

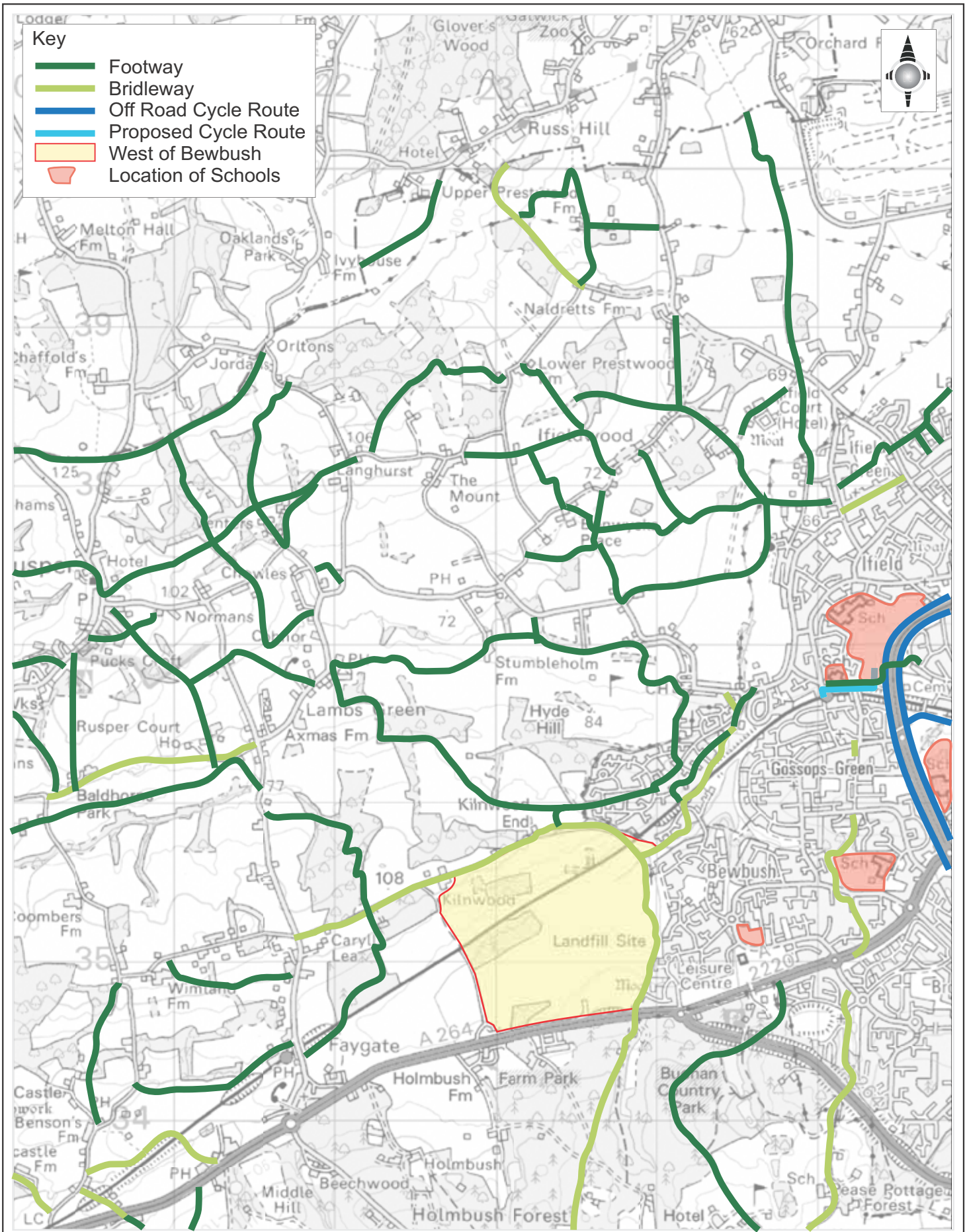
**WEST OF BEWBUSH
JOINT AREA ACTION PLAN
EXAMINATION IN PUBLIC**

FINAL
3,300 words

**EXAMINATION STATEMENT
CREST NICHOLSON DEVELOPMENTS LTD
DECEMBER 2008**

Issue 1 - Principle of the Development West of Bewbush
Tuesday 20th January 2009

**CND EXAMINATION STATEMENT 1
CND REF: 73910**




pba
peterbrett

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Client



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West of Bewbush, Crawley
Public Rights of Ways

Date	20/05/2008
Scale	NTS
Drawn by	GS
Checked by	SM
Revision	-

FIGURE 02

Issue 1 - Principle of the Development West of Bewbush

Tuesday 20th January 2009

Introduction

This Examination Statement has been submitted by Crest Nicholson Developments (CND) as part of the Examination in Public on the West of Bewbush Joint Area Action Plan (JAAP). The Statement highlights and where necessary expands upon representations submitted by CND in July and October 2008 on the JAAP process. It does not repeat representations.

