

Consultation Statement

March 2024



Appendix 10:
Main Modifications Consultation
Representations

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APPENDIX 10: MAIN MODIFICATIONS CONSULTATION REPRESENTATIONS

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Crawley Borough Local Plan 2023-2040

Consultation Statement Appendix 10:

Main Modifications Consultation February-March 2024 Representations

Local Plan Main Modifications: Local Plan Consultation and General			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/011	National Highways		<p>Crawley Borough Local Plan Main Modifications Consultation</p> <p>Thank you for inviting National Highways (NH) to comment on the Crawley Borough Local Plan Main Modifications (February 2024), seeking a response by no later than Monday 25 March 2024.</p> <p>We have read the guidance note for this exercise.</p> <p>We understand that comments are sought on the Main Modifications to the Local Plan. This consultation is not an opportunity to raise matters relating to other parts of the Local Plan that have already been considered by the inspectors during the examination process.</p> <p>We also understand that the focus of this consultation is on whether we consider the Main Modifications comply with legal requirements, the duty to cooperate, and whether they would make the Local Plan sound.</p> <p>Policy Context</p> <p>NH is the company responsible for the Strategic Road Network (SRN), with our focus being on its safety, reliability, and operational efficiency.</p> <p>The policy of the Secretary of State for Transport in relation to the SRN is Circular 1/2022: Strategic road network and the delivery of sustainable development. In responding to this consultation, NH has taken Circular 1/2022 as relevant national policy.</p> <p>In addition, the policy context for our response includes the Government's National Planning Policy Framework (NPPF) (December 2023).</p> <p>NH has recently updated its 'Planning Guide' (October 2023) which sets out how the company engages with the planning system, including plan-making. This was updated in the context of 01/2022.</p> <p>In terms of plan-making, our engagement is focused on exploring opportunities to reduce the reliance on the SRN for local journeys including a reduction in the need to travel and maximising opportunities for walking, wheeling, cycling, public transport and shared travel.</p> <p>Consultation Response - Focus</p> <p>Our response is focused on whether the Main Modifications would make the submitted Local Plan sound. In particular, whether the Main Modifications would ensure the Local Plan is:</p>

Local Plan Main Modifications: Local Plan Consultation and General			
Ref. No.	Respondent	Main Modification Reference	Comments
			<ul style="list-style-type: none"> • Effective - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and • Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, including the Department for Transport (DfT) Circular 01/2022. <p>A summary of NH's position concludes the response.</p> <p>Concluding Comments Thank you for engaging with NH on this consultation.</p> <p>In summary, the Main Modifications highlighted in Table 1 (above) would make the Local Plan sound. They would ensure that the Local Plan is effective and consistent with national policy.</p> <p>Suggested Modifications:</p>
REP/032	West Sussex County Council	No further comments	<p>WSSCC have reviewed the modifications to the Crawley Local Plan and I can confirm that we have no comments to make on the changes that are proposed</p> <p>Suggested Modifications:</p>
REP/035	Vail Williams obo Windsor Developments (Jersey Farm)		<p>We thank you for the opportunity to be consulted on the Main Modifications but do not believe the changes adequately address our comments throughout the process, or reflect the Inspectors' Post hearing comments.</p> <p>We request that we are continued to be informed of the next stages of the plan and it proceeds to Full Council.</p> <p>Suggested Modifications:</p>
REP/037	Southern Water	No further comments	<p>Thank you for your email notifying Southern Water of the Main Modifications consultation on the Crawley Local Plan. I confirm we have reviewed the schedule and have no comments to make on this occasion.</p> <p>We look forward to being kept informed of the Plan's progress.</p> <p>Suggested Modifications:</p>

Local Plan Main Modifications: Local Plan Consultation and General			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/121	Waverley Borough Council	No further comments	Thank you for giving Waverley Borough Council the opportunity to make representations on the proposed Main Modifications to the Crawley Local Plan.
			On this occasion, Waverley Borough Council does not wish to make any comments on the modifications. Suggested Modifications:
REP/166	Surrey County Council	No further comments	Thank you for consulting Surrey County Council on the above application.
			Please note that we have no comments to raise. Suggested Modifications:

Local Plan Main Modifications: Plan Period, Vision, Chapter 2. Crawley Borough Local Plan and Chapter 3: Sustainable Development			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/055	Gatwick Green Limited	MM3	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to paragraph 2.19 to make the Local Plan effective and for the following reason:</p> <p>1. The outstanding minimum industrial and storage/distribution land need/demand has been increased from 13.73 ha to 17.93 ha, as derived from the Council’s employment land supply assessment on 31st March 2023. This modification is important in that it increases the minimum Industrial/distribution/storage land need/demand to reflect the accurate land supply assessment at the base date of the Local Plan.</p> <p>Suggested Modifications: No modifications required.</p>
REP/064	NHS Properties	Policy SD2	<p>RE: Local Plan Main Modifications Consultation 2024</p> <p>Thank you for the opportunity to comment on the above document. The following response is submitted by NHS Property Services (NHSPS).</p> <p>NHS Property Services</p> <p>NHS Property Services (NHSPS) manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare environments. We partner with local NHS Integrated Care Boards (ICBs) and wider NHS organisations to help them plan and manage their estates to unlock greater value and ensure every patient can get the care they need in the right place and space for them. NHSPS is part of the NHS and is wholly owned by the Department of Health and Social Care (DHSC) – all surplus funds are reinvested directly into the NHS to tackle the biggest estates challenges including space utilisation, quality, and access with the core objective to enable excellent patient care.</p> <p>Consultation response</p> <p>We note that policies SD2, IN1 and IN2 are relevant to healthcare provision and that IN1 and IN2 are subject to proposed Main Modifications (MM10/MM11 for IN1 and MM12 for IN2). Whilst Strategic Policy SD2 is not included within the schedule of Main Modifications, we consider that there is an inconsistent policy approach between the current policy wording and the corresponding Policy IN1.</p> <p>Although we recognise that Policy SD2 is intended to provide a high-level approach, as currently worded it should be made clearer that any potential loss of infrastructure provision would be considered in accordance with Policy IN1, which sets out the circumstances by which any loss would be deemed acceptable. At present this lack of consistency across the Plan means that it is not effective when considering against the tests of soundness.</p>

Local Plan Main Modifications: Plan Period, Vision, Chapter 2. Crawley Borough Local Plan and Chapter 3: Sustainable Development			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>Suggested Modifications: We therefore propose the following modification to Strategic Policy SD2: Enabling Healthy Lifestyles and Wellbeing, bullet point 5 as follows:</p> <ol style="list-style-type: none"> 1. Be supported by, and not result in a loss of, necessary infrastructure provision (Policies IN1 – IN2); <p>Justification It is worth noting that the ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. The health estate must be supported to develop, modernise, or be protected in line with integrated NHS strategies. Planning policies should enable the delivery of essential healthcare infrastructure and be prepared in consultation with the NHS to ensure they help deliver estate transformation. We consider it necessary to make the suggested modification to ensure that the Plan can be effective in implementing the intended policy direction as set out in detail in emerging Policy IN1.</p> <p>Conclusion NHSPS thanks Crawley Borough Council for the opportunity to comment on the Main Modifications Consultation 2024. Should you have any queries or require any further information, please don't hesitate to contact me.</p>

Local Plan Main Modifications Chapter 4. Character, Landscape & Development Form			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/035	Vail Williams obo Windsor Developments (Jersey Farm)	CL8	<p>Jersey Farm response to Main Modifications consultation for Crawley Borough Local Plan 2023-2040.</p> <p>Following our participation at the Crawley Borough Local Plan Examination in November- January 2024 we are now writing to you in response to your Main Modifications Consultation open until the 25th of March 2024.</p> <p>On behalf of our clients Windsor Developments Ltd, in relation to their site at Jersey Farm we would like to submit the following comments to make in regard to your proposed main and minor modifications.</p> <p>We would also like to state our disappointment that despite our attendance and participation in the examination process and continued engagement with the Council, that no changes either by way of main modifications have been to the Plan. This is despite our ongoing dialogue with the Borough Council to support their Employment Land Trajectory (ELT) and our clients aligning with the wider objective of the plan, in providing additional employment land, across the plan period to 2040.</p> <p>We are disappointed that despite being fully engaged in the process since the call for sites, and at both Regulation 18 and Regulation 19 stages, our attendance and participation at the examination and detailed representations to the Inspectors regarding employment land supply, market conditions and availability of appropriate size and scale buildings to sustain economic growth, no main modifications have been made in regard to our comments.</p> <p>In regard to Policy CL8 and Development Outside the Built Up Area Boundary we do not consider that the Council or the Inspector have adequately considered the potential for building A at Jersey Farm, (as illustrated on the submitted masterplan) being included within the Built Up Area Boundary. In addition, the boundary has not been changed to allow Building B or a rationalisation of the countryside boundary to align with the road that has in part, already been implemented. The supporting Main Modifications to the Proposals Map fail to address this.</p> <p>We also note that there have been no changes to para 9.25 which states <i>that “In response to demand for additional business land, carefully planned minor extensions abutting the Manor Royal boundary may be appropriate. Should proposals come forward for these areas, regard must be had to the countryside setting of the site, its surrounds and context, given its location within the Upper Mole Rural Fringe (Policy CL8). Crucially, development in these areas should not prejudice the potential future delivery of a southern runway to the south of Gatwick Airport within the safeguarded land. Should any extensions be considered appropriate, development will need to demonstrate how it delivers additional business floorspace in line with Policy EC3.</i></p> <p>We will therefore consider any next steps in regard to a planning application as part of the Development Management process and further engagement with Crawley Borough Council.</p> <p>Suggested Modifications:</p>

Local Plan Main Modifications: Chapter 8. Infrastructure Provision			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/011	National Highways	MM10	Policy IN1 (Infrastructure Provision) and para. 8.8: NH welcome and support the proposed additional text. Reference to the detailed Infrastructure Delivery Schedule and ensuring that this is kept up-to-date as part of the 'monitor and manage' process would ensure the Local Plan is effective and consistent with national policy (DfT Circular 01/2022).
			Suggested Modifications:
REP/055	Gatwick Green Limited	MM10	Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to Policy IN1 and paragraph 8.8 to make the Local Plan effective and for the following reasons: 1. The proposed modification to Policy IN1 is supported because it clarifies that for projects that require a Transport Assessment, which includes Gatwick Green, reference should be made to the latest Infrastructure Delivery Schedule and Authority Monitoring Report containing infrastructure projects and details of their delivery, in demonstrating the acceptability of such projects. 2. The proposed modification to Policy IN1 is supported because it clarifies that Transport Assessment should contain up to date information on travel demand as part the 'monitor and manage' process. 3. The proposed modification to para 8.8 is supported because it clarifies that the Infrastructure Delivery Schedule should be read alongside the Infrastructure Plan in order to understand what additional infrastructure is required to support the Local Plan's strategy. These Modifications are important in that they will ensure that the Council's Infrastructure Delivery Schedule and Authority Monitoring Report will provide a consistent basis for assessing the transport requirements related to development projects, including Gatwick Green.
			Suggested Modifications: No modifications required.
REP/011	National Highways	MM11	Para. 8.9: NH welcome and support the proposed additional text. The convening of the Transport Infrastructure Management Group (TIMG), including National Highways, to keep the effectiveness, deliverability, and phasing of the transport infrastructure projects required to deliver the Local Plan strategy under review as part of the 'monitor and manage' process would ensure the Local Plan is effective and consistent with national policy (DfT Circular 01/2022). We must stress that the terms of reference for TIMG need to be developed and shared as a matter of priority so that all parties involved can understand how it will operate and what is expected.
			Suggested Modifications:

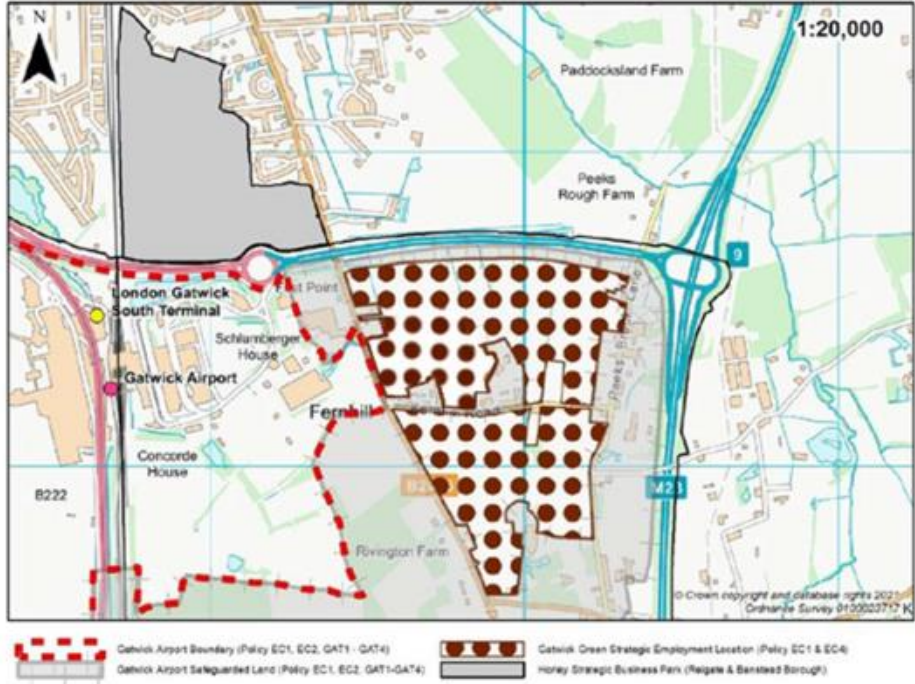
Local Plan Main Modifications: Chapter 8. Infrastructure Provision			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/055	Gatwick Green Limited	MM11	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to paragraphs 8.9 and 8.10 to make the Local Plan effective and for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed modification to paragraph 8.9 is supported in that it makes it clear that Crawley Borough Council will work proactively with infrastructure providers and developers to support the delivery of infrastructure, with opportunities for additional funding to be explored with public sector agencies and private investors. 2. The proposed modification to paragraph 8.9 is supported in that it confirms that Crawley Borough Council will set up an Infrastructure Management Group to keep transport infrastructure projects under review as part of a ‘manage and monitor’ process, with findings informing updates to the Infrastructure Plan, Infrastructure Delivery Schedule and Authority Monitoring Report. 3. The proposed modification to paragraph 8.10 is supported in that it clarifies that CIL funds will be used to contribute towards meeting needs identified in the Infrastructure Plan. <p>These Modifications are important in that they will ensure that Crawley Borough Council will work closely with all stakeholders in securing the delivery of the necessary infrastructure to support the delivery of the strategy and development allocations in the Local Plan, and that this process will be guided by an Infrastructure Management Group to ensure effective oversight through a ‘manage and monitor’ approach.</p> <p>Suggested Modifications: No modifications required.</p>
REP/011	National Highways	MM12	<p>Policy IN2 (The Location and Provision of New Infrastructure) NH welcome and support the proposed additional text. Reference to the Infrastructure Delivery Schedule and the need for major facilities to be located in the most sustainable locations accessible by public transport and/or active travel routes would ensure the Local Plan is effective and consistent with national policy (DfT Circular 01/2022).</p> <p>Suggested Modifications:</p>
REP/055	Gatwick Green Limited	MM12	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to Policy IN2 to make the Local Plan effective and for the following reasons:</p>

Local Plan Main Modifications: Chapter 8. Infrastructure Provision			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>1. It clarifies that the Infrastructure Delivery Schedule contains proposed infrastructure that supports the policy objectives of improving the range of quality of infrastructure available and its resilience.</p> <p>2. It clarifies what qualifies as a sustainable development location.</p> <p>Suggested Modifications: No modifications required.</p>

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/027	Mr Michael Rees LRM Planning	MM13 MM14 MM16 MM17	<p>MM13, MM14, MM16 and MM17</p> <p>Response on behalf of WT Lamb Property (hereafter WT Lamb), the Dye Family and Elliott Metals/the Simmonds Family. March 2024</p> <ol style="list-style-type: none"> Our clients object to the modifications in respect of policies EC1 and EC4. HJA attended hearing sessions on behalf of WT Lamb (alongside LRM Planning) on 22nd and 23rd November 2023. These sessions dealt with Matter 4: Economic Growth within the Inspectors’ Matters and Issues. Within their Local Plan consultation responses, as well as Examination Hearing Statements and oral evidence, HJA has consistently made the point that the provisions of the Crawley Borough Local Plan for employment development are insufficient, and the evidence fails to comply with the guidance on assessing economic needs set out within Planning Practice Guidance . In particular, they highlighted that the need for industrial and warehousing space is underserved. A number of other parties at the hearing sessions made the same, or very similar, points. <p>Inspectors’ response</p> <ol style="list-style-type: none"> Paragraph 7 of the Inspectors’ letter acknowledges that on the basis of the alternative evidence on the need/demand for logistics and distribution uses, the plan needs to be modified to be more positively prepared. The letter notes that “the principal way to do this would be a more positive approach to the 44ha of allocated strategically employment land at Gatwick Green (Policy EC4)”. In the first instance, we welcome the Inspectors’ acknowledgment that the plan, as submitted was not positively prepared. <p>Relying on minimum provision is inadequate</p> <ol style="list-style-type: none"> Paragraph 7 also considers the use of the term ‘minimum’ within policy EC1. It notes that the stated employment land provision “must be regarded as a minimum and the plan must provide for sufficient flexibility given the significance of Crawley to the wider Gatwick Diamond economy”. We continue to have major concerns that the proposed modifications will not provide the sufficient flexibility required. Whilst there may be downside risk, particularly for office-based uses as a result of the Covid-19 pandemic, there is no robust consideration of what upside flexibility may be required, particularly for industrial and logistics uses.

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>7. Paragraph 8 proposes a slight revision to the residual employment land requirement to 17.93ha. Our previous submissions, evidencing that this level of provision significantly under-represents need, as endorsed by the Inspectors at paragraph 7, remain. This proposed modification does nothing to address the market signals evidence. Without taking an evidence-based view of upside potential it is not possible to have any confidence that utilising the balance of land allocated at Gatwick Green through policy EC4 (as proposed) is in any way sufficient. Our previously submitted evidence clearly suggests it is not. On this basis there remains considerable risk to the continued economic success of Crawley, and therefore the wider Gatwick Diamond.</p> <p>8. Further, paragraph 19 creates further uncertainty with no clarity on the ultimate net developable area of the EC4 Gatwick Green allocation. It is noted that it will be less than 44ha, but more than 17.93ha. Any flexibility can therefore be considered to be less than 26.07ha, but how much below is not articulated. Under any circumstances we can assume a proportion of the total is lost in order to provide access roads, landscaping, surface water attenuation and other infrastructure (e.g. power).</p> <p>9. Logistics development can be land hungry. Typically, development plots achieve 40-50% site coverage. On this basis a plot of 3-5ha would be considered 'small', a plot of 5-10ha 'medium' and 10-20ha 'large'. To meet the needs of a 16-year plan period, the Gatwick Green site will have capacity to accommodate only a handful of medium sized projects. By comparison, employment land provision close to other English airports include 60+ha at Stansted Northside, 160ha across the Luton Airport Enterprise Zone and 75+ha in close proximity to Exeter Airport. None of these airports achieve passenger numbers close to Gatwick's level.</p> <p>10. Whilst the 'principal way' the Plan can be modified will be to unlock more of the Gatwick Green site identified in the plan, a further adjustment to expand the site across the Fernlands site should also be made to increase overall capacity and ensure comprehensive masterplanning. This will also provide flexibility to enable a range of plot sizes.</p> <p>Other Issues</p> <p>11. It is clear that there is significant unmet housing needs (paragraph 4). What remains unclear is how the economic needs associated with this unmet housing need are to be met. Whilst housing may be provided in adjacent districts the role of Crawley as the sub-regional economic hub means the economic and employment needs need to be considered properly as part of the Crawley Borough Local Plan and this does not appear to be fully acknowledged.</p>

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>12. Paragraph 12 of the Inspectors' letter highlights the potential for 35ha of existing employment uses to be displaced by a second wide-spaced runway at Gatwick Airport. Whilst we await the Inspectors' report, which promises to address this, there can be no assumption the provisions of EC1 and EC4 can meet this need and clearly suggest additional provisions would be required. From an operational perspective any such provisions for this displaced activity should be in close proximity to the existing uses to minimise disruption and reduce any risk of loss from the area.</p> <p>Suggested Modifications: CONCLUSION AND REQUIRED CHANGES IN RESPECT OF THE MODIFICATIONS TO THE PLAN TO MAKE IT SOUND</p> <p>13. In order to make the plan sound, as a minimum the following amendment to Policy EC1 is required as set out previously. <i>Strategic Policy EC1: Sustainable Economic Growth</i> <i>Crawley's role as the key economic driver for the Coastal to Capital and Gatwick Diamond areas will be protected and enhanced. Suitable opportunities are identified within the borough to enable existing and new businesses to grow and prosper.</i> <i>There is need for a minimum of 48 hectares new business land in the borough which, taking off the opportunities identified in the Employment Land Trajectory, results in an outstanding requirement for a minimum 34ha industrial and warehousing land over the period to 2040.</i> <i>Crawley's recognised economic role and function will be maintained and enhanced through:</i></p> <ul style="list-style-type: none"> <i>i) Building upon and protecting the established role of Manor Royal as the key mixed business location for Crawley at the heart of the Gatwick Diamond and Coast to Capital areas;</i> <i>ii) Ensuring that the borough's Main Employment Areas are protected as locations for sustainable economic growth;</i> <i>iii) Encouraging the redevelopment and intensification of under-utilised sites in Main Employment Areas for employment use;</i> <i>iv) Supporting small extensions to Manor Royal, outside of safeguarding, where this would deliver additional business land, and can be achieved in a manner that is consistent with other Local Plan policies; and</i> <i>v) Allocation of an industrial-led Strategic Employment Location at Gatwick Green, on land east of Balcombe Road and south of the M23 spur</i> <p>14. Further, as we have indicated we are supportive of the allocation of Gatwick Green as a strategic employment allocation under policy EC4. However, as set out in our representations in respect of Policy EC1 we consider that there is an under estimation of the amount of land requirement for employment</p>

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>purposes during the plan period. We have set out the change in respect of the strategic policy that we believe is required in order to make the plan sound in particular it requires that a minimum of 34ha of employment land is required over the course of the Plan period.</p> <p>15. Our clients reiterate that they would be happy to work with TWG and the Council in order to ensure a comprehensive approach to the master planning of the site. In this regard they would be willing to enter into a Statement of Common Ground with TWG to confirm their commitment to joint working, collaboration and delivery.</p> <p>16. It is considered therefore that in order to make the plan sound, two changes are required.</p> <p>1. The proposals map for Policy EC4 should be redrawn as below to include land within our clients control:</p> 

