

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

**FINAL**  
**2,200 Words**

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

**Issue 5 - Chapter 4: Policies WB 23 - 26: Former Inert Landfill  
Remediation; Access Infrastructure; Western Relief Road; Railway  
Station; Transport; Sustainable Transport; Utilities Infrastructure –  
Waste Water, Water and Gas**  
Wednesday 28<sup>th</sup> January 2009

CND EXAMINATION STATEMENT 5  
CND REF: 73910

**Issue 5 - Chapter 4: Policies WB 23 - 26: Former Inert Landfill Remediation; Access Infrastructure; Western Relief Road; Railway Station; Transport; Sustainable Transport; Utilities Infrastructure – Waste Water, Water and Gas**

Wednesday 28<sup>th</sup> 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:

<b>Ref</b>		<b>Ref</b>	
WSub 247 Policy WB24	Western Relief Road (Support)	WSub203	Constraints and Opportunities (Object) Withdrawn
WSub248 Policy WB25	Railway Station (Support)	WSub242	Landfill Remediation (Object)
WSub249 Policy WB25	Transport (Object) Withdrawn	WSub243	Landfill Remediation (Object)
		WSub244	Landfill Remediation (Object)
		WSub245	Landfill Remediation (Object)
		WSub246 Policy WB23	Landfill Remediation (Support)
		WSub253	Landfill Remediation (Object)

**Examination Statement 5 Appendices:**

Appendix: (Landfill) Remedial Cost Estimates (also included within the Viability Appraisal)

Appendix JAAP WSCC Statement 11/11/08

Appendix: CND Representation to the West Horsham Planning Application (24/12/08)

## **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 Consultant)
- CP – Capitol (Railway Consultant)
- WoB – West of Bewbush (the site)

**Issues 3 to 5: Policies for Development – *Whether the JAAP provides sufficiently clear and comprehensive guidance to developers on the various necessary requirements to provide a functioning neighbourhood.***

General questions:

See CND Examination Statement 3 (Issue 3)

Policy questions:

**WB 23: Has the Licence surrender taken place (the dates are different in ¶s 1.21 and 4.90)? The Licence Area includes part of phase 1 – is this a timing problem due to reprofiling etc? What landform modifications (in general) are required? Should this be stated in the policy? How will Bewbush Brook be treated? The SLR report says that there will be additional investigation and remediation design from June 2008 – what is the result? There are different remedial solutions in the SLR report from those indicated in the JAAP (e.g. Brook treatment, surface water ponds) – have these been discounted?**

1. The landfill licence surrender application was submitted to the Environment Agency (EA) in early October 2008 and has been deemed by the EA to be duly made as recorded in a letter to SLR from the EA Permitting Support Centre dated 22 October 2008. The 3 month determination period for the application expires on 6<sup>th</sup> January 2009 but based on experience of similar sites, it is often the case that the determination period is extended at the request of the EA to provide them with sufficient time to consider and review the application.
2. Even allowing for some potential delay in determining the licence surrender application, it is not envisaged that there are any timing conflicts in relation to the completion of the licence surrender process, the re-profiling of the landfill to create the development landform and the preliminary completion of dwellings in Core Phase 1. Those parts of Phase 1 that lie within the licence area have not been subject to landfilling.
3. The restored profile of the former inert landfill requires modification to produce a regular and gently graded development platform with slope gradients no steeper than 1:15 (and generally 1:20 or less) and to incorporate surface water flood storage areas as part of a sustainable drainage scheme (SUDs). The landform modifications concentrate upon the northern side of the landfill associated with the diversion of

Bewbush Brook; adjacent to the eastern flank of the landfill where it adjoins undeveloped open land within WoB site and on the western flank of the landfill adjacent to the recycling area.

