,050 dwellings**.
- In addition, there are particular housing types which are needed to meet the needs of specific communities.

Overall Housing Need:

Crawley's submission Local Plan confirms that the government's Standard Methodology for calculating housing need results in a total housing need for the 16 year Plan period (2024-2040) of 12,080 dwellings (based on 755 dwellings per annum (dpa)).

The draft Local Plan identifies that the borough's land supply allows 42% of this to be met on sites within the borough's administrative boundaries: a minimum totalling 5,030 dwellings. This equates to an annualised average of 314dpa.



Switchboard: 01293 438000
Main fax: 01293 511803
Minicom: 01293 405202
DX: 57 139 Crawley 1
www.crawley.gov.uk

Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

However, a stepped trajectory is reflected in the Policy to account for the higher delivery in the early Plan period and the lower anticipated levels towards the end (due to the build out of the last remaining large sites available within the borough):

- Years 1-5 (2024-29): 400 dwellings per annum (dpa)
- Years 6-10 (2029-34): 360dpa
- Years 11-16 (2034-40): 205dpa.

The council is working hard to maximise capacity within the borough's boundaries, including by introducing extremely high density targets for the Town Centre and accessible locations and a series of housing typology policies to positively influence development opportunities within the borough.

This leaves a total unmet need figure of 7,050 dwellings to be accommodated within the wider housing market area, insofar as is consistent with the National Planning Policy Framework and delivery of sustainable development.

In addition to the overall unmet housing needs amount, the 2019 Strategic Housing Market Assessment (SHMA) considered the needs of specific communities within the borough. More details are set out in our draft Unmet Needs Topic Paper, enclosed for information and any detailed factual comments.

Affordable Housing:

With particular reference to affordable housing, the SHMA has highlighted a net need for 739 affordable homes per year in Crawley (of which 563 dwellings per year are needed as rented affordable housing). As Crawley is only able to meet approximately 42% of its overall housing needs within the borough, even with 40% affordable housing requirement proposed by the draft Local Plan policy, there will be a significant shortfall of affordable housing. In addition, viability evidence has confirmed it is not possible to require 40% affordable housing from town centre residential developments, in these cases the Policy establishes a 25% affordable housing requirement. On this basis, less than 15% of Crawley's affordable housing needs can be met within the borough (108dpa).

Therefore, where Crawley's unmet housing needs are being met outside the borough boundary, it is requested discussions can take place to explore and agree mechanisms for opportunities for Crawley's affordable housing needs to similarly be met, including through nomination rights being extended to residents on Crawley's housing register. This is particularly, but not restricted to, where housing is coming forward in developments on Crawley's boundaries.

Self and Custom Build Homes:

The SHMA has also highlighted the need for Duty to Cooperate discussions to explore opportunities to meet needs of those who wish to Self- or Custom-Build their own home. As a planned, urban New Town, the potential for meeting the level of development needed is limited within Crawley borough. Also, the high density nature of the majority of Crawley's anticipated delivery, particularly in the Town Centre, is not often appropriate for Self- or Custom-Builders.

The emerging Crawley Borough Local Plan proposes a draft policy approach. However, discussions would be welcomed to consider whether there are opportunities for this to be considered over a wider area (particularly if there are duplicate entries across districts and boroughs).

I appreciate we are currently in the pre-Election period, but I would welcome an initial officer response from your local authority by **Friday 28 April 2023**, to help confirm the understanding between us with regard to whether your authority is able to assist Crawley in meeting its unmet needs. Further discussions can then take place between our authorities, as necessary, ahead of the submission of the Crawley Borough Local Plan for its Examination.

Any concerns you may have with the updated DtC document, particularly where your authority is referred to, would also be welcomed by **28 April** so that any issues can be addressed before we publish the document for consultation on 9 May. More general responses can obviously be made during our Publication consultation.

It would also be helpful to understand, where we have an agreed Statement of Common Ground, if this needs to be updated; or, where we don't have an existing agreed Statement of Common Ground, if this is something we should consider preparing in advance of the submission of the Crawley Borough Local Plan (anticipated to be during July 2023).