The following CND representations and technical evidence are relevant to this statement:

Ref		Ref	
Wbsub204	Vision (Support)	Wbsub210	CHP Location (Object) Withdrawn
Wbsub205	Principles & Objectives (Support)	Wbsub240	Zero Carbon Definition (Object) Withdrawn
Wbsub206	Neighbourhood Principle (Support)	Wbsub263	Sustainability/ Sustainable Construction - Carbon Reduction / Flexibility (Support) Withdrawn
Wbsub207 Policy WB1	Neighbourhood West of Bewbush (Support)	Wbsub241	Sustainability/ Sustainable Construction - 50% Reduction/ Flexibility (Object)
Wbsub208 Policy WB2	Comprehensive Development (Support)	Wbsub264	Sustainability/ Sustainable Construction – Water (Object)
Wbsub211 Policy WB3	Neighbourhood Principles (Support)	Wbsub260	Sustainability/ Sustainable Construction – Code Level (Object)
WoBAIt49 (ADS 8A)	Site 8A (Land West of Ifield)	Wbsub252	CHP Infrastructure Requirements (Object) Withdrawn
Wbsub 247 Policy WB24	Western Relief Road (Support)	Wbsub261	Conceptual Masterplan (Object) Withdrawn
Wbsub248 Policy WB25	Railway Station (Support)		
Wbsub249 Policy WB26	Transport (Object) Withdrawn		

Examination Statement 1 Appendices:

Appendix: Public Rights of Way

Abbreviations

- CBC / HDC – Crawley Borough Council / Horsham District Council
- CND – Crest Nicholson Developments Ltd
- SV - Savills (Planning Consultant)
- BW – Barton Willmore (Masterplanner)
- SLR (Environment and Landscape Consultant)
- PBA – Peter Brett Associates (Transport / Utilities Consultant)
- FL – Fulcrum (Sustainability / Engineering Consultant)
- CP – Capitol (Railway Consultant)
- WoB – West of Bewbush (the site)

Issue 1: Principle of Development & Identification of the West of Bewbush site – *Whether the JAAP will deliver the required numbers and a balanced range of housing based on the neighbourhood principle in the right location.*

Chapters 1 to 3 and policies WB 1 and WB 2

Are there, in general only, any serious problems with the development of the site that might prevent the required housing delivery within the stated timescale? In particular, are there problems with bridging the railway, remediating the landfill, transport (bypass and railway station) and economic viability?

1. CND has invested seven years of expertise and expenditure into the promotion of WoB including compiling a robust evidence base to justify a land use allocation. CND therefore refers the Inspector to the technical studies within the Core Documents List and contained within CND's July 2008 representations available to support the allocation (notably Wbsub204, 205, 206, 207, 208 and 211). Also in response to the ADS consultation representation WoBAIt49.
 - Available: The land is within a single ownership, and controlled by a single developer (CND). The site has clear access points from the A264 and benefits from a legal right to cross the railway to the land to the north;
 - Suitable: The evidence base compiled by CBC/HDC and CND clearly and robustly demonstrates the suitability of the development allocation, no other 'reasonable alternative' has been shown to be superior in any evidence submitted to the Plan process;
 - Achievable: CND is confident that all the necessary measures are in place to deliver the site within the planned timeframes. The development will commence in 2010 with the first housing completions in 2011/12 to assist with meeting the five year supply (of which 540 market units are planned within the period 2009 – 2014). The landfill licence surrender application has been made, and a Basic Service Agreement is well progressed with Network Rail. Negotiations with the Highways Authority and the Highways Agency are well progressed with regard to mitigating the potential transport impacts and both have submitted Statements of Common Ground with both CND and CBC/HDC. Matters associated with the viability of the development are discussed in detail and in response to Issue 6. It is likely that a Planning Performance Agreement (PPA) will be entered into to ensure the commencement programme is achievable.