4. Bewbush Brook requires permanent diversion into a new channel in the northern part of Core Phase 2 just south of the railway; this work will enable the gentle site gradients to be obtained and will also incorporate a clay lining to the new course of the brook to protect it from potential impact from any leachate mobilised during development works or in the longer term.
5. The additional landfill site investigation works completed in June 2008 have confirmed that the key potential contaminant of concern at the site, if remedial action were not taken, would be methane in ground gas. The investigation has improved delineation of methane concentrations and flow rates and has confirmed that, across the majority of the former landfill site, any potential risks posed by the levels of methane recorded can be removed by installation of gas protection measures in new buildings. However, two localised areas of relatively high methane emissions have been confirmed to the south of the current alignment of the Brook. Current data indicates that, following further delineation, excavation and off-site waste disposal of methane source materials (soils) in these areas will be necessary. Initial conservative estimates (without the benefit of more closely focussed delineation works) suggest that up to 55,000 m<sup>3</sup> of such soils would have to be removed.
6. It is considered that the selection of remedial solutions should not be prescriptive but that those given in the SLR report of May 2008 are consistent with those indicated in paragraph 4.91 of the submission JAAP. The most important factor is that the selected remedial solutions must break or render ineffective the linkage between a source of contamination and the potential receptor(s). There may be more than one effective remedial solution to break the identified linkages and refinement to the remedial solutions will continue as further monitoring data, planning detail and technical solutions emerge.
7. The relevance of the JAAP solutions to the latest thinking by SLR and CND is as follows;
  - Source removal- potential need to remove a maximum of 55,000 m<sup>3</sup> of gas emitting soils has been identified following latest investigation;
  - Pathway interruption - the options of introducing a clay liner to the relocated Bewbush Brook and gas protection measures in houses developed on filled waste are both consistent with this remedial technique;

- Receptor removal/ sensitivity reduction- the concentration of the open space in areas around the current brook route is consistent with this approach.
8. All of the techniques set out in the JAAP are still considered valid for the development site and have not been discounted. CND believes that a number of pre Hearing changes are being forwarded by CBC/ HDC as a result of CND's original representations (ref. WBSUB203, 242, 243, 244, 245, 246, 253) and due to the issues identified through the Viability Appraisal (CND Examination Statement 6 refers). SLR has outlined the actual remediation which would occur with a 20:80% split in costs over Core Phase 1 and Core Phase 2. This note is appended to this Statement as well as the Viability Appraisal (Appendix C).

**WB 24: is the safeguarded land for a by-pass in the correct location? How would the line of the by-pass flow around the JAAP site (please provide a diagrammatic plan)? Would it involve the loss of open space land, itself reserved for housing (see Issue 6 below). Page 33 of the July 2007 URS report said the second access could also be used full-time – should this be considered?**

9. CND supported policy WB24 (ref WBSUB247) in that the relief road was not a prerequisite for the WoB development.
10. The Statement of Common Ground (SoCG) related to the Western Relief Road (Paragraph 4.117 and Policy WB 24 Western Relief Road, Paragraph 5.35 and Conceptual Masterplan – Highway Infrastructure Safeguarding) provides the agreed position between HDC, CBC, WSCC, Peter Brett Associates (on behalf of CND) and CND. The SoCG has necessitated CND supporting some proposed changes to policy WB24, paragraphs 4.117, 5.35 and the Conceptual Masterplan.
11. WSCC concluded in their statement (appended) to the pre-hearing meeting on 11<sup>th</sup> November that *“the impact of the development proposed in the JAAP can be adequately mitigated without a relief road by a transport package including:*
- *Highway access via A264 only*
  - *Fastway Service 10 extended into site*
  - *New/extended conventional bus services via Bewbush/Ifield West*
  - *Junction improvements, especially at A2220/A23 and M23 J11*
- It is noted that additional mitigation could potentially be achieved by the provision of a new railway station, subject to the outcome of further study work.”*
12. The optimum alignment for a possible Relief Road has not been identified, assessed or agreed, however, plan no 16702/204/SK13 attached to the SoCG shows the West of Bewbush draft allocation in the context of the wider area. There are a number of

environmental constraints which would be influential in determining the alignment of a Relief Road. Plan 16702/204/SK013 illustrates two potential alignments to the south and west of Pondtail Shaw. Either of these would afford a design speed of 40mph. A road crossing of the railway is feasible in this location.