Similarly, please let me know if your authority considers there are any other strategic issues not sufficiently covered or ways in which you believe Crawley may be able to assist you in your strategic planning needs.

Please contact me or the Planning Policy Manager, [REDACTED] should you have any questions or require further clarification with any of the content included above.

I look forward to continuing to work with you in the future to seek positive solutions to these challenging strategic issues.

Yours Sincerely,

[REDACTED]

[REDACTED]

Head of Economy and Planning

██████████
Planning Policy Manager, CBC
Via email only

Our ref: DTC/CBC
Your ref: CBLP/DTC

19 April 2023

Dear ██████████

Crawley Borough Local Plan: Duty to Cooperate – Horsham District Council

Thank you for your email dated 14th April 2023 in relation to the Crawley Borough Local Plan (CBLP) and the Duty to Cooperate.

As you allude to in your email, HDC is in its pre-election period and therefore at this time it is not possible for the authority to provide a formal response to the matters raised in the email and related documentation. As such, this is an officer-level response. A more comprehensive response will be provided on your Regulation 19 Local Plan during the publication period. Additionally, some of the documents submitted are very detailed and it is not possible for us to thoroughly review in such a short time period. Therefore, further comments may be made upon further review as part of the Regulation 19 response.

Unmet overall housing needs

Firstly, though we have commented on previous drafts of the CBLP that CBC should undertake work to look at whether it can increase the amount of planned development to occur within its urban area (which we shall review during the upcoming Regulation 19 publication), we recognise that CBC is a constrained authority. Therefore, and in the context of rising housing needs in CBC and across the region, we accept that it is very unlikely that CBC could be in a position to meet its own needs in full.

We therefore note the request for HDC to assist in meeting CBC's unmet needs through the Horsham District Local Plan. You will know that meeting unmet needs has been a regular theme in discussions, both on a bilateral basis and during work done at a wider scale – such as at the North West Sussex (NWS) Housing Market Area (HMA) level. You will also know, as is recognised in the documentation, that the Horsham District Planning Framework's housing requirement was increased by 150 homes per year to assist with unmet needs in Crawley.

We have engaged positively with yourselves during the preparation of our respective new Local Plans to understand your position and to assist in addressing unmet needs. As a consequence of this engagement, we indicated in our draft Regulation 19 Local Plan (July 2021) that was considered by our Cabinet, that we would look to meet half of your reported (at that time) unmet overall housing needs – equating to 193 homes per year.

However, you are aware that July 2021 of the Local Plan did not progress to a Regulation 19 publication period. Initially this was because of an unexpected alteration to the NPPF necessitating immediate changes to strategic site policies. More fundamentally, the implications of the September 2021 Natural England Position Statement on water neutrality

has meant that HDC has not been able to make available a Local Plan for a Regulation 19 publication period.

In relation to water neutrality, we have worked very effectively together and developed a joint evidence base with partner authorities, drafted a joint policy and are working closely to set up a water offsetting scheme which developers could access to demonstrate water neutrality in new development. All of this work, as well as a shared commitment to future joint working, will be outlined in the Joint Water Neutrality Topic Paper and the Water Neutrality Statement of Common Ground that we both wish to see finalised and published in short order.

As part of the joint water neutrality work, we have shared with you details of our emerging housing trajectory for our Local Plans, which reflects the impact of the water neutrality constraint and takes account of the reduction in permissions granted in the last 18 months. You therefore are aware that the current water neutrality evidence base indicates that we could deliver a Local Plan that averages 800 homes per year when accounting for development elsewhere in the Sussex North Water Resource Zone, including within Crawley Borough. Given that the standard method indicates that the starting point for our Local Plan should be 911 homes per year, if we were to deliver a Local Plan on the basis of an average of 800 homes per year, we would be unable to meet our needs in full. Accordingly, based on the circumstances that HDC find ourselves in, we can therefore not commit to meeting any part of the unmet overall housing needs of CBC at this time.