2. PPS12 (Local Spatial Planning) paragraph 4.38 refers to the need for a robust site selection of 'reasonable alternatives'. The WoB site within the Area of Search is clearly the most suitable (as demonstrated by the SA) and as set against the PPS3/ PPS12 criteria, the original Area of Search being endorsed by the Horsham Inspectors Report.
3. Whilst the cost of introducing development to the WoB location is increased by virtue of the presence of former inert landfill on around 30% of the site area, the remainder of the site is Greenfield, as are competing locations within the former Area of Search. In transportation terms however, the balance of economic viability and deliverability favours WoB. This site abuts the principal road network (A264), none of the competing sites share that characteristic. The transportation studies carried out in conjunction with WSCC have concluded that its development does not require the construction of major elements of new highway infrastructure to mitigate its impacts, such as the Western Relief Road to Crawley. No evidence has been submitted to suggest that any other site benefits from this outcome. No third party land is required to deliver the highway based improvements necessary to complete/ mitigate the development. The timing and costs of delivery can be assured, far more so than competing locations.
4. The site abuts Bewbush neighbourhood wherein the first phase of Crawley's Fastway system terminates. The extension of this service which links into the Town Centre and Gatwick, is extremely straightforward involving limited infrastructure spend and subsidy. The WoB location is unique in this respect.
5. The site also sits astride the railway corridor, making it unique in attracting a sound business case for a potential railway station (and meeting wider sustainable transport aims as outlined by CND's July 2008 representations WBSUB247, 248 and 249). Accordingly in market terms a broader spectrum of potential purchasers might be attracted to this location, assisting sales rates to some degree (and hence delivery). Matters relating to the railway station are covered in more detail in CND's response to Issue 5.
6. These assets of WoB far outweigh the financial investment introduced by the presence of the former inert landfill within the site. Accordingly the WoB location is the most achievable location within the Area of Search. If this location cannot deliver the housing trajectory in an adverse economic climate, it is certainly safe to conclude that competing sites will fair far worse. Consultants URS researched the likely costs of development at West of Bewbush as part of this exercise at the JAAP Preferred

Options stage (Development Costs and Revenues, July 2007). This is discussed in more detail in CND Examination Statement 6 (Issue 6).

7. Accordingly a new neighbourhood at WoB carries the lowest infrastructure burden as demonstrated by the URS study of the competing sites within the Search Area. It is not this aspect of the cost of development which might threaten the development's economical viability or its ability to deliver the requisite housing numbers. It is simply the economic wellbeing of the country and more particularly the buoyancy of the housing market. This has resulted in the present short term lower demand for housing and impacts on the national housing market. It is an issue of the economy rather than one of the JAAP.

8. In the context of economic viability CND with CBC/HDC have developed an infrastructure costing and viability appraisal based on the findings of a toolkit to inform the JAAP Examination (as required by the matters raised in Issue 6). This shows that some projected economic circumstances necessitate the flexibilities in elements of the JAAP policies to be exercised in order to maintain project viability. CND would point to the fact that this is a consequence of contemplating a worsening market rather than a deficiency in the allocation of the land to the west of Bewbush (which is clearly an excellent location for a sustainable neighbourhood). The market itself is not a relevant planning consideration. A low economic scenario will hinder housing delivery through the wider southeast and UK markets (and as such is not JAAP specific). In outlining the viability work a number of potential public sector and third party funding sources have been investigated to assist with the trajectory should the current market conditions pertain over a prolonged period. The toolkits do not incorporate potential or possible public sector funding for the purposes of the EiP, however, in reality such may be achievable to assist in a low economic circumstance. This is in addition to the recent announcement by the Government that the HCA will assist with the delivery of housing, with funding in the region of £605m (source: <http://www.communities.gov.uk/news/corporate/1094244>).

9. The issue of the bridge crossing over the railway has been covered within the Third Draft Transport Assessment (Peter Brett Associates, May 2008), submitted as part of the technical evidence base (see paragraphs 4.3.1 to 4.3.2). Further representations submitted by CND specifically highlight the relevant Acts which CND believes provide rights of access across the railway (see the CND July 2008 Technical Appendix 6 'critique of URS studies', paragraphs 3.8 to 3.10). Network Rail has not provided any evidence to contradict CND's assertion over a period of eight months. Nor have they made JAAP representations to the contrary and as stated, are in negotiation with CND over a Basic Service Agreement (BSA). In response to site ADS 8A (October

2008) CND has further outlined the rationale for crossing the railway and implementation of the station (see paragraphs 43 – 49 of representation WoBAIt49). Any potential ransom payable to Network Rail has been factored into the analysis of overall economic viability (as discussed in CND Examination Statement 6).