13. For both alignments land must be safeguarded at the junction with the A264 for its upgrade; however the optimum alignment around the JAAP site is not determined. The two options plus an array of intermediate alignments could be considered. It is considered that the safeguarding should not prejudice the outcome of further detailed design exercises to achieve the delivery of the road. It is therefore proposed within the SoCG that the safeguarding at the main junction is continued to be shown in the Conceptual Masterplan and the route through the JAAP site from the junction on the A264 is described in the text, but not shown on the Conceptual masterplan. CND will undertake to safeguard the land for a period of five years whilst WSCC consider the merits of a relief road.
14. Any loss of land at the reserved site depends upon the proposed alignment of the Relief Road; however none of this land is required to serve as public open space for the remainder of the Conceptual Masterplan area. Should the reserve land be needed to assist with wider delivery, it would be likely that such an occurrence would not happen until at least 2014 (beyond the five year safeguarding).
15. The secondary access serves the initial phases of development, thereafter reverting to a high quality emergency access if the main access were to be blocked or for emergency vehicle use. It is not recommended that this access should be used full time for operational reasons, in order to minimise disruption to traffic using the A264. More fundamentally however, the Masterplan has been developed to incorporate demand management measures to discourage car use. Accordingly, pedestrians, cyclists and bus users to and from the development would benefit from the availability of a number of unconstrained access/egress points whilst car drivers have limited access opportunities. If the secondary access was to be used full-time it would undermine this strategy.
16. It may however be beneficial if the secondary access were also to be used by taxis, service vehicles, car club vehicles and school buses. This would provide a journey time advantage to these more sustainable or necessary modes. A secondary benefit of such an arrangement might be to improve pedestrian and equestrian safety at the junction, as drivers using the A264 would be stopped more frequently and therefore made more aware of the facility.

**WB 25: See related questions in Issue 6 below – should the answers to these be incorporated into the policy? Should the multi-modal interchange (¶ 4.128) be included in the policy? What happens to the land if the station is not provided (¶4.132) – should this be considered now and included in the policy? For instance, if this and the CHP land is not used, should the phase 3 area to the west (south of Kilnwood) be reduced?**

17. CND support policy WB25 (ref WBSUB248)
18. The masterplan has been developed to create a mixed use neighbourhood centre, which includes an interchange facility for bus services (Fastway service 10, service 200, a new service 201 and service 23 and 24) with direct access to the potential railway station. Taxi facilities and cycle parking would be integrated with the design of the interchange. CND believes that CBC/ HDC propose a pre Hearing change to include a multi modal interchange on the Conceptual Masterplan.
19. The proposed station, including adjacent access space, would occupy only a small part of the land within the site. This is estimated to be up to 0.3 hectares. In addition, the JAAP Concept Master Plan indicates a surface car park next to the station of approximately 1.2 hectares. If the station were not to be built then this car park could be substantially reduced and may not be required at all. The land, if not required for a station and associated car parking, would predominantly be incorporated into a linear open space (with the option of developing a station kept for the longer term). There is the potential for some extension to the development area and incorporation into the Neighbourhood Centre and Residential area. A corridor will still need to be left as a stand off from the railway to mitigate noise and to accommodate the realigned Bewbush Brook and SuDS measures. There is also a requirement to provide a green infrastructure link within this corridor. The amount of development land gained would be relatively insignificant in terms of dwelling numbers and floorspace. The land gained if the CHP plant were not to proceed could be more significant. The CHP plant would occupy a site of approximately 1 hectare. However without a CHP plant some of this land will still be required for a waste recycling facility (as part of the proposed Environmental Infrastructure Area). If the Station and CHP plant were both to be deleted only around one hectare of land, possibly less, would be made available for development which could accommodate up to 50 dwellings. The wording in policy WB25, which refers to safeguarding land for “a railway station and associated uses”, is appropriate and does not require amendments.

20. At this stage in the planning process the level of station car parking has not been assessed. The area shown in the Concept Master Plan could accommodate around 600 spaces.
21. In reality a scenario where the construction of a station is completely abandoned is highly unlikely. CND have a clear marketing incentive and business case to deliver the station. In any event the case for the provision of a station is likely to be strong and would strengthen further in the event that further land were to be allocated for development to the north. Accordingly even if the station did not emerge in the pre 2018 period, it would be wise to continue to safeguard for its provision in the longer term.