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>2. The policy wording of Strategic Policy EC4: Strategic Employment Location should be amended under the heading “Employment Uses” to read:</p> <ol style="list-style-type: none"> a. <i>provide as a minimum 34ha of new industrial land and warehousing land including for B8 storage and distribution along with smaller scale general industrial land to meet local needs, demonstrating through appropriate evidence the justification for any further industrial floorspace beyond this amount;</i> b. <i>justify any limited complementary ancillary uses such as office floorspace, small-scale convenience retail and small-scale leisure facilities that would support the principal industrial-led storage and distribution function.</i>
REP/055	Gatwick Green Limited	MM13	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to paragraphs 9.15, 9.23, 9.27, 9.53, 9.54 & 9.58 and the related Table to ensure the Local Plan is evidentially justified and for the following reasons:</p> <ol style="list-style-type: none"> 1. The industrial and storage/distribution land and floorspace supply of 4.97 ha (28,883 sqm) reflects the revised and lower industrial and storage/distribution employment land supply position at the base date of the Council’s employment land supply assessment on 31st March 2023. 2. The outstanding minimum land and floorspace need/demand has been increased from 13.73 ha to 17.93 ha and from 41,315 sqm to 62,737 sqm respectively, as derived from the Council’s assessment of industrial/distribution/storage land supply as of 31st March 2023. <p>These modifications are important in that they reduce the employment land supply to reflect an accurate assessment at the base date of the Local Plan, and consequently increase the minimum industrial/distribution/storage employment land need/demand to 17.93 ha to reflect the accurate land supply position.</p> <p>Suggested Modifications: No modifications required.</p>
REP/055	Gatwick Green Limited	MM14	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to Strategic Policy EC1 to make the Local Plan evidentially justified and for the following reason:</p> <ol style="list-style-type: none"> 1. The outstanding minimum land and floorspace need/demand has been increased from 13.73 ha to 17.93 ha and from 41,315 sqm to 62,737 sqm respectively, as derived from the Council’s assessment of industrial/distribution/storage land supply as of 31st March 2023.

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>This modification is important in that it increases the minimum industrial/storage/distribution employment land need/demand to 17.93 ha to reflect the accurate land supply assessment at the base date of the Local Plan.</p> <p>Suggested Modifications: No modifications required.</p>
REP/055	Gatwick Green Limited	MM15	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to Policy EC2 to make the Local Plan effective and for the following reasons:</p> <ol style="list-style-type: none"> 1. It identifies certain Main Employment Areas as having a specific role and for which there is specific policy guidance, including for Gatwick Green under Strategic Policy EC4 2. It clarifies that the policy criteria to control the loss of floorspace at the Main Employment Areas also applies to Gatwick Green. <p>The modifications are important in that they recognise that not only will Gatwick Green make a significant contribution to the economy of Crawley and the wider area as a focus for sustainable economic growth, but that it will also fulfil a more specific role under Strategic Policy EC4 as an industrial-led Strategic Employment Location predominantly for B8 storage and distribution uses.</p> <p>Suggested Modifications: No modifications required.</p>
REP/056	Gatwick Airport Ltd		<p>1.4 Policy EC2 Clarification</p> <p>1.4.1. The policy refers to a total of 11 Main Employment Areas (MEA), 4 of which are subject to site specific polices, the others being categorised as ‘other’ Main Employment Areas. The final paragraph refers to the 7 MEAs ‘listed above’ however this is inaccurate as there are 11 MEAs listed, including the four MEAs set out in the text in the second paragraph. The proposed wording consequently introduces an unnecessary degree of ambiguity into the policy.</p> <p>Suggested Modifications:</p> <p>1.4.2. It is recommended that this ambiguity be resolved by amending the main modification (MM15) in the first line of the last paragraph to refer to ‘seven other’ main employment areas (refer to text in blue bold below).</p> <p><i>“Employment generating development will be supported in the seven other Main Employment Areas listed above where it makes for an efficient use of land or buildings and contributes positively to sustainable economic growth and the overall economic function of Crawley.”</i></p>

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/011	National Highways	M16	Policy EC4 (Strategic Employment Location: Gatwick Green) NH welcome and support the proposed additional text. Requirements for a master plan-level vision for the development and a construction management and phasing plan to mitigate any adverse impacts on the strategic road network would ensure the Local Plan is consistent with national policy (DfT Circular 01/2022).
			Suggested Modifications:
REP/055	Gatwick Green Limited	MM16	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to Strategic Policy EC4 to make the Local Plan evidentially justified and positively prepared, and for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed modification at (a) to increase the minimum outstanding employment land need/demand figure from 13.73 ha to 17.93 ha is supported because it reflects the position at the base date of the Council's employment land supply assessment of 31st March 2023. 2. The proposed modification at (a) to delete the need for appropriate evidence to support the provision of additional land above the minimum is supported given the evidence presented at the Examination that there is significant market demand for industrial and logistics land of up to 69 ha. 3. The proposed modification at (d) to add the need for the Mobility Strategy to achieve a master plan-level vision for the development with regard to movement is supported in that it is consistent with the requirements of Department of Transport Circular 01/2022. 4. The proposed modification to include a new clause (f) to require the submission of a Construction Management and Phasing Plan with any planning application is supported in that it will ensure that the construction traffic impacts can be properly assessed, and appropriate avoidance and mitigation measures put in place taking account of any phasing. 5. The proposed modification to 'Delivery', such that the agreed master plan will incorporate a vision-led approach to transport as required by Department for Transport Circular 1/2022, is supported – this will ensure that provision for transport is developed and integrated with the wider context to reflect local needs and priorities based on the decide and provide approach. <p>These modifications are important in that they ensure that Strategic Policy EC4 is clear that Gatwick Green is allocated for at least 17.93 ha of employment development in the context of the significant need/demand for industrial/distribution/storage land and floorspace in the Crawley area. The modifications are also important</p>

Local Plan Main Modifications: Chapter 9. Economic Growth			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>in that they will ensure that appropriate policy guidance is provide in respect of transport provision and addressing the impacts of construction traffic.</p> <p>Suggested Modifications: No modifications required.</p>
REP/055	Gatwick Green Limited	MM17	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to paragraph 9.58 to make the Local Plan effective and for the following reason:</p> <p>1. It deletes the reference to Gatwick Green being built out over 7-10 years by 2040 and replaces it with a reference that it will be built out by 2035 to meet economic needs over the Plan period to reflect evidence presented at the Examination.</p> <p>This modification is important in that it reflects current and future market sentiment that supports a position that Gatwick Green will be built out on the early to middle part of the Plan period to meet the strong demand for industrial and logistics floorspace in the Cawley area.</p> <p>Suggested Modifications: No modifications required.</p>
REP/056	Gatwick Airport Ltd	MM16 & MM17	<p>GAL's Objection to the Crawley Local Plan Proposed Main Modifications March 2024 25 March 2024</p> <p>The following comments are submitted without prejudice to GAL's objection to the removal of land at Gatwick Green from the area safeguarded for the southern runway at Gatwick Airport.</p> <p>1. Strategic Policy EC4: Strategic Employment Location</p> <p>1.1. Extent and Timing of Allocation</p> <p>1.1.1. The deletion of the requirement in EC4 (MM16) requiring additional evidence to develop beyond the identified need at Gatwick Green is not justified.</p> <p>1.1.2 Crawley Borough Council (CBC) has updated its evidence base to include a higher need for 17.93ha of employment land (at MM13, MM14 and MM16) on the basis that the site on Fleming Way (The Base) has been completed. However, the site has not yet been occupied and is still being marketed. It is therefore available to meet need in the early part of the plan period.</p> <p>1.1.3 The proposed modifications to the Planning Obligations Annex (MM40) confirm that the starting position for employment in 2021 is significantly lower than previously thought. This has reduced the council's estimate of current employment in the Borough from 100,000 to 85,000 jobs. This means that recent growth rates (on</p>

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			<p>which the future trends are based) would also be significantly lower and therefore the extrapolation into the future should also be lower. This would reduce the level of need significantly.</p> <p>1.1.4. Table 2.1 of the January 2023 Economic Growth Assessment Supplementary Update for Crawley [EGSM/EG/05] makes this absolutely clear. 85,000 jobs is significantly below the starting point for both the Oxford Economics and the Experian forecasts for the plan period. Those forecasts are based in part on recent trends. It is also well below both estimates for 2021. If the true number of jobs is used, then rather than the trend rate of growth being either 424 or 1,231 jobs per annum, the reality is there has been no employment growth since 2009 according to Oxford Economics and a small decline according to Experian.</p> <p>Table 2.1 Total and Annual Employment Change in Crawley</p> <table border="1"> <thead> <tr> <th rowspan="2">Source</th> <th rowspan="2">2023</th> <th rowspan="2">2040</th> <th colspan="2">Change</th> </tr> <tr> <th>No.</th> <th>p.a.</th> </tr> </thead> <tbody> <tr> <td>Oxford Economics</td> <td>98,347</td> <td>105,782</td> <td>7,435</td> <td>413</td> </tr> <tr> <td>Experian</td> <td>105,500</td> <td>117,800</td> <td>12,300</td> <td>683</td> </tr> </tbody> </table> <p>Past Trends</p> <table border="1"> <thead> <tr> <th rowspan="2">Source</th> <th rowspan="2">2009</th> <th rowspan="2">2021</th> <th colspan="2">Change</th> </tr> <tr> <th>No.</th> <th>p.a.</th> </tr> </thead> <tbody> <tr> <td>BRES</td> <td>80,705</td> <td>87,380</td> <td>6,675</td> <td>513</td> </tr> <tr> <td>Oxford Economics</td> <td>85,589</td> <td>91,103</td> <td>5,515</td> <td>424</td> </tr> <tr> <td>Experian</td> <td>87,100</td> <td>103,100</td> <td>16,000</td> <td>1,231</td> </tr> </tbody> </table> <p>Source: OE (2022) / Experian (2022) / BRES (2022) / Lichfields analysis</p> <p>1.1.5. An allocation of 44ha (MM16) is therefore not supported by the objectively assessed evidence base and further objective evidence should be required before land over and above 17.93ha is released for development. An approach to allocate land beyond that objectively assessed, on the basis that the plan should be positively prepared, would be a misinterpretation of that principle.</p>	Source	2023	2040	Change		No.	p.a.	Oxford Economics	98,347	105,782	7,435	413	Experian	105,500	117,800	12,300	683	Source	2009	2021	Change		No.	p.a.	BRES	80,705	87,380	6,675	513	Oxford Economics	85,589	91,103	5,515	424	Experian	87,100	103,100	16,000	1,231
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			<p>1.1.6. The proposed deletion of the requirement to justify further industrial floorspace beyond the 17.93ha figure is particularly inappropriate given that (even if it is accepted that the extent of the employment need is sufficient to justify the release of some safeguarded land, which is not GAL’s contention) the need for strategic employment allocation needs to be balanced against the need for retention of land for its safeguarded purpose. These are particular circumstances relating to Crawley. This balancing exercise has not been undertaken and, in its absence, only the minimal release of land sufficient to meet the need demonstrated by the (objectively assessed) evidence could be justified.</p> <p>1.1.7. Furthermore, if it is concluded that east of Balcombe Road should be released, there needs to be an assessment of what the most suitable land to be released is with respect to both access to the strategic road network and minimising the impact on the implementation of the Gatwick southern runway proposals. There has been insufficient engagement with stakeholders to investigate and understand this issue and whether other contiguous landowners are also willing to participate in the strategic employment development if allocated. As GAL has previously explained, the proposed allocation should not be made until this exercise has been completed; certainly it should not be made in the form that is now proposed, which deletes the requirement to justify industrial floorspace beyond the 17.93ha figure (MM16).</p> <p>1.1.8. Whilst there may be demand for large-scale industrial and logistics uses across London and the South-East, it is not clear that this aligns with local need as identified in the Local Plan and its evidence base. Thus far there is no evidence to demonstrate that any potential end users of the Gatwick Green allocation would have a functional link to Gatwick Airport, Crawley or even the wider county within which it would sit.</p> <p>1.1.9. The evidence prepared by Savills on behalf of Gatwick Green Ltd (GGL) (REP-008-001) shows in Appendix 4 on the final page that of the six live-occupier requirements, one is a UK-wide search, two are to serve regional needs and two are for south London. Only one could be considered local and that is for only 100,000sqft, which would require approximately 2.3ha (equating to the same quantum of floorspace as is available at The Base).</p> <p>1.1.10. This raises a series of points, each of which indicates that the proposed deletion of the “second part of criterion a” is inappropriate (MM16):</p> <ul style="list-style-type: none"> • It is evident that Gatwick Green will not be meeting local need – it is a strategic allocation to capture footloose regional and even national investment. This needs to be balanced against the potential impact on Gatwick Airport, the key driver of the Crawley economy;