Despite the above, we recognise that we share a common primary housing market and, alongside Mid Sussex District Council (MSDC), we will continue to explore meeting unmet needs across the NWSHMA, recognising that the situation in relation to water neutrality is expected to be resolved in the future. In addition, a Statement of Common Ground is expected to be finalised soon between the NWSHMA authorities in relation to housing, which will make clear our collective desire to ensuring that needs in the NWSHMA are fully addressed.

Edge of Crawley sites

We note mention of sites on the edge of Crawley in your documentation and their potential ability to accommodate Crawley's unmet needs in relation to overall unmet housing needs and affordable housing.

To make clear, whilst HDC is considering a large site on the edge of Crawley (known either as West of Crawley or West of Ifield), no formal decision has been made as to whether propose this site as an allocation in our emerging Local Plan. However, as the development of the site could have cross boundary impacts, we have worked with yourselves and shared information relating to the proposal.

Should the proposal come forward as an allocation in our Local Plan, we will continue with this ongoing engagement to ensure that impacts of development and the needs of Crawley Borough (including consideration of affordable housing needs) can be considered. However, as no decision has been made to allocate this site, we cannot comment more specifically on this issue at the current time.

As stated earlier in this letter, HDC cannot demonstrate that it can meet its own overall housing needs in full. At this stage therefore we would not expect to be able to apportion part or all of the amount of development that could potentially be delivered at West of Ifield (or indeed any other proposed allocation) to meeting Crawley's unmet overall housing needs. This is in line with the prioritisation that will be set out in the NWSHMA Statement of Common Ground on housing. We will however keep this matter under review taking account of the impacts and solutions to water neutrality.

Other Matters

We are happy to discuss self and custom building housing as part of future duty to cooperate discussions. As with other elements, we are not however in a position to commit to meeting needs of other authorities as we may not be in a position to meet our own unmet needs.

The table relating to paragraph 3.1.7 of Topic Paper 1: Unmet Needs identifies that our new Local Plan period will be 2024-2040. Given the recent delay to our Local Plan preparation, we do not currently have a specified plan period and thus, this should be recorded as unknown. If there are other references to our plan period in the rest of the documentation, this should similarly be recorded as unknown. We will of course advise you of our plan dates once these are confirmed.

As officers, we recognise that the close and constructive working between authorities have been beneficial and can confirm that we will seek to maintain this relationship as our Local Plans advance towards adoption. It is unfortunate that we are not able to provide certainty in our response to the matters identified in your letter at this time. We are hopeful that, following the upcoming elections and in response to your formal Regulation 19 publication period, the Council will be in a better position to provide a more detailed reply.

I hope that the letter is clear. [REDACTED]

Yours sincerely,

[REDACTED]
Head of Strategic Planning

Via email only

Our ref: Strategic Planning
/DtC/Crawley

Your ref:

Date: 24 November 2023

Dear [REDACTED]

Horsham District Local Plan: Addressing housing and Gypsy & Traveller Needs

We meet regularly at an officer level to discuss progress on our respective Local Plans. During such conversations we have explained that though our Local Plan was still in production, it looked likely that the Local Plan would be unable to fully accommodate assessed needs for housing and Gypsy & Traveller provision. We are now able to confirm our position in respect of these matters.

Housing

Historically, HDC has been in a position to fully address its own housing needs. Indeed our current Local Plan, the Horsham District Planning Framework (HDPF) not only met our objectively assessed needs, but contributed an additional 150 homes per year to accommodate unmet needs in Crawley Borough.

The process of preparing a new Local Plan for Horsham District began in 2018. By July 2021 a draft Regulation 19 document was considered by our Cabinet which recommended that it should be considered at full Council to allow for the it to be published for a representation period. This draft Regulation 19 document, among other matters, set an annualised housing target of 1,100 per year – a figure beyond HDC's standard methodology number. This figure would meet 50% of your unmet needs, as well as make a small allowance for Sussex coastal areas (with whom we share a secondary housing market area). Such a figure was towards the top end of what our evidence base stated could be delivered at that time.