**WB 26: should the policy (or the JAAP elsewhere) make clear how these infrastructure elements will be funded?**

22. CND object to elements of WB26 and the supporting text (ref WSub249). CND are progressing a Statement of Common Ground (SoCG) relating to the transport chapter of the JAAP submission document (paragraph 4.94 to 4.133 excluding paragraph on 4.117 and WB 24 relating to the Western Relief Road) between HDC, CBC, WSCC, Peter Brett Associates (on behalf of CND) and CND, which a number of elements have been agreed to date:
- The transport assessment work to date
  - Pedestrian and cycle access into:
    - i. Ifield West
    - ii. Bewbush
    - iii. rural areas to the north and south across the A264 to the AONB
  - Three crossings of the railway, with two capable of accommodating vehicular traffic
  - *Bus and Fastway* access at:
    - i. Sullivan Drive, Bewbush (bus gate)
  - *Bus access at:*
    - i. Woodcroft Road, Ifield West (bus gate)
    - ii. The primary A264 junction
  - Measures to secure and maintain suitable bus and Fastway services to the neighbourhood during construction and for the first 3 years after completion of the neighbourhood
  - Provision of a primary highway access onto the A264 to be provided in the form of a roundabout, potentially improving the access arrangements into Holmbush Potteries Industrial Estate

- Provision of a secondary left in, left out and right in access onto the A264 for emergency vehicle access only
  - A proportional contribution to junction improvements at Junction 11 of the M23
  - A Travel Plan Strategy
  - Junction improvements at A23/A2220 and A264/A2220 (contribution or delivery to be agreed).
23. It is agreed that WoB will contribute towards junction improvements at the A264/A2220 Bewbush roundabout and A2220/A23 Cheals roundabout but CNL believes that in light of all the development occurring in the sub region and the future pressures likely to be placed on this corridor, the County Council as Highway Authority should consider the impacts of other strategic developments on this corridor and seek proportionate contributions towards the identified improvements. The contributions from all sources could be pooled and applied to junction improvements of the County Council's choosing.
24. Circular 05/2005 states that *“where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for associated developers' contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way.”*
25. CNL has recently commented on the planning application at West of Horsham at the Land South of Broadbridge Heath (Appended to this Statement). The view that contributions should be 'pooled' across the sub region has been maintained within these comments.
26. The Transport Assessment work to date has been based upon a forecast year of 2022, which has been created using TEMPRO growth factors (agreed when the model was first created by Scott Wilson with WSCC). Based upon these assumptions, the Transport Assessment shows that there is significant growth in traffic to/from west along the A264 and that the A264/A2220 and A2220/A23 roundabout junctions will operate over capacity in 2022 without WoB.
27. The Detailed Junction Assessment Report (ref. CDOth1c) goes some way in determining the scale of the junction improvements required to support West of Bewbush using the 2022 forecast traffic flows. This demonstrates that junction improvements within highway land; land controlled by CNL and land ownership by HDC/CBC can mitigate the impacts of development. It is explained within this report that further work is required to refine the improvements and timing of delivery to meet the needs of the development and consider how these improvements could be

reduced if the railway station were to be delivered. This work is expected to be undertaken in advance of a planning application.

28. The Viability Appraisal work undertaken for CND Examination Statement 6 (Issue 6) has highlighted the range of potential third party funding streams available to facilitate development including the bid for possible Regional Infrastructure Funding (RIF) to assist with the delivery of transport infrastructure.
29. It is understood that the Highways Agency (HA) and WSCC may agree that the planning application at West of Horsham does not significantly impact on the A264 and M23. CND contend, that the WSCC future 2022 model shows that a significant increase in traffic will occur from the west, regardless of the West of Horsham development,, This seems to be contrary to WSCC/ HA position on contributions from West of Horsham.
30. A subsequent Transport Assessment will be necessary at the planning application stage to update or consider in more detail the future year traffic growth arising from the planned development in the sub region. This will be particularly important if the HA and WSCC decide that West of Horsham does not have significant impact on the A264 and contributions are not sought from other developments for required improvements to accommodate forecast traffic growth. This growth would occur anyhow without WoB.
31. We are seeking to reach an agreement on the contribution issue, but if it is not agreed, the SoCG will be issued excluding this element. CND believes that a pre Hearing change will be made by CBC/ HDC (regardless of WSCC's position) to the policy and supporting text following the Statement of Common Ground (SoCG) between HDC, CBC, WSCC, Peter Brett Associates (on behalf of CND) and CND.