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			<ul style="list-style-type: none"> • To the extent that there is local need it is for smaller units that could be accommodated on other sites or in different configurations to the east of Balcombe Road; • Even if larger scale units were “need” (rather than market interest) they could be accommodated in a configuration that was more sensitive to the safeguarded land so as not to sterilise the land parcels around the proposed Gatwick Green allocation, thereby preventing the effective and efficient use of land within the Borough. <p>1.1.11. Turning to MM17, the Wilky Group evidence indicates the first phase of Gatwick Green could be completed in 2026 (paragraph 3.19 of REP-008-001), and that the Employment Land Trajectory is soundly based with regard to the delivery programme for Gatwick Green i.e. 2025-2035. According to the site promoter, a hybrid planning application would be submitted early in the Plan period.</p> <p>1.1.12. Crawley’s Employment Land Trajectory (Base Date 31 March 2023) (PS/EGSM/EG/17) identifies an available employment land supply pipeline for industrial and storage & distribution land of 4.97ha and a requirement for a further 17.93ha of new land for B8 uses. This is a total of 22.9ha over 17 years or 1.3ha per year.</p> <p>1.1.13. The ELT changed just before Christmas because a site had come forward for delivery (The Base). As discussed above at paragraph 1.1.2, that site is available to meet demand in the early years of the plan and that site (at 4.2ha) combined with the 4.97ha remaining in the ELT means Crawley has around seven years of supply. The 4.2ha at The Base alone is three years of supply.</p> <p>1.1.14. There is therefore no case for modification MM17 which brings forward the completion date or deletion of the text in paragraph 9.58 saying the allocation will meet needs in the later part of the plan period. If anything, this text should be strengthened to require significant further work to understand the transport and master planning implications for the whole 44ha site before anything comes forward on land safeguarded for airport expansion.</p> <p>Suggested Modifications:</p> <p>1.1.15. We therefore recommend the reinstatement of the second part of criterion (a) in Policy EC4 (MM16) and the proposed main modifications to paragraph 9.58 of the supporting text are not accepted (MM17) as the proposed 2035 completion date is not effective, realistic or achievable.</p>
REP/056	Gatwick Airport Ltd		<p>1. Transport Modelling</p> <p>1.2.1. The Examining Inspectors' Post Hearings Advice letter dated 31 January 2024 ("Post Hearing Letter") states at paragraph 20 that:</p>

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			<p><i>“We understand that transport implications have been assessed on permutations of floorspace figures depending on the transport intensity of end-users. We do not consider that further transport modelling would be required for plan soundness in light of our recommended modification to criterion (a)”.</i></p> <p>1.2.2 The proposed main modification to criterion (a) (at MM16) removes the requirement to demonstrate through appropriate evidence the justification for any further industrial floorspace beyond 17.93ha. As a result, any development over and above the assessed 17.93ha would not be subject to any objectively assessed evidence justifying the need for such development either in economic or transport terms. The deletion of this requirement would reinforce the need for there to be a more detailed investigation of the transport implications based upon the mix of floorspace type being brought forward. It is consequently proposed that of the second part of criterion (a) in Policy EC4 proposed to be deleted (at MM16) should in fact be reinstated.</p> <p>1.2.3 We strongly disagree with the statement at paragraph 20 of the Post Hearing Letter. At the Hearing on 23 November 2023 (at around 1.03pm) David Forsdick KC (on behalf of CBC) acknowledged that there had not been a Traffic Impact Analysis (TIA) above the trip budget and that any release beyond 13ha needs to be subject to the trip budget or to a further TIA.</p> <p>1.2.4 The transport implications of the 44ha allocation (a threefold increase in the quantum of the allocation) have consequently not been modelled and in the absence of that assessment it is inappropriate to make the full allocation. GAL consider that this also provides a string indication why the second part of criterion a) of EC4 should not be deleted (MM16).</p> <p>Suggested Modifications:</p> <p>1.2.6. Consequential on the larger site allocation, it is essential that the transport implications are addressed at the masterplanning stage. Criterion C needs to be amended to make clear that it is required in advance of a planning application (GAL amendments in blue bold text).</p> <p>1.2.7. <i>c. Demonstrate through a Transport Assessment for the whole site at the master planning stage that appropriate access can be provided to the site having regard to both employee and operational movements. This must demonstrate that there will be no severe residual impact on the local and strategic road network, taking into account the operation of Gatwick Airport as nationally significant infrastructure, the allocated Horley Strategic Business Park, and the impact of committed developments in the borough and surrounding areas.</i></p>
REP/056	Gatwick Airport Ltd		<p>1.3. The Unconsidered Consequences of the Strategic Employment Allocation</p> <p>1.3.1. We set out at Appendix 1 hereto a restatement of the policy basis for Airport Masterplans as we consider this context to be essential for understanding GAL’s continued concern regarding the proposed Main</p>

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			<p>Modifications. GAL object to the proposed main modifications identified below as it is considered that the impact of these changes will further frustrate the implementation of the airport masterplan not only in relation to car parking, but also in relation to access to the airport car parking and the linkage between that car parking and the airport terminals.</p> <p>a) Impact on Future Airport Access</p> <p>1.3.2. The Post Hearing Letter makes reference at paragraph 11 to the land east of Balcombe Road being shown in the Gatwick Airport 2019 Masterplan (EGSM/GA/06) predominantly for surface car parking, but also highways infrastructure. The Gatwick Airport 2019 Masterplan shows the proposal for the southern wide-spaced runway development and how the proposed replacement and new airport parking to serve the development will be accessed (see Gatwick Airport 2019 Masterplan Plan 22 ‘Surface Access’ at Figure 1.3 of Appendix 2 hereto).</p> <p>1.3.3. The proposed allocation of Gatwick Green conflicts with the proposed access in the Gatwick Airport 2019 Masterplan (EGSM/GA/06) as it sits astride the intended access link from the national highway network and the link between the proposed car park and the terminals (including the new third terminal) on land that falls wholly within the airport boundary in the southern wide-spaced runway scenario.</p> <p>1.3.4. By severing the main access between the airport terminals and the parking area GAL would need to reconfigure access to avoid routing traffic on to the A23. This would require more highway infrastructure and less land for car parking.</p> <p>1.3.5. In order to provide adequate accessibility to the fractured Gatwick masterplan site for car parking additional routes would be required, which could involve a change to the proposed alignment of the A23 to accommodate movements safely and avoid airport parking traffic from using the A23.</p> <p>1.3.6. Indicative layouts for either relocating the A23 from its proposed alignment, or for providing additional airport access roads to serve the remaining car parking zones shows that more of the safeguarded land would be unavailable for car parking except where no structures are required (i.e. surface parking).</p> <p>1.3.7. Changes to the access arrangements that would be required to accommodate the Gatwick Green development would reduce accessibility to the airport from the A23 and connectivity between M23 Jn 9 and the A23 serving Manor Royal and North Crawley. This would remove significant benefits of the Gatwick Airport Masterplan 2019 such as traffic relief on A2011 Crawley Avenue. The Gatwick Green development is also likely to have to use the public road network for shuttle buses to access the airport. This may result in more of the</p>

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			<p>safeguarded land being unavailable for car parking except where no structures are required (i.e. surface parking).</p> <p>1.3.8. Appendix 2: Surface Transport Figures shows the indicative Gatwick Green access alignment as presented in the previous representations by GGL (see Figure 1.1 of Appendix 2).</p> <p>1.3.9. Figure 1.2 of Appendix 2 shows the conflict arising between the proposed indicative road layout prepared by GGL and the Gatwick Airport masterplan for the southern runway, in particular the way in which the Gatwick Green access would preclude the southern runway access coming forward in future as shown in the masterplan.</p> <p>1.3.10. GAL wish to draw your attention to Figure 1.3 of Appendix 2 which is an extract of Plan 22 taken from the Gatwick Airport Masterplan 2019 (EGSM/GA/06). This plan clearly demonstrates that the highways access in this location is complex and that the on-airport access roads would diverge under the M23, in part due to level changes and other constraints. The purpose of the proposed access as shown in Figure 1.3 was to avoid interaction and impact on or from airport related traffic on the local road network by creating highways access to serve airport development. At present, the Gatwick Green indicative access would frustrate GAL's ability to bring forward the masterplan for the southern runway as the access configuration to the east of Balcombe Road could not be implemented.</p> <p>1.3.11. GAL consider that it is essential that policy EC4 ensures that the airport masterplan proposals for access are taken into account in the development of the masterplan for Gatwick Green and the assessment of the transport implications thereof.</p> <p>1.3.12. Criterion (d) therefore needs further modification to ensure the preparation of both the master plan and Mobility Strategy takes into account and does not undermine the Airport Masterplan provisions for access to the airport in connection with the Southern Runway proposals. Furthermore, that the Gatwick Green layout will need to reserve a potential alternative access route to Balcombe Road for when that road is re-routed to run to the east and north of the Gatwick Green allocation. GAL's suggested modifications are in blue bold text below:</p> <p>1.3.13. <i>d. Demonstrate through a comprehensive Mobility Strategy how the development will achieve the master plan-level vision for the development as regards movement, including through include measures and improvements to that maximise sustainable access to the site, focusing on how the development will and optimise the useage of sustainable modes of transport as opposed to the private vehicle. The Mobility</i></p>