10. There has been a robust and extensive level of monitoring of the former inert landfill element of the site over a seven year period. It is both practical and acceptable in environmental terms to remediate the landfill. CND's investigations have informed the production of the JAAP including the phasing and delivery elements. CND is entirely confident that the landfill remediation will commence in 2010 and run through the first two Core Phases of development. The remediation is an abnormal cost associated with development on the former landfill, investigated to be in the region of £15m (CND Examination Statement 5 refers). The remediation in the context of WoB relates to the costs of treating or removing contamination, carrying out the required earthworks and landform alterations and providing appropriate foundation structures to support development in this area. CND support the proposed pre Hearing changes by CBC/HDC in relation to the phasing of landfill remediation (CND Examination Statement 6 refers).
11. To support the delivery and phasing strategy outlined by the JAAP CND is entering into a Planning Performance Agreement (PPA) with CBC/HDC with an Inception meeting held on 1st October 2008. The delivery mechanism is being significantly aided through close co-operation with CBC/HDC in terms of outlining a clear planning performance strategy for the determination of the various planning applications. A steering group and working group are programmed to assist with the assembly of a planning application in the first quarter of 2009.
12. The PPA is a significant delivery step which will greatly enhance the commencement date of the development. The PPA sets out the agreed programme for the planning process to ensure that dwellings are delivered from 2011/12. The hybrid planning application (outline and detailed initial development phase) is due for submission in Summer 2009 and determination in Spring 2010 to facilitate initial groundworks and commencement of landfill remediation in 2010. Throughout the ongoing technical surveys and reports the commencement date has always remained consistent and an important consideration for the CND consultant team. No evidence to date has demonstrated that this is not achievable.

What are the housing supply implications of the 9 July 2008 and 15 October 2008 High Court judgements concerning the North East Sector? Does this affect the basis of the Core Strategies for the allocation of this site or its timescale?

13. CND have no comment to make in relation to this question.

In ¶ 2.3 why is the Horsham Core Strategy requirement (CP 6) for a landscaped western edge to prevent further expansion omitted? Does this omission affect the Conceptual Masterplan as this landscaped edge is not shown?

14. The Core Strategy policy CP 6 would also apply to the planning application(s) on the WoB site and as such the JAAP should complement but not repeat requirements covered elsewhere in the Horsham LDF.

15. SLR's landscape and visual assessments completed for CND (see July 2008 CND Technical Appendix 5 and October 2008 Technical Report B), which include computer modelling to assess the effects of existing vegetation features as well as ground topography, have clearly indicated that these features would be sufficient to screen views of the proposed development from viewpoints in the AONB and from within the Horsham-Crawley Strategic Gap. This matter is further discussed in CND's response to Issue 4 (CND Examination Statement 4).

16. Should the Inspector be minded to amend the Conceptual Masterplan then regard should be had to CND's technical background and the material impacts on landscape (which are considered to be minimal).

17. The evidence base and CND's position is considered to be in accordance with the Urban Rural Fringe Study of Crawley (LDA Design, August 2006) ref. CDHDCB35. This study clearly shows the benefits of WoB in relation to other reasonable alternatives.

In ¶ 2.6, what public rights of way network is proposed?

18. CND believes that CBC/ HDC have entered into a SoCG with various objectors with regard to public rights of way. CND's position is to facilitate where possible the routing of new public access through the masterplanning of WoB as well as to seek enhanced linkages south to the AONB. CND has control over land south of the A264 to facilitate this.

19. Figure 2 in the Third Draft Transport Assessment (ref. CDOth1) illustrates the relevant Public Rights of Way (appended to this Statement). West of Bewbush does not affect any existing Public Rights of Way and proposes safer alternative routes across the A264 and railway line. This has been considered and indicatively incorporated on the JAAP Conceptual Masterplan. Further new linkages may be proposed as part of masterplanning the site which is a matter for the planning application stage. WoB benefits from the potential to enhance linkages south to the AONB and west to the countryside beyond.
20. CND will undertake further discussions with the relevant walkers groups with regard to how WoB can potentially enhance rights of way.
21. CND believes that CBC/ HDC are proposing pre Hearing changes to the JAAP to clarify the Conceptual Masterplan as regards access from WoB which are supported by CND.