**WB 27: stating the obvious?**

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

## Conclusion

### What parts of the JAAP are unsound.

1. The JAAP in terms of the approach to landfill remediation and transport is fundamentally sound. CND is however seeking for transport contributions to be 'pooled' to reflect the development occurring in the sub region, in order to allow the infrastructure to be secured in a fair and equitable way. CND in liaison with CBC/HDC have secured favourable positions from the Environment Agency as regards remediation; and with regard to transport mitigation, relief road alignment and the promotion of sustainable transport a favourable position from WSCC and the Highways Agency. Network Rail has also not objected to any of the proposals at WoB.
2. The various SoCGs (either fully or partially agreed) illustrate that WoB is supported by vast technical supporting evidence agreed by third parties.
3. There are areas whereby CND considers that the Inspector should recommend JAAP changes with regard to the supporting text on remediation and on policies WB24, WB26 and the supporting text. 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 intention to withdraw a number of representations following the proposed changes.

### Which soundness test(s) it fails and why

4. Not applicable. The SoCG and proposed pre Hearing changes have satisfied the need for soundness.

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

5. Not applicable. The SOCG proposed pre Hearing changes have satisfied the need for soundness.

**END OF STATEMENT**

## **WEST OF BEWBUSH**

## **JOINT AREA ACTION PLAN**

## **EXAMINATION IN PUBLIC**

### **Appendix to Examination Statement 5**

### **West of Bewbush - Phasing of Landfill Remediation**

### **Proposed minor amendments and clarifications**

## FILE NOTE ON REMEDIAL COST ESTIMATES

In the context of the West of Bewbush development (WoB); the term remediation cost has been used to describe the abnormal costs associated with development on the former landfill. Remediation in the context of WoB is not limited to the costs of treating or removing contamination although this forms a very important element of the total remediation cost.

The calculated costs for the “remediation” of the former landfill are estimated at around £14.9million broken down as follows:

<b>A</b>	<b>Soil Remediation, Brook Protection, Earthworks &amp; Ground Improvement</b>	<b>£7.3 million</b>
<b>B</b>	<b>Foundations &amp; Gas Protection Measures for Core Phase 2 buildings on landfill</b>	<b>£7.6 million</b>

In the Core Phase Toolkit, the developer has allowed £3.3Million of the total budget set out in A above to be expended during Core Phase 1 Development. This cost is based upon analyses undertaken by SLR and the purpose of this note is to explain what the proposed Core Phase 1 expenditure of £3.3 Million will achieve in practical terms.

The £3.3million expenditure within Core Phase 1 is drawn entirely from (A) above; the remaining elements of the costs in A, together with the total costs in B, above will be deferred to Core Phase 2 and will be expended progressively during Core Phase 2 as development proceeds. This progressive expenditure is inevitable because these costs are very largely associated with the construction of individual units.

The £7.3million in (A) above breaks down as follows:

<b>A.1</b>	<b>Bulk Earthworks Landform Creation &amp; Work to Bewbush Brook</b>	<b>£2.6 million</b>
<b>A.2</b>	<b>Soil Remediation (Excavation &amp; Disposal of methanogenic soils)</b>	<b>£2.15 million</b>
<b>A.3</b>	<b>Ground Improvement</b>	<b>£2.55 million</b>
	<b>Total</b>	<b>£7.3million</b>

### A.1 Bulk Earthworks, Core Phase 1

In Core Phase 1 it is proposed that 100% of the soil remediation and about 45% of the earthworks required to create the development landform are completed. The earthworks completed in Core Phase 1 will focus on the diversion of Bewbush Brook and landform modifications around the margins of Core Phase 1 and Core Phase 2 development areas, ie in the southern part of the landfill where there is limited need for cutting and filling to achieve the desired gentle slopes for the development landform. This will not present any conflict with the development of 600 homes during Core Phase 1 or compromise the work programme for Core Phase 2.

The large scale cutting and filling exercises associated with landform modification are:

- in the northern part of the landfill, associated with the diversion of Bewbush Brook;
- adjacent to the eastern flank of the landfill where it adjoins undeveloped open land within WoB site: and
- on the western flank of the landfill adjacent to the recycling area.

It is considered that about 45% of the earthmoving works (£1.15 million) would be completed during Core Phase 1; comprising:

- £0.85million of earth moving costs within the site for the excavation and placement of 200,000m<sup>3</sup> of material out of a total quantity for WoB of 460,000m<sup>3</sup>; and,
- £0.3million of ancillary costs including completion of a new channel for the diversion of Bewbush Brook.