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			<p><i>Strategy will and detailing detail infrastructure improvements that will be required to adequately mitigate the development impacts on the highways network, detailed and set out how these improvements will be delivered and operated. The Mobility Strategy will be prepared in consultation with Gatwick Airport and National Highways to demonstrate how it will work alongside the highways improvements required for the expansion of the airport as shown in the Gatwick Airport 2019 Masterplan. HGV traffic will not be allowed to enter Gatwick Green from the north on Balcombe Road, and will not be allowed to egress the site via a right turn onto Balcombe Road.</i></p> <p>1.3.14. We also consider the development of the masterplan and the Mobility Strategy should be a public facing process undertaken with appropriate oversight and scrutiny from stakeholders, interested parties and the community to ensure that it is developed. GAL therefore consider that the final paragraph of Policy EC4 should be absorbed into an additional, standalone criterion that provides for such a mechanism for public engagement during the development of any masterplan for the Gatwick Green site. GAL’s suggested modification is in blue bold text below and GAL’s suggested deletions are in red bold strikethrough:</p> <p>1.3.15. <i>Add New Criterion: The development of the Gatwick Green site will be in accordance with an agreed master plan setting out the key development, mobility strategy, design and delivery principles including landscape and visual impact, and engagement with statutory consultees, stakeholders, and other interested parties. The master plan shall be produced by the site promoter in consultation with the council and other parties to ensure comprehensive development in line with the above requirements. The master plan shall be approved by the Council’s Planning Committee prior to its submission will be submitted at the outline planning application stage to assist the consideration of subsequent planning application(s) and must include phasing, programming of infrastructure and details on quantum of development and appropriate uses. The approved master plan will be taken into account as an important material consideration in the determination of any planning applications.</i></p> <p>1.3.16. Alternatively, the final paragraph of Policy EC4 could remain in situ with the suggested wording above added. However, GAL consider that the significance of the master plan process requires its own criterion to demonstrate the necessity of stakeholder engagement during this process.</p> <p>b) Impact on the efficient layout of the remaining land</p> <p>1.3.17. The remaining land safeguarded for airport expansion to the east of Balcombe Road will be divorced from Gatwick Airport. It has not been demonstrated that the shape of the allocated Gatwick Green site is the</p>

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			<p>most suitable land to meet the strategic employment land allocation objectives whilst minimising the impact on the retained safeguarded land for the southern runway expansion of Gatwick Airport.</p> <p>1.3.18. The irregular shape of the Gatwick Green allocation sterilises parcels of land both north and south of Fernhill Road and the remaining land north of Antlands Road will provide an inefficient layout for car parking. This is shown in Figure 1.4 of Appendix 2.</p> <p>1.3.19. The retained land safeguarded is divorced from Gatwick Airport and is awkwardly shaped to accommodate the required car parking in a logical layout which aids access for visitors and enables the shuttle bus service to operate efficiently. The distance from the airport will also increase travel times and place reliance on shuttle buses that may need to travel along local highway routes.</p> <p>1.3.20. As it has previously explained, GAL considers that the most appropriate location and shape of any strategic employment location to the east of Balcombe Road ought to have been considered more carefully before any land is allocated. If that is not to be the case, then the Gatwick Green master planning exercise should ensure that the negative impacts identified above are avoided / mitigated as far as possible.</p> <p>1.3.21. These matters should consequently be addressed in the masterplan and so the final paragraph of Policy EC4 (MM16) needs to be expanded to encompass these issues (as described in paragraphs 1.3.13 to 1.3.15 above). The master planning process should be a public process open to all stakeholders, including GAL, to ensure that the solution selected addresses all issues relating to the proposed development.</p> <p>c) The Consequent need for multi-storey airport parking</p> <p>1.3.22. The evidence before the Examination indicated the quantum of parking to accommodate the airport's southern runway expansion could only be achieved with substantial multi- storey provision. A consequence of the proposed main modification to EC4 (MM16) to allow a greater area of the Gatwick Green allocation to be developed implies a recognition that the nature and scale of such development to facilitate the expansion of Gatwick Airport for a southern runway will need to be greater; this increased scale is acceptable and therefore GAL's contention is that this should be reflected in a modification to the supporting text to Policy GAT2.</p> <p>1.3.23. The supporting text should include an acknowledgement that in using land safeguarded for expansion of Gatwick Airport to enable the Gatwick Green site allocation to come forward, there would be a consequent need for decked or multi-storey car parking (between 18 to 27 metres in height equating to up to 7 storeys) to be provided on the residual safeguarded land around Gatwick Green to serve the airport and indicate an in-principal acceptance of such solutions.</p>

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			<p>1.3.24. This could be achieved through an addition to the supporting text to Policy GAT2 at paragraph 10.21 to make clear that it is envisaged and accepted there will need to be substantial development of stacked car parking (7 storeys) to provide the necessary parking numbers. Suggested modifications to paragraph 10.21 of Policy GAT2 are shown below (GAL’s modifications are in blue bold text):</p> <p><i>“10.21 The Gatwick Airport Master Plan requests that local planning authorities use the revised safeguarding boundary shown in the Master Plan. The council has considered the Airport Layout: Additional Runway shown in Plan 20 of the Master Plan and has included within the Local Plan safeguarded boundary land that would be required to accommodate a southern runway, including the diversion of the A23. However, the Local Plan safeguarded boundary has not included all the land east of the Balcombe Road which is shown in the Master Plan as being utilised for a large area of surface car parking. Given the constrained land supply within the borough and its significant employment and housing needs, the council does not consider surface parking to represent an efficient use of land. The Airport is already accommodating parking more efficiently through decked and robotic parking, and its Surface Access Strategy seeks to reduce access to the airport by car. The Council considers that block and multi-storey car parking in the residual land outside of the Gatwick Green allocation would be acceptable to facilitate any future airport expansion. This area excluded from safeguarding is essential to meet Crawley’s employment floorspace needs and is allocated in Policy EC1 as a Strategic Employment Location.”</i></p> <p>1.3.25. Notwithstanding this suggestion, GAL has significant concerns regarding the case made during the examination by GGL and CBC that an on-airport parking offer made up almost entirely of block parking housed in multi-storey car parks can be achieved. GAL consider this is misplaced and is not evidenced by existing or planned provision in any UK or comparable international airport. Except for a single car park recently introduced at Manchester Airport there is no evidence of this being a standard model for future airports. There is no evidence of an airport operator adopting a model overwhelmingly limited to this type of operation, which would introduce operational and commercial constraints.</p> <p>e) The Visual Impact Implications of the Allocation</p> <p>1.3.26. The proposed EC4 allocation is in conflict with Policy CL8: Development Outside the Built- Up Area.</p> <p>1.3.27. The policy describes North East Crawley High Woodland Fringes (which include the proposed Gatwick Green allocation) as having an important role in maintaining the separation of the distinct identities of Gatwick Airport, Crawley and Horley. The Gatwick Green allocation will create visual intrusion and is incompatible with the area’s role in maintaining the separation of Gatwick Airport, Crawley and Horley.</p>

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			<p>1.3.28. Policy EC4 does not presently explain how this inherent conflict will be addressed. The masterplan for Gatwick Green needs to ensure that the objectives of Policy CL8 are taken into account.</p> <p>1.3.29. No account in either CBC or GGL's assessment of available land is made for landscaping, supporting infrastructure and access. This is a fatal flaw in their assessment of what could be reasonably masterplanned in the remaining safeguarded area and undermines the case that Gatwick Green can be allocated at the full 44ha without due regard to the safeguarding or the Airport Masterplan. GAL consider that an acknowledgement should be made in Policy CL8 of the conflict arising by modifying the section relating to North East Crawley High Woodland Fringes. GAL's suggested modification is set out in blue bold text below:</p> <p>1.3.30. <i>Fringes Proposals which do not create, or are able to adequately mitigate, visual/noise intrusion are generally supported. Recognition will be given to the need for Gatwick Green and the expansion of Gatwick Airport for its southern runway to be developed at scale in the determination of planning applications. This area has an important role in maintaining the separation of the distinct identities of Gatwick Airport, Crawley and Horley.</i></p> <p>Suggested Modifications: Set out above.</p>
REP/056	Gatwick Airport Ltd		<p>1.6. Aerodrome Safeguarding (Additional Modification)</p> <p>1.6.1. We note the further proposed change to Policy C4 in the Schedule of Additional Modifications and consider the amendment could be further improved for the purposes of clarity.</p> <p>Suggested Modifications:</p> <p>1.6.2. Policy EC4 criterion (q) should additionally make reference to the green and blue infrastructure, including proposed surface water drainage proposals, should be designed in accordance with Aerodrome Safeguarding requirements to ensure that the bird strike risk to Gatwick Airport is not increased and the safety of the airport is not compromised.</p>
REP/056	Gatwick Airport Ltd		<p>Appendix 1</p> <p>1. Policy GAT2 Safeguarded Land</p> <p>1.1. Airport Masterplan Plan</p> <p>1.1.1. Appendix 2 to GAL's response to the Phase 1 MIQs (REP-056-001B) was an overview of relevant policy, guidance and documents relating to safeguarding land at Gatwick Airport for a new runway.</p> <p>1.1.2. Paragraphs 12.7 and 12.8 of the 2003 Air Transport White Paper state that airport operators are recommended to maintain a master plan document detailing development proposals. It is clear in stating that an airport master plan does not have development plan status, but the level of detail contained within it is</p>

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			<p>essential to inform the content of the Local Development Framework. Paragraph 5.11 of this documents makes it clear that all proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.</p> <p>1.1.3. The 2004 DfT document ‘Guidance on the Preparation of Airport Masterplans’ builds on the importance of airport masterplans and their contribution to Local Plan making by stating in paragraph 7, that the purpose of airport master plans is to provide a mechanism for airport operators to explain how they propose to take forward airport-specific proposals and that they are designed to help inform the regional and local planning processes and facilitate engagement with a wide range of stakeholders. Paragraph 8 of the same document states that Government envisages that a master plan should provide a clear statement of intent on the part of an airport operator that will enable future development of the airport to be given due consideration in local and regional planning processes. Paragraph 37 of the same document recognises that surface access needs to be carefully planned as part of an integrated approach to the development of an airport and that future surface access needs is an important part of airport master plan preparations.</p> <p>1.1.4. In the Government’s 2018 Consultation on its Aviation Strategy ‘Aviation 2050: The Future of UK Aviation’ it stated (paragraph 3.66) it recognised that several airports safeguard land for future development to enable growth and that it is the Government’s position that it is prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth. The Government’s recently published Aviation Strategy for the UK ‘Flightpath to the Future’ (May 2022) does not state that safeguarding land at Gatwick Airport is no longer required.</p> <p>1.1.5. The NPPF (December 2023) at paragraph 110(c) and (e) makes it clear that in promoting sustainable transport that planning policies should: <i>“c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development; and e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements.”</i></p>

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Ref. No.	Respondent	Main Modification Reference	Comments
			<p>1.1.6. The test for protection in the Aviation Policy Framework is a low bar – ‘that maybe required’. The fact the land is identified within an Airport Masterplan is consequently, of itself, ‘robust evidence’ in terms of the NPPF. The Aviation Strategy explicitly acknowledges the proposed use of the land maybe for ‘airport infrastructure’ which encompasses a broad range of uses, including highways infrastructure and car parking. The Aviation Strategy does not distinguish between different types of airport infrastructure.</p> <p>1.1.7. The 2019 Gatwick Airport Masterplan (EGSM/GA/06) sets out GAL’s proposals for airport development along with clear surface access proposals. It is the mechanism for GAL to explain how it proposes to take forward airport-specific proposals and it is a document that should inform the Local Plan making process. In terms of the NPPF and paragraph 110, it is the robust evidence which identifies the land that GAL critically requires for large-scale development to support its expansion and thereby its contribution to the wider economy. These arrangements are frustrated by the Gatwick Green allocation.</p> <p>1.1.8. During the January 2024 hearings, the Inspectors queried whether safeguarding exists at other UK airports. While geographical contexts differ, there are examples of land being safeguarded for airport expansion and of local plans taking a lead from the relevant airport’s masterplan when developing local plan policies to safeguard the airport’s ability to grow and development to meet future air traffic demand.</p> <p>1.1.9. The table at Schedule 1 hereto provides a summary of safeguarding in place around airports in England. This includes the policy specific to the airport as set out in the host authority’s adopted local plan, relevant extracts from the Planning Inspectorates’ report on the examination of that respective local plan and a link and commentary on the relevant airport’s own masterplan upon which the local planning policy is based. This demonstrates that land is routinely identified for airport expansion in Airport Masterplans that are in turn translated into Local Plans. These take the form of either Green Belt release or policy allocations for airport expansion (with or without compulsory acquisition). In all cases, the significance of airports as nationally significant infrastructure is recognised as is the need to safeguard land for their future expansion which goes hand in glove with prosperity of the local and regional economies.</p>