Prior to our full Council having opportunity to consider the Regulation 19 Plan, the NPPF was revised. Counsel advice was received on these amendments that stated that changes were necessary to make the plan sound and in line with national policy. Subsequently, Cabinet and Council dates were set up for November 2021 to progress an updated version of the Local Plan.

On 14th September 2021, alongside yourselves and Chichester District Council, HDC received a Position Statement from Natural England¹. An addendum to the Position Statement was subsequently made in November 2022². Collectively, Natural England assert that water in the district is sourced from the Arun Valley, which includes sites protected by the Habitats Regulations. Natural England further explain that it cannot be concluded that the existing

¹ https://www.horsham.gov.uk/_data/assets/pdf_file/0019/106552/Natural-Englands-Position-Statement-for-Applications-within-the-Sussex-North-Water-Supply-Zone-September-2021.pdf

² https://www.horsham.gov.uk/_data/assets/pdf_file/0012/120315/Addendum-to-Position-Statement-Nov-22.pdf

abstraction is not having an impact on these protected sites and that development must not add to this impact.

The result of this Position Statement is that we are currently unable to determine planning applications positively unless water neutrality can be demonstrated. The impact of this has been severe – in the 25 months since September 2021 only 602 homes have been approved. To put this into context, in the three years prior to the Covid pandemic, our average annual housing delivery was just under 1,200 per year.

The impact of the Position Statement on our Local Plan has been similarly severe, as it has taken time to develop an evidence base to understand the effect it would have on future development in the district. Our work on water neutrality, undertaken with our partner authorities and organisations, has now been uploaded to our [evidence base webpage](#). The upshot of such work is that the capacity of Horsham District to deliver development is now limited due to the need for all development to be water neutral.

The lack of recent approvals also means that our housing supply is less than anticipated, accordingly, we expect low delivery over the next five years. Our Housing Delivery evidence (expected to be published in January 2024) also sets out that we will not be able to ensure that our standard method derived figure (911 per year) could be accommodated.

A proposed Regulation 19 Local Plan is being considered by Cabinet and Council on 11th December. Because of the issues highlighted above, the Local Plan will not be able to put forward a strategy that can ensure that we can achieve 911 homes per year. Instead, it will set out an annualised housing target for the period 2024-2040 of around 777, with a stepped trajectory that rises from around 480 in years 2023/24-2027/28 to around 901 in the years 2028/29-2039/40. This means that we will have a shortfall of around 2,275 over the plan period.

At our recent meeting we discussed the ability of your authority to accommodate our housing needs, should they not be able to be fully addressed in our Local Plan. Could you confirm your position in respect of this, in writing?

Gypsy and Traveller Provision

We have discussed the needs for Gypsy and Traveller (G&T) provision and explained that an updated needs assessment was underway in Horsham District. This work is near finalisation and is intended to be published in January 2024 to coincide with the expected Regulation 19 period on our Local Plan. We are now in a position to state that our proposed Regulation 19 document will set out sufficient allocations to meet G&T households meeting the PPTS definition over the first ten years of the plan.

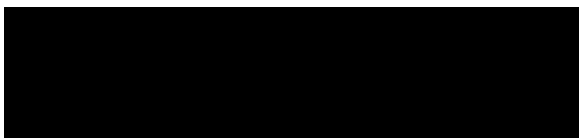
Despite this, we will be unable to fully address our need over the plan period. This is mainly as the assessment identified a large need for pitches for those G&T households that do not meet the PPTS definition of G&T for planning purposes (35 pitches) and the needs of those where it could not be concluded that they met the definition (21 pitches). Together with a shortfall of two pitches for those who meet the PPTS definition, that will mean that we have a shortfall of 58 pitches over the plan period.

We have discussed the ability of your authority to accommodate our gypsy and traveller needs, should they not be able to be fully addressed in our Local Plan. Could you confirm your position in respect of this, in writing?

I hope that the letter is clear. [REDACTED]

We look forward to receiving your response to the matters referred to in this letter at your earliest convenience.

Yours sincerely,

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name of the signatory.

Head of Strategic Planning