The location and indicative extent of these earthworks is illustrated on the attached Drawing. It is considered that 200,000m<sup>3</sup> is sufficient to divert the brook; complete small scale, localised earthworks within the Core Phase 1 development area (landfill access road) and create the landform in an additional buffer zone extending some 200m into Core Phase 2 development area.

## **A.2 Soil Remediation, Core Phase 1**

The additional landfill site investigation works completed in June 2008 have confirmed that the key potential contaminant of concern at the site, if remedial action were not taken, would be methane in ground gas. The investigation has confirmed that, across the majority of the former landfill site, any potential risks posed by the low levels of methane recorded can be removed by installation of gas protection measures in new buildings constructed during Core Phase 2. A total of £7.6M has been allowed for such protective measures.

However, two localised areas of relatively high methane emissions from landfilled waste have been confirmed to the south of the Brook and current data indicate that excavation and off-site waste disposal of methane source materials (soils) in these areas will probably be necessary during Core Phase 1. The approximate location of these remedial excavations is shown on the attached Drawing.

Initial conservative estimates suggest that up to 55,000 m<sup>3</sup> of such soils would have to be removed from the site to an appropriately permitted landfill. This work would be completed in Core Phase 1 ahead of April 2012 to benefit from landfill tax exemption. The costs of excavation, haulage and landfilling this material have been determined to be £2.15M.

## **A.3 Ground Improvement, Core Phase 1**

It is considered that all of the ground improvement works can be deferred to Core Phase 2 as these relate to ground improvement and gas protection measures for properties that would be constructed on the former landfill following the soil remediation (Core Phase 1), and to earthworks modification of the landform (Core Phase 1 and 2).

All of the 600 dwellings to be constructed in Core Phase 1, to the east, south and west of the southern half of the landfill would be constructed on either virgin land or on thin compacted clean fill such that special foundation and gas protection measures are not relevant to construction in Core Phase 1.

## **SUMMARY**

This note demonstrates that expenditure of £3.3Million on remediation work during the Core Phase 1 development on adjoining land will permit the delivery of 600 homes without compromising the remediation strategy or delivery of Core Phase 2 development and will specifically achieve the following:

- Excavation of all identified waste soils, transport off-site and disposal at an appropriately permitted landfill (£2.15million)
- Completion of earthworks locally within Core Phase 1 along the southern flanks of the landfill (£0.85million) and creation of a new engineered channel for Bewbush Brook (£0.3million)

Remediation works during the development of Core Phase 2 will comprise the balance of the earth movements to create a stable gently graded landform in combination with the ground improvement works for building and road foundations and installation of gas protection measures in buildings constructed on the former landfill. These works will be completed progressively during the Core Phase 2 development programme.

Please note that the overall remediation cost of £14.9m has been input to the economic toolkit (CBC, HDC, CND Viability Appraisal) as £15.4m to take account of the additional costs of SuDs works. These costs do not constitute "remediation" but will be associated with the construction of WoB.

**EXAMINATION INTO THE WEST OF BEWBUSH JOINT AREA ACTION PLAN**  
**STATEMENT ON BEHALF OF WEST SUSSEX COUNTY COUNCIL**  
**TO**  
**PRE-HEARING MEETING 11<sup>TH</sup> NOVEMBER 2008**

I am BARRY P SMITH a solicitor with West Sussex County Council.

The County Council has expressed broad support for the JAAP, indeed the principle of a new neighbourhood to the west of Crawley was established in the West Sussex Structure Plan (WSSP) (Core Doc. CDSx1) 2001 – 2016 (Saved Policy LOC1(2)) where it was designated as a Strategic Location for new development.

The Crawley (West) Strategic Location and associated transport measures are also recognised in the West Sussex Transport Plan (WSTP) 2006 – 2016 (Para. 3.5.6).