Local Plan Main Modifications: Chapter 9. Economic Growth															
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			<p align="center">SCHEDULE 1: SUMMARY OF LOCAL PLAN POLICIES RELATING TO AIRPORTS IN ENGLAND</p> <table border="1"> <thead> <tr> <th></th> <th>Local Plan Context</th> <th>Inspectors Report Comments</th> <th>Airport Masterplan</th> </tr> </thead> <tbody> <tr> <td>Newcastle Airport</td> <td> <p>Northumberland Local Plan 2016-2036, adopted March 2022.</p> <p><i>Policy TRA 6 Newcastle International Airport 1. In assessing development proposals, the Council will support the sustainable development of Newcastle International Airport, applying the Airport Master Plan in its present or future iterations.</i></p> <p><i>2. The important contribution of land within Northumberland to the functioning and growth of the Airport will be recognised through the allocation, for airport related uses, of around 25 hectares of land north of the County boundary. 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			<p>hotels, administrative offices car parks and other appropriate facilities needed to serve the needs of air travellers using the Airport. Proposals should be justified in terms of scale and in terms of supporting the Airport function and be appropriately located within the Airport so as not to detract from Airport function.</p> <p>https://www.solihull.gov.uk/sites/default/files/migrated/Planning_LDF_Local_Plan_Final.pdf</p>
		Manchester Airport	<p>Policy JP-Strat10: Manchester Airport</p> <p>Due for adoption by the 9 councils in March 2024</p> <p>Lying within the area and policy framework covered by JP-Strat 9 this policy seeks to maximise the benefits of the continued operation and sustainable growth of Manchester Airport and its surrounding locality. Development which is in line with:</p> <ul style="list-style-type: none"> Government policy and Manchester's local plan policies will be supported delivering a sustainable world class airport which will help to address issues raised by climate change. With high quality services and facilities, it will be the UK's principal international gateway outside
			<p>Greater Manchester Combined Authority, Places for Everyone Joint Development Plan Document, Inspectors' Report, February 2024</p> <p>117. Policy JP-Strat9 aims to protect and enhance the competitiveness of the southern areas. In this regard, it identifies Altrincham, Trafford's main town centre and Manchester Airport as being particularly important locations for investment. Notwithstanding the objective of prioritising the re-use of brownfield land, the policy also acknowledges the need to release land in the Green Belt</p> <p>121. The intention of policy JP-Strat10 is to seek to maximise the benefits of the continued operation and sustainable growth of Manchester Airport and the surrounding locality. The economic importance of the</p>
			<p>airport to the region is acknowledged. In supporting this growth, the policy identifies a range of existing schemes and projects. Other than the allocations, the Plan does not identify any new specific proposals for growth at the airport or surrounding area, including any specific targets for passenger numbers. 122. There is nothing unsound in the Plan establishing the principle of growth in this location. Any specific environmental implications of individual proposals relating to this growth would still need to be assessed against specific policies in the development plan. The policy would not override such considerations. It should also be noted that there is capacity for passenger growth at the airport without any additional development and thus, in some respects, the policy is merely reflecting the reality that growth in passenger numbers is likely with or without the Plan in place.</p> <p>P/E - Inspectors Report 01 - FINAL.docx (greatermanchester-ca.gov.uk)</p>
			<p>London. The airport and its surrounding locality will make a major contribution to the competitiveness of the North, Midlands and Wales by supporting inward investment, international trade and tourism, high quality new homes and supporting our economic and social regeneration. It will be central to raising our global profile and economic performance.</p> <p>Microsoft Word - Adopted Plan FINAL V3.docx (greatermanchester-ca.gov.uk)</p>
			<p>birmingham-airport-master-plan-2018-webres.pdf (birminghamairport.co.uk)</p> <p>The Airport Master Plan 2030 proposes a total of six extensions to the existing Operational Area which have been prioritised for the use of airfield, apron, maintenance, car parking and commercial/office facilities.</p> <p>Land to the north of Ringway Road (33ha) which is largely undeveloped with some residential has been identified for displaced Airport car parking because of operational uses which require direct access to the apron.</p> <p>AirportMasterplan.pdf</p>

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Ref. No.	Respondent	Main Modification Reference	Comments
			<p>Liverpool John Lennon Airport</p> <p>Liverpool Local Plan 2013 -2033, adopted January 2022</p> <p>Policy EC7 Liverpool John Lennon Airport</p> <p>7.76 To enable the sustainable growth of the Airport in line with national planning policy and guidance, and the provisions of the Airport Masterplan including forecasts, the operational area of the Airport needs to expand. To achieve this an area of farmland, known as the Oglet, which lies to the south of the runway and adjacent to the River Mersey has been removed from the Green Belt (as shown on the Policies Map).</p> <p>https://liverpool.gov.uk/media/1tkbedcv01-liverpool-local-plan-main-document.pdf</p>
			<p>Report on the Examination of the Liverpool Local Plan 2013-2033, December 2021</p> <p>139.As required by the Airports NPS, the airport produces and maintains a masterplan. The 2007 masterplan looked ahead to 2030 but the airport has now prepared, including public consultation, an updated 2018 masterplan to 2050 [CD22]. This sets out anticipated growth in passenger numbers as well as opportunities for other airport-related growth that would align with the vision and objectives to grow the LCR economy. The airport operates on a somewhat constrained site between existing housing and commercial development at Speke, nationally important heritage assets at Speke Hall and the Mersey estuary, with its protected Ramsar, SPA and component SSSI habitats, almost immediately to the west. Land between the current airport perimeter and the Mersey is Green Belt.</p> <p>178.Counterbalancing these harms, I find that the unique growth potential of the airport in combination with the identified economic and employment benefits for Liverpool and the wider city region would be significant..... Overall, the wider public benefits arising from the economic potential of Policy EC7 are to be given substantial weight. I also attach limited weight to the environmental benefits of the airport proposals</p>
			<p>being sustainably located and the emphasis on securing modal shift for employees and passengers travelling to the airport.</p> <p>181.Consequently, and drawing all of the above together, I find the substantial cumulative benefits that would materialise from the Plan's proposals for the airport at Policy EC7, the general absence of specific and significant environmental harm and the limited contribution of the land south of the runway to the purposes of Green Belt and the limited impact on those purposes, would amount to exceptional circumstances necessary to justify the alteration to Green Belt proposed at the Oglet. 182.It has also been adequately demonstrated at a strategic level, proportionate to plan-making, that potential environmental impacts have been appropriately considered to a level that shows, in principle, the policy would provide an appropriate framework to assess detailed proposals. Further work would be needed to accompany particular proposals to assess fully the various environmental impacts and provide detail on potential mitigation. Ultimately, Policy EC7 on proposed expansion at LJLA would be effective, justified, and consistent with national policy and, subject to a detailed modification in relation to the ASAS, therefore sound.</p>
			<p>Liverpool John Lennon Airport Master Plan to 2050, published March 2018</p> <p>The Airport's Master Plan proposes to increase the length of the runway to ensure LJLA can facilitate the long haul routes that will enhance global connections, supporting the visitor economy and international trade.</p> <p>https://www.liverpoolairport.com/media/2957/liverpool-john-lennon-airport-master-plan-to-2050.pdf</p>

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			<p>https://liverpool.gov.uk/media/wqae4hp0/liverpool-final-report.pdf</p> <p>Appendix 2: SURFACE ACCESS FIGURES</p> <p>Figure 1.1 Gatwick Green Masterplan Indicative Access</p> <p>The map shows the Gatwick Green Masterplan area with six numbered zones (1-6). A red line indicates the LDCOMD boundary. A pink shaded area represents Gatwick Green, and a grey shaded area represents the Resolving Eastern zone surface parking allocation. Key features include: Plot 5 split of existing Balcombe Road in masterplan; Gatwick Green internal access (indicative); Connection impacts on 2019 Highways Layout; None segregated airport public traffic; Existing Balcombe Road; and Plot 4 split by Balcombe Road. The logo for CHAPMAN TAYLOR is visible at the bottom left of the map.</p>

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			<p>Figure 1.2: Gatwick Green Indicative Access and Gatwick Airport Masterplan Access Overlaid</p> <p>LEGEND</p> <ul style="list-style-type: none"> M2 safeguarding boundary Gatwick Green Remaining Catlin zone surface parking allocation <p>Gatwick Green internal access indication</p> <p>Connection impacts on 2010 Highway Layout</p> <p>CHAPMAN TAYLOR</p>

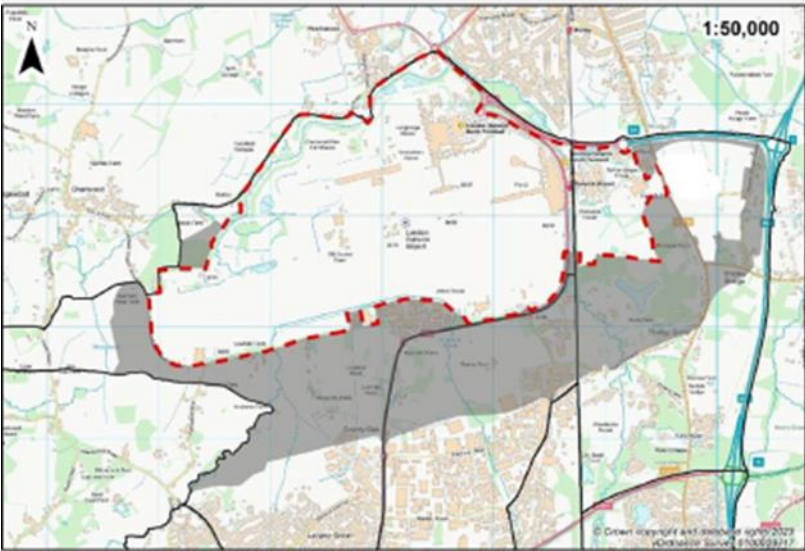
Local Plan Main Modifications: Chapter 9. Economic Growth			
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			<p>Figure 1.3: Gatwick Airport Masterplan 2019 Plan 22</p> <p>LEGEND</p> <ul style="list-style-type: none"> Motorway M23 Main roads On Airport Roads Terminal Shuttle

Local Plan Main Modifications: Chapter 9. Economic Growth			
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			<p>Figure 1.4: Access Implications for the Gatwick Southern Runway Masterplan</p>
REP/055	Gatwick Green Limited	MM18	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to paragraphs 9.76 and 9.77 relating to the application of Policy EC5 to make the Local Plan effective and for the following reasons:</p> <ol style="list-style-type: none"> 1. Any financial contribution towards employment and skills initiatives in Crawley must be a proportionate one is consistent with the guidance in the CIL Regulations on planning obligations and is consistent with the wording of Policy EC5. 2. It provides flexibility in how employment and skills initiatives in Crawley are supported through development, either through a financial contribution, or through other measures where such would achieve greater benefits, subject to agreement with the Council. <p>These modifications are important in that they reflect guidance contained in the CIL Regulations, and national Planning Practice Guidance in relation to the need for flexibility in how planning obligations are delivered.</p>

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Ref. No.	Respondent	Main Modification Reference	Comments
			Suggested Modifications: No modifications required.