Should WB 1 be made clearer by stating the delivery timescale (see ¶ 6.3)?

22. CND supports policy WB 1 (ref WBsub207).
23. The delivery timescales and housing trajectory are outlined in Chapter 5 of the JAAP. CND considers this to be a clear and robust approach as the plan itself is implicitly to 2018 (given the Core Strategy requirements). The matters relating to the phasing of infrastructure and potential minor pre Hearing changes are outlined in CND's reponse to Issue 6 in relation the Viability Appraisal (CND Examination Statement 6).
24. The monitoring review of the JAAP is clearly outlined in Chapter 6. In judging the JAAP's soundness regard must be had to the forthcoming Core Strategy reviews and planning period to 2018. This has effectively resulted in a 'ring fenced' allocation within the Area of Search. Notably PPS3 paragraph 64 is applicable in that actual housing delivery could fall back by up to -20% below the trajectory to be acceptable providing suitable contingencies (on site via density increases or around Crawley) are available. Mechanisms for this include plan flexibility within the JAAP, the housing planned through the forthcoming Core Strategy Reviews, and the position with regard to reasonable additional sites (to contribute to overall housing supply). The JAAP already identifies a strategy and 'fall back' (via increased densities) should the overall delivery of 2,500 dwellings be demonstrated to be failing through annual monitoring (i.e. below - 20%) as per PPS3 paragraph 64. In essence safeguards exist should this situation occur (CND's ADS representations submitted in October 2008 expand on this point ref. WoBAIt47).

How will the Council ensure that the development is delivered on a comprehensive basis (WB 2) – i.e. that phases and infrastructure flow in the anticipated order at the anticipated dates?

25. CND supports policy WB 2 (ref WBSUB208).
26. CND considers that the controls applicable at the development control stage (planning conditions, legal agreements and matters related to S.106/ S.278) are more than sufficient to control development and ensure a comprehensive development, which is in accordance with the principles of the Core Strategies and JAAP. These will all be discussed through the PPA process. A significant amount of implementation, delivery and phasing background has been compiled to support the JAAP in liaison with CBC/HDC. Decisions made at the development control stage will follow the plan led system and adhere to JAAP Chapter 5 (as amended – see CND Examination Statement 6) as the basis for making decisions with regard to infrastructure.
27. It is accepted practice for a scheme of this scale that a condition is applied to an outline application for a phasing programme to be submitted and approved prior to the commencement of development. It is also likely that a phasing strategy will be prepared as part of the Design & Access Statement and overall masterplan.
28. As demonstrated in the Viability Appraisal the financial safeguard or 'hook' is the fact that the phase which generates the most revenue is Core Phase 3. This phase will only be realised through the development of Core Phase 1 and Core Phase 2. CND or any future controlling interest therefore has a clear commercial interest to develop the initial elements of the site (including key access, neighbourhood facilities and the railway station) to help facilitate onward sales and the development of the later phase. This matter is further expanded in CND Examination Statement 6 (Issue 6).

In ¶ 3.10 is the secondary access to be the access for the first phase?

29. This is the case as outlined in the Third Draft Transport Assessment (ref CDOth1), see section 4.2 (Drawing 16702/035). It is proposed that this access point be retained longer term for emergency use (once the main A264 junction is established). It is likely that an "interim" version of the main A264 access would be built at an early stage, to enable the contractor's activities to be segregated from other traffic movement. The secondary access had been tested and can readily serve the level of housing required by Core Phase 1.

In ¶ 3.13 has it been decided yet what elements of the Neighbourhood Centre might be provided in the first phase?

30. The current remediation strategy would prevent any part of the Neighbourhood Centre being provided in Phase 1, although initial remediation works for areas of the centre would have commenced. JAAP paragraphs 5.10 and 5.11 clearly indicate the Neighbourhood Centre will come forward in Core Phase 2 when the connecting road infrastructure bus/fastway links, environmental infrastructure area, and adjoining railway station will be provided (as outlined in the Submission Version Phasing Strategy, ref CDOth03 as amended). Setting aside the issue of the timing of the remediation work (see CND's Examination Statements 5 & 6), the Neighbourhood Centre cannot proceed until the necessary links and infrastructure are in place.
31. In terms of community provision, Core Phase 1 would be provided with "day 1" linkages (pedestrian, cycle and bus) into Bewbush and its significant community facilities, some 500 metres away. This will encourage both social and physical integration with Bewbush. To provide community facilities within Core Phase 1 would fragment the proposed neighbourhood centre within Core Phase 2, where it relates well to educational and employment uses, and to the potential railway station. Temporary facilities i.e. meeting rooms could be made available for the new community to establish itself.