The County Council has however lodged objections to the JAAP as presently drafted with regard to the following:

1. Lack of Relief Road provision
2. Lack of provision for a built waste management facility

**RELIEF ROAD**

County Council policy relating to a Crawley Western Relief Road is set out in WSSP Policy NE17 which was saved by the Secretary of State in September 2007. Policy NE17 provides as follows:

*(a) The Strategic Road Network, which is best able to cater for trips starting or ending outside the County (excluding freight, see Policy NE16), should be protected. The formation of any means of access to a highway forming part of the Strategic Road Network should not be permitted where it would have a detrimental effect on operational highway capacity or safety. The intensification of the use of an existing access onto the Network should not be permitted where the traffic capacity of the existing highway is already, or is near to being, exceeded.*

*(b) New or improved roads and other highway infrastructure should be permitted provided that they will improve road safety, reduce congestion, improve the ability to move people and goods to the benefit of the local economy, and result in an overall improvement to the environment.*

*(c) The following schemes will improve the road network and will be completed, or at least started, by 2016 subject, where appropriate, to Government approval and funding (\* schemes mainly associated with the Strategic Locations)*

*[(1) & (2) omitted]*

*(3) Supporting Network:*

- (i) A286 Stockbridge link road;*
- (ii) Crawley western relief road\*;*
- (iii) East Worthing access road; and*
- (iv) Titnore Lane, Worthing\*.*

County Council officers have recently completed their detailed checks of the transport assessment, transport modelling output and supporting documentation submitted by the developers. From our assessment of the data, we still believe there are considerable benefits to Crawley and the surrounding rural areas if a relief road is part of the package. All of this analysis and scrutiny has, however, led us to the conclusion that the impact of the development proposed in the JAAP can be adequately mitigated without a relief road by a transport package including:

- Highway access via A264 only
- Fastway Service 10 extended into site
- New/extended conventional bus services via Bewbush/Ifield West
- Junction improvements, especially at A2220/A23 and M23 J11

It is noted that additional mitigation could potentially be achieved by the provision of a new railway station, subject to the outcome of further study work.

The above conclusion is confined to the current proposal for 2500 homes, 8000sqm of local employment and provision of community facilities. It is intended that the County Council's policy position, as provided for in saved WSSP Policy NE17, shall continue to apply in respect of any significant further development to the west and north-west of Crawley, thereby maintaining the Council's long-run objective of providing a relief road.

In the light of our conclusion on the preliminary transport assessment, as outlined above:

- i) the County Council is now satisfied that the development proposed in the JAAP can be adequately mitigated without a relief road, which is therefore no longer considered to be an essential requirement; and
- ii) in relation to JAAP policies WB24 and WB26, the County Council's position remains as in its July 2008 formal response (copy attached), pending resolution of the policy amendments required under a "no relief road" scenario. The County Council is willing to work with HDC and CBC to identify amendments that would address its outstanding concerns and enable the position on those policies to be reviewed.

## WASTE MANAGEMENT FACILITY

The County Council has consistently maintained that provision should be made in the JAAP for new or extended waste management facilities. We will deduce evidence to justify the need and also to show how the failure to make provision for waste is contrary to PPS 10 and other government policy.

Obviously we will seek to persuade CBC and HDC that such changes as we propose should be made and to agree wording in the hope of avoiding taking up the hearing's time.

Your ref:

Our ref: 16702/CBH/SW/SCM/CT003

24 December 2008

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**Attn:** Hilary Conlon

Dear Ms Conlon

**CONSULTATION REPRESENTATION: OUTLINE APPLICATION DC/08/2446  
LAND SOUTH OF BROADBRIDGE HEATH**

We write with reference to the above outline planning application on behalf of our client Crest Nicholson Developments (CND) to outline comments for consideration when determining the application. CND wishes to make some general observations with regard to the broader strategic impact of the development rather than specific elements of the development proposals or masterplan. CND does not object to the principle of the development.

If the case officer determines the application favourably, we ask the Council to seek an element of 'pooled' S106/S278 contributions for improvements to the wider transport network which are forecast to suffer significant increases in use as a consequence of the proposed development.

Our client, CND, has been working with the planning process over the last seven years, to deliver a new neighbourhood at Crawley, to the west of Bewbush. To assist in understanding that development's impact on Crawley's transport networks, our client has worked with West Sussex County Council and the Highways Agency, to create a new model for the town, the model forecasts transport demands across the Crawley area in 2022 and "builds in" assumptions about the emergence of other development in the wider area.