Local Plan Main Modifications: Chapter 10. Gatwick Airport			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/056	Gatwick Airport Ltd		<p>1.5 Airport Boundary</p> <p>1.5.1. GAL's position remains that the Airport Boundary as shown on the Policy Map (CBLP/M/01) should accord with that shown on Plan 21 of the Gatwick Airport Masterplan 2019 (EGSM/GA/06). By suggesting that the airport boundary for Gatwick Airport is anything other than the one GAL recognises in its own Masterplan risks causing confusion for future decision makers, statutory consultees and other interested parties.</p> <p>Suggested Modifications:</p>
REP/027	Mr Michael Rees LRM Planning	MM20 MM21	<p>MM20 and MM21</p> <p>Response on behalf of WT Lamb Property (hereafter WT Lamb), the Dye Family and Elliott Metals/the Simmonds Family.</p> <p>March 2024</p> <p>17. Our clients object to the modifications in respect of policy GAT 2.</p> <p>18. LRM Planning attended hearing sessions on behalf of W T Lamb (alongside HJA) on 22nd and 23rd November 2023. Matter 5 Issue 2 dealt with safeguarded land. Within our Local Plan consultation responses, as well as Examination Hearing Statements and oral evidence, we have consistently raised concerns about the soundness of the approach to safeguarding and the practical effects of left over parcels of land on the proper and comprehensive master planning of the area alongside the insufficient employment land proposed initially and now within the proposed modifications. It is now apparent that the left over pieces of land do not serve a purpose either in respect of Gatwick Green (and meeting the significant unmet employment needs) or in respect of Gatwick Airport (who confirmed at the examination hearings that left over "slithers" of land were of little use to them).</p> <p>19. Indeed, the Council were explicitly clear in their evidence presented at the examination with regards to the test required to be passed in order to designate land to be safeguarded, they stated (via Mr David Forsdick KC) that: <i>"any land that is going to be safeguarded has got to be shown by robust evidence to be potentially critical to the delivery of the nationally important infrastructure"</i>.</p> <p>20. Mr Forsdick KC immediately followed that statement with his own qualification that: <i>"It's a very high test."</i></p> <p>21. It follows that if any area of land is to remain safeguarded, it must meet this very high test at this stage.</p>

Local Plan Main Modifications: Chapter 10. Gatwick Airport			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>22. This is not the case, at the examination hearing, Mr Norwood on behalf of Gatwick Airport confirms that <i>“the size and shape of the site wouldn’t have any relationship at all with the existing airport today....leaving slithers of land isn’t an efficient use of land and it’s not really a sustainable use of land as well.”</i></p> <p>23. It is apparent that the leftover / residual parts of safeguarded land to the east of Balcombe Road do not meet the <i>“very high test”</i> for safeguarded land that the Council set out in evidence at the examination hearing and no new evidence is provided in response to the Gatwick stated position. This was confirmed in the verbal evidence presented at the Examination, it follows that the Plan can not support the retention of the <i>“slithers”</i> of land on the other side of Balcombe Road. Indeed, this is now a restricted employment site alongside left over pieces of land that Gatwick Airport stated at the examination is not an efficient use of land.</p> <p>Suggested Modifications: CONCLUSION AND REQUIRED CHANGES IN RESPECT OF THE MODIFICATIONS TO THE PLAN TO MAKE IT SOUND For the reasons set out herein, the current approach to safeguarding is not based on robust evidence to meet the very high test stated by the Council.</p> <p>9. Accordingly, in order to provide a comprehensive approach to the delivery of the full level of employment land need, our clients land holdings should be included in the Gatwick Green allocation in order to meet employment needs and accordingly, the area for safeguarding should be redrawn either as below or alternatively to remove all of the land to the east of Balcombe Road.</p>

Local Plan Main Modifications: Chapter 10. Gatwick Airport			
Ref. No.	Respondent	Main Modification Reference	Comments
			
REP/035	Vail Williams obo Windsor Developments (Jersey Farm)	GAT2	<p>With regard to Policy GAT2: Safeguarded Land, we still believe that there is an inconsistency with principle and extent of safeguarding and this is not rectified adequately in the main modifications. The policy remains inconsistent with Policy ST4.</p> <p>We do welcome the clarification under GAT2 on small scale extensions and minor works and that the policy has changed to clarify a southern Runway given the current DCO for a “second” runway to the North.</p> <p>Suggested Modifications:</p>
REP/127	Arora Group	GAT2 – MM20 and MM21	<p>Your Ref: REP 127 (2021) Arora Group Policy GAT2</p> <p>Further to the published Main Modifications to the Crawley Local Plan, it is noted that whilst the Inspectors have recommended changes to GAT2 to provide clarity/remove ambiguity, no changes have been proposed in the main modifications that are being consulted upon.</p> <p>Objection is therefore raised that insufficient modifications have been made to GAT2. The current drafting of GAT2 does not accord with the Inspectors recommendations.</p>

Local Plan Main Modifications: Chapter 10. Gatwick Airport			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>Set out below is a summary of the objections to the currently draft of Policy GAT2.</p> <p><u>Policy GAT2</u></p> <ul style="list-style-type: none"> - It remains our opinion that the changes do not take account of the Inspectors comments and fail to provide sufficient clarity; - Safeguarding around Gatwick has been in place since 2007 and the land within this zone has been effectively sterilised for some 16 years. It is for this reason that even CBC have looked to release 'Gatwick Green' to meet the Boroughs employment needs. To this end, the rigidity of safeguarding policies are unduly constraining the ability of the Borough to meet its strategic goals. Greater flexibility to allow the optimisation of the existing commercial sites in the safeguarding area should now be incorporated into Policy GAT2. The uncertainty around aviation at a national level should not be allowed to constrain development until 2040, which is the current plan period. That would lead to 33 years that swathes of the Borough have been unduly restricted. - Furthermore, whilst it is noted that Policy GAT2 specifically seeks to prohibit the redevelopment of existing employment sites within the safeguarded zone, it is considered that there should be scope for some form of redevelopment if, for example, the resultant development does not significantly intensify or increase the scale of development. This, in turn, would allow some forms of redevelopment for existing employment sites without adding constraints or increasing the costs or complexity of delivering the second runway. - The wording put forward in the Main Modifications mirrors that of the Dec 23 consultation and has failed to take on board the comments set out in the Inspectors report. The current policy wording could be open to misinterpretation, especially if the text were challenged. The terms 'minor [building works]' could be referring to the definition within the DMPO or the more subjective approach of proportionate to the size of the host building. The term 'small scale [extensions and refurbishments]' when discussed in the context of an employment building, which often have large floor areas/volumes is also open to abuse. An alternative approach, offering certainty for both CBC and applicants could be to offer a quantifiable approach such as '30%' or an alternative approach such as Floor Area Ratio (FAR). Similarly, 'significant intensification or significant increase in the scale of development' in the final part of para 2 of Policy GAT2 can be exploited, a large extension to a warehouse may not lead to significant intensification, whereas a small extension to a dense employment user, such as an office could have a greater intensity of use and only a result in a minor increase in the scale of development.

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			<p>- Turning to paragraph 10.19, the term ‘similar footprint’ should be deleted from the supporting text. The air safeguarding restrictions in the safeguarding area will offer limited (if any) opportunity for upward extension therefore permissible extensions will always alter the footprint of any given building.</p> <p>- We are raising these matters today not to frustrate the process but to ask for clarity and to avoid lengthy case law debates following adoption of the Local Plan.</p> <p>Please can you advise when the amended wording of Policy GAT2 will be consulted upon?</p> <p>Suggested Modifications:</p>
REP/154	Aiput	MM20	<p>Please accept this as a formal representation by AIPUT to the consultation on the Main Modifications of the Crawley Borough Local Plan 2023 to 2040, open from Monday 12 February to Monday 25 March 2024. AIPUT is a long-term active investor-stakeholder at and in near proximity to major UK gateway airports, with real assets under management representing almost £700m as at Q1 2023. AIPUT’s portfolio across four London international airports extends to 2.5 million sq ft. The portfolio at/in the vicinity of Gatwick Airport (‘the Airport’) comprises:</p> <ul style="list-style-type: none"> • Viking House – Located within the Airport boundary fronting onto the Perimeter Road South. Viking House is located outside the Crawley Local Plan safeguarding area. • Gatwick Gate Estate – Located to the south of the Airport adjacent to its southern boundary. Gatwick Gate Estate is outside the airport boundary and within the airport safeguarding area. • The Fleming Business Centre – Located to the south of the Airport within the Manor Royal Industrial Estate. • Tesla Crawley Base – Located to the south of the airport. <p>The remainder of this representation outlines AIPUT’s comments on the Main Modifications to Policy GAT2 (‘MM20’) and Paragraph 10.19 (‘MM21’).</p> <p>Previous Engagement</p> <p>AIPUT submitted a formal response by AIPUT to the Consultation on the Crawley Submission draft Local Plan, which began on 9 May 2023. AIPUT raised their concerns with the restrictive nature of Policy GAT2 on development opportunities and the unclear definitions of ‘small scale development’ provided in paragraph 10.19.</p>

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			<p>Main Modification 20</p> <p>The proposed modifications to Policy GAT2 set out in MM20 of the Crawley Borough Council Schedule of Main Modifications to the Submission Local Plan (February 2024) provides a more detailed explanation of small scale developments:</p> <p><i>“Small scale development such as changes of use, minor building works and residential extensions within this area will normally be acceptable. Improvements to existing employment buildings including small scale extensions and refurbishment will normally be acceptable provided it will not lead to a significant intensification or significant increase in the scale of development. Where appropriate, planning permission may be granted on a temporary basis. The airport operator will be consulted on all planning applications within the safeguarded area”.</i></p> <p>Suggested Modifications:</p>
REP/154	Aiput	MM21	<p>Main Modification 21</p> <p>The proposed modifications to accompanying paragraph 10.19 (MM21) provide a more detailed guide for the interpretation of Policy GAT2:</p> <p><i>“For the purpose of policy interpretation small-scale development also includes development such as residential extensions, some changes of use, or other minor building works such as changes to the external appearance. Small scale improvements to employment buildings and refurbishment will normally be acceptable within a similar footprint, provided that there is not a significant intensification of development on the site, either individually or cumulatively with other extensions. Appropriate temporary uses may include those that are short term, with a defined end date and which don’t involve significant construction. Incompatible development within safeguarded land is regarded as development which would add constraints or increase the costs or complexity of the development or operation of an additional runway. The airport operator will be consulted on all applications within the safeguarded area for a second runway”.</i></p> <p>Summary</p> <p>AIPUT is supportive of these modifications and the added definition of ‘small scale development’ in Policy GAT2 and paragraph 10.19 which would allow for the updating or refurbishing of buildings. We consider these against the soundness tests in policy.</p> <p>Firstly, as made out in previous submissions, there is a reasonable need to invest in enhancements or redevelopment of individual existing buildings when they come to the end of their functional and/or economic life to provide new facilities that modern incoming occupiers require, and in line with sustainability and energy</p>