In ¶ 3.14 should the CHP be mentioned in any policy (see also ¶ 4.70), particularly as it is shown on the Conceptual Masterplan? Would this not increase traffic to provide the fuel? How would this link into the first phase? What happens to this land allocation if the CHP does not proceed?

32. CND made a number of representations on sustainability in July 2008 (refs WSub210, 240, 241, 252, 260, 261, 263, 264). Through dialogue with CBC/HDC CND has withdrawn most the representations except part of WSub241, WSub264 and WSub260. The full explanation is outlined in CND's Examination Statement 4 (Issue 4).
33. CND contends that any delivery of a CHP should not explicitly be mentioned in the sustainability policies as there is not explicit requirement. The Conceptual Masterplan shows an indicative location for a CHP energy facility, but its delivery, location, and size would need to undergo a feasibility study (informed through the planning application process and required sustainability statement). Through a pre Hearing change CND believes that CBC/HDC propose to adopt the term 'Environmental

Infrastructure Area' within the plan text and on the Conceptual Diagram to denote the area where a CHP facility may be provided. This provides the necessary flexibility should a CHP facility not be provided in terms of other land uses in that the land could be used for other infrastructure/become part of the neighbourhood centre. The energy strategy developed as part of a planning application and subsequent system provision will be supplied in order to meet the heat and electricity demands in the most economic, environmental, and technically robust manner, whilst meeting the government's delivery timeline of zero-carbon homes and addressing the aspirations of the JAAP.

34. It should though be noted that the use of CHP has the potential to offer a viable source of renewable energy, the benefits of which being confirmed in the Cost Analysis for Sustainable Homes (Final Report, DCLG, July 2008).
35. Any traffic associated with a CHP energy centre, if provided, would be dependent on its size and thus the operational requirements (e.g. number of staff, maintenance) and the fuel used (e.g. gas, biomass). This will be tested through a Transport Assessment at the detailed planning application stage for the energy facility. The number of deliveries associated with a biomass led community heat and power scheme would be negligible compared to the traffic associated with a bus service, daily retail deliveries, or residential commuters. A figure which emerged from earlier energy strategy studies has been in the order of 10 deliveries a day, supplying a biomass fuelled operation.
36. A community heating scheme is typically sized according to the associated heat demand (hot water and/or space heating) of the number of dwellings or buildings to be serviced. If such a system were to be used for the WoB development, the first phase infrastructure (e.g. pipework and heat units) could be built along with the rest of the first phase infrastructure serving the development. It is possible to configure heating and power delivery such that the first phase can link to the later phases.
37. If an energy centre, which could include a CHP, were not deemed to be the final preferred method of delivering low and zero carbon energy for the WoB development to meet the National zero-carbon timeline, then the land could be used for a mix of uses, possibly incorporating low impact waste facilities/light industrial uses (hence the change to the term Environmental Infrastructure Area). However, this is mostly speculation at this stage and as such the area may become part of the neighbourhood centre.

Conclusion

What parts of the JAAP are unsound.

38. The JAAP in terms of the selection and fundamental principle of development West of Bewbush is sound. CND has worked with CBC/HDC to resolve many of the outstanding objections made as part in the July 2008 representations.
39. There are limited areas whereby CND considers that the Inspector should recommend changes. Many of these relate to pre Hearing changes which CND anticipate to be forwarded by CBC/HDC. Prior to viewing these CND must reserve position, although as indicated it is CND's indention to withdraw a number of representations following the proposed changes.
40. In terms of sustainability, CND has through dialogue with CBC/HDC resolved most of the July 2008 representations. One core issue remains with regard to the percentage of on site renewables as discussed in CND Examination Statement 4.

Which soundness test(s) it fails and why

41. CND considers the approach to elements of Sustainability to be unsound. This is outlined in full in Examination Statement 4.

How the JAAP can be made sound. Including the precise changes & wording that is sought

42. Implement the proposed changes to the sustainability policy WB22 and supporting text as outlined in CND Examination Statement 4.

END OF STATEMENT