The output from that exercise has provided clear evidence of the best forms of transport investment needed to address the 2022 situation and an indication of when those investments would be appropriate. At the west of Bewbush location, Demand Management strategies and Travel Plan initiatives have been identified, together with investments in bus, cycle, pedestrian and rail infrastructure. A need for highway improvements across the wider principle and strategic road networks has also been demonstrated.

This work has armed the highway authority with a means of justifying requests for financial contributions to transport measures, funded proportionately by all development in the Crawley area.

We assume that the application to the south of Broadbridge Heath has been accompanied by a similarly thorough exercise. Indeed it would be impossible to make sound decisions on the appropriateness of the development without the benefit of such a strategic Transport Appraisal. A local model, dealing with the immediate road network alone, would be entirely incapable of providing an adequate data base upon which to make decisions of a strategic nature. If nothing else, it would be inequitable if the two development locations were to be assessed on inconsistent bases. It would certainly not be "right" if our client were to be asked to fund the improvements needed to accommodate the traffic and transport impacts of the development proposed to the south of Broadbridge Heath, simply because that applicant had chosen not to provide a suitable transport appraisal model. Any decisions made on an uninformed basis must be deemed "challengeable".

We have requested a copy of the Transport Assessment supporting the application, but we have not received this to date. It is our understanding that this assessment has been undertaken for phase 1 (1013 houses) and not for the full masterplan (2000 houses). Generally the Transport Assessment is prepared for the full masterplan and each phase of the development would contribute to mitigating a proportion of the full mitigation required. The impacts of a smaller element of a development could be considered insignificant, but when increased (or doubled with respect to this development) to consider the full masterplan they may become significant. It should be noted that West of Bewbush, in contrast, has been assessed on the basis of the full allocation not just phase 1.

The 2001 Census (journey to work) data indicates that 82,000 people work in Crawley, 46,000 people travelling to the town from elsewhere every day. In contrast only 24,000 people work in Horsham, with 12,500 people leaving the town every day for work purposes. Crawley is clearly the major employment base.

2001 Census data also shows that in broad terms between 12% and 27% of journey to work trips on the A264 to the west of Crawley originate from Horsham and are destined for either the A2220 (into Crawley) or the M23 via junction 11. If, as seems inevitable, the traffic impacts from the Broadbridge Heath proposal are in line with existing characteristics, these levels of impact are substantial.

The Highway Agency has estimated that 10% of West of Horsham's vehicular traffic will travel via M23 Junction 11. It follows that a larger proportion of development trips must travel along the A264 corridor, by car or public transport to destinations in Crawley as well as to the M23 junction 11. The WSCC model for Crawley shows a significant growth in traffic along the A264 to the west of Crawley. A high proportion of this traffic is assumed to be attributable to West of Horsham/Land South of Broadbridge Heath

The wider strategic need to provide sustainable transport linkages from Billingshurst/ Broadbridge Heath east to Horsham and then onto Crawley and Gatwick should also be considered. The success of Fastway in Crawley has demonstrated that credible alternatives to the car can be provided, and we believe such concepts should be embraced in Horsham.

We advise that strategic level transport enhancements could be delivered in the form of S106 'pooled contributions' (and/or planning charge when applicable). 'Pooled contributions' are advocated by Circular 05/05 paragraphs B21 to B24. As such, transport infrastructure enhancements such as strategic bus links or Fastway extensions should be included so as to provide greater opportunities and capacity to travel by sustainable means helping to mitigate the effect of the development on the strategic road network. Perhaps through the S106/S278 process a joint transportation investment strategy across both the west of Horsham and west of Crawley

proposals could be arranged to optimise the achievements of joint investment in Transport infrastructure. Policy CC5 of the emerging South East Plan on Infrastructure and Implementation was endorsed in the Panel Report (overall recommendation 5.6). A proactive approach was emphasised including pooling as a result of the cumulative effect of the development (paragraphs 5.86, 5.89, 5.93).

CND requests that the wider strategic transport impact be considered and that the development to the south of Broadbridge Heath should contribute its fair share to improvements to transport modes to assist in reducing car reliance and in restricting increases in traffic congestion by providing proportionate contributions to highway improvements.

If you have any queries with regard to the representation made in this letter above please do not hesitate to contact me.

Yours sincerely

**Sarah Matthews**  
For and on behalf of  
**PETER BRETT ASSOCIATES LLP**