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			<p>efficiency objectives and policies of the National Planning Policy Framework. MM20 and MM21 are therefore positively prepared and consistent with national policy as required by Paragraphs 35 and 36 of the NPPF.</p> <p>Secondly, MM20 and MM21 will reduce the risk of properties and land within safeguarded areas surrounding the airport from becoming blighted. Moreover, MM20 and MM21 provides an appropriate level of flexibility for the updating and refurbishing existing facilities and infrastructure which is required for the safe and efficient operation of the current or the expanded airport. Consequently, MM20 and MM21 are justified and effective, as required by Paragraphs 35 and 36 of the NPPF.</p> <p>We consider that MM20 and MM21 are required for soundness and will ensure that Policy GAT2 meets the needs of the areas surrounding the airport and provides an effective policy for allowing necessary development within the airport safeguarded area balanced with the continued efficient and safe operation of the existing airport and the long terms strategic aims of the Borough in accordance with national policy. AIPUT would wish to be reconsulted in the event of changes to further modifications to GAT2. Any consultations should be sent to Colin Turnbull (colin.turnbull@dwd-ltd.co.uk) and Callum Cook (callum.cook@dwd-ltd.co.uk).</p> <p>Suggested Modifications:</p>

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REP/023	Rapleys		<p>St Catherine’s Hospice, Malthouse Road, Crawley, RH10 6BH</p> <p>We act on behalf of Preferred Homes who have an interest in the St Catherine’s Hospice site on Malthouse Road, Crawley. This representation has been prepared in response to the proposed Crawley Borough Council Local Plan Main Modifications Consultation in relation to the proposed site allocation and associated development parameter wording for St Catherine’s Hospice under Draft Policy H2.</p> <p>Preferred Homes have been progressing with pre-application discussions with Planning Officers at Crawley Borough Council in relation to the redevelopment of the St Catherine’s Hospice Site for an Extra Care development (Use Class C2).</p> <p>To inform the proposed design of the scheme being put forward by Preferred Homes, a large amount of site analysis has been undertaken to determine the appropriate density for an extra care development at this site. Following the detailed site analysis and design development, pre-application discussions have been undertaken based on a proposal for <i>“the demolition of the main hospice building and the two associated administration buildings, the retention of 128 Malthouse Road and the construction of a three to four storey development to provide 80 extra care apartments, communal lounge areas, community café alongside associated car parking, open space and landscaping (Use Class C2)”</i>.</p> <p>To date, the principle of the proposed development has been supported by planning officers through pre-application discussions in November 2022 and March 2024. In light of the progression of the pre- application discussions on the development of this site, Preferred Homes seek to comment on the proposed development criteria wording for the St Catherine’s Hospice site detailed in Draft Policy H2 of the Crawley Borough Council Local Plan Main Modifications consultation document.</p> <p>Preferred Homes support the inclusion of the St Catherine’s Hospice Site as a proposed allocation for ‘Housing for Older People and those with Disabilities.’ However, in order to further define the development parameters listed in Draft Policy H2 in relation to the proposed use and number of units suitable for an extra care scheme, Preferred Homes believe that the policy wording could be improved upon slightly. Given this is the final stage of the local plan consultation, Preferred Homes would therefore like to take the opportunity to comment on the final proposed wording of Policy H2.</p> <p>In accordance with the above, Preferred Homes suggest that the policy wording should be amended accordingly: <i>St. Catherine’s Hospice (deliverable) as residential Class C3 use for older people (60 dwellings)</i></p>

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			<p>and/or residential rooms as Class C2 (<i>Extra Care/ Residential Home</i>) use <i>for circa 80 units</i>.</p> <p>And for paragraph 12.61: <i>The existing St. Catherine’s Hospice site is to become vacant following the move to a new facility in Pease Pottage. This site offers the council and St. Catherine’s Hospice the opportunity to identify a further site for older people’s housing and/or extra care/residential care home. The site’s location and constraints including its size, changes in levels and location adjacent to a Conservation Area make it particularly appropriate for this type of housing.</i></p> <p>The inclusion of ‘Extra Care’ in the policy wording allows for consistency within the policy and supporting justification. This amendment would enable further policy support for more flexible uses within Use Class C2.</p> <p>The addition of the proposed quantum ‘for circa 80 units’ is based on the ongoing site analysis for the suitability of an extra care scheme. The site analysis has been based on the immediate surrounding context but equally addresses the key HAPPI principles in order to bring forward the extra care use.</p> <p>The suggested wording amendments go one step further in supporting the more detailed parameters of the development proposed by Preferred Homes, enabling the delivery of this this site to come forward for development in the short term.</p> <p>I hope that the proposed amendments detailed above will be considered as part of the final stage of consultation and should any additional supporting information be required, please to not hesitate to contact me using the details below.</p> <p>Suggested Modifications: In accordance with the above, Preferred Homes suggest that the policy wording should be amended accordingly: <i>St. Catherine’s Hospice (deliverable) as residential Class C3 use for older people (60 dwellings) and/or residential rooms as Class C2 (<i>Extra Care/ Residential Home</i>) use <i>for circa 80 units</i>.</i></p> <p>And for paragraph 12.61: <i>The existing St. Catherine’s Hospice site is to become vacant following the move to a new facility in Pease Pottage. This site offers the council and St. Catherine’s Hospice the opportunity to identify a further site for older people’s housing and/or extra care/residential care home. The site’s location and constraints including its size, changes in levels and location adjacent to a Conservation Area make it particularly appropriate for this type of housing.</i></p>

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REP/050	WSP obo Homes England	Policy H2	<p>Representations to Crawley Borough Council Main Modifications Consultation – Land East of Tinsley Lane, Crawley (Policy H2)</p> <p>On behalf of our client, Homes England, we submit this response to the current consultation in respect of the Crawley Borough Council (CBC) draft Local Plan Main Modifications, dated February 2024 in relation to Land East of Tinsley Lane, Crawley.</p> <p>Homes England have been promoting the Land East of Tinsley Lane site at every stage of the formulation of the emerging Crawley Local Plan and most recently taken part in the hearing session for the site on 9 January 2024 as part of the Examination. It should also be noted that an outline planning application for 138-unit residential unit, re-provision and enhancement of the existing Oakwood Football Club facilities, and associated works remains live and in the planning system. Now a water neutrality solution is underway, Homes England’s will be seeking resolution of the application in 2024. Further background on the planning history of the site and the progress that has been made in all areas can be found in previous representations.</p> <p>We have reviewed the Inspector’s Post Hearing Advice Note (dated 31 January 2024) and the proposed Schedule of Main Modifications set out by CBC and comment as follows.</p> <p>NON-CONFORMITY WITH THE INSPECTOR’S POST HEARING ADVICE NOTE</p> <p>We believe that the council have not made modifications to draft Policy H2 in line with the content of the Inspector’s Post Hearing Advice Note dated 31st January 2024.</p> <p>Following the Examination hearing sessions, the Inspector’s Post Hearing Advice Note was released and at Paragraph 26 stated the following:</p> <p style="padding-left: 40px;"><i>24. The site at Tinsley Lane would provide sufficient facilities for Oakwood Football Club. We do not wish to provide any comment on matters within the extant outline application for planning permission. However, the possibility of provision for allotments within the site should remain in the policy in line with the adopted development brief, as we do not consider there to be sufficient justification for its removal.</i></p> <p>The letter confirms that the site would provide sufficient facilities for Oakwood Football Club, such that no more beyond the policy list were needed, and that the possibility of provision for allotments within the site should remain in the policy in line with the adopted development brief. For clarity, the adopted development brief requires the ‘<i>consideration</i>’ of provision for allotments. However, no main modification was proposed in</p>

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			<p>the Post Hearing Advice Note in relation to Policy H2 and therefore it seems that the unintended consequence has been that CBC have not included any proposed main modification in their current consultation.</p> <p>It is clear to us from reading paragraph 26 that the Inspector’s intention was that a modification should have been proposed to Policy H2 to revert to the original wording and not include ‘at least’ ahead of the prescribed list of sports facilities and that ‘consideration of’ should have been added to the ‘<i>vii. the provision of allotments</i>’ bullet. We have sought legal advice on this matter and our advisors are of a similar view.</p> <p>This is further supported by para 44. of the Post Hearing Advice Note that stated:</p> <p><i>44. For the avoidance of doubt, all other changes presented in the Council’s Schedule 7e not referenced in this letter/appendix would be additional modifications (sometimes known as “minor mods”) which are a matter entirely for the Council when finalising the content of your Plan for adoption. They are generally factual, presentational, and non-consequential changes which we do not need to recommend for soundness, and so they do not need to be consulted on.</i></p> <p>As the Inspectors’ comments on the Tinsley Lane site were referenced in this letter then accordingly the instructed changes to draft Policy H2 were to be dealt with as a main modification.</p> <p>Although the Inspectors did not specifically articulate the Tinsley Lane policy changes as a main modification in Appendix A, we still believe CBC should have proposed a change to Policy H2 to ensure conformity with para 26 of the Inspector’s Advice Note.</p> <p>We have written separately to the Planning Inspectorate in this regard to seek clarification in relation to the Inspectors intentions for the Land East of Tinsley Lane allocation wording.</p> <p>To resolve this inconsistency, Homes England believe the council should propose a further main modification to Policy H2 for consultation. The proposed wording of Policy H2 should be:</p> <p><i>“Tinsley Lane, Three Bridges (deliverable) 120 dwellings, mixed use recreation/residential. Development of this site must include, at least:</i></p> <ul style="list-style-type: none"> <i>i. the replacement of Oakwood Football Club;</i> <i>ii. senior 3G football pitch and facilities;</i> <i>iii. a junior 3G football pitch;</i> <i>iv. community use arrangements for the sports pitch facilities;</i> <i>v. enhancement and management for public access of Summersvere Woods;</i> <i>vi. on-site publicly accessible play space and amenity greenspace;</i>

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			<p>vii. <i>consideration should be given to</i> the provision of allotments. <i>Development must also be carefully planned, laid out and designed to minimise potential future conflicts and constraints on the important minerals function of the adjacent safeguarded minerals site. Full details of the requirements relating to this site are set out in the Tinsley Lane Development Brief.”</i></p> <p>CASE FOR AMENDMENTS TO POLICY H2 Homes England’s contention is that to ensure conformity with the Inspectors’ Post Hearing Advice Note, a main modification should have been proposed to amend Policy H2 as set out above. Homes England’s case for these changes can be found in previous representations but are summarised below.</p> <p>Firstly, Homes England believe that the sports facilities proposed within draft Policy H2 are sufficient for Oakwood FC and therefore there is no need to insert ‘<i>at least</i>’ into the policy wording. This position is supported by Sports England in their response to the current outline planning application on site. Sport England assessed the loss of the existing grass pitches at the Tinsley Lane site against exception 4 of the Sport England Playing Field Policy, which requires the replacement of playing field with equivalent or better quality, and of equivalent or greater quantity. Sport England concluded that the proposed full size AGP and grass 9v9 pitch would be considered appropriate given that ability of the 3G pitch to accommodate more intensive use and range of pitch markings. Sport England consulted the FA and Sussex County FA in their response who also confirmed that the replacement provision is acceptable in principle.</p> <p>Furthermore, the existing football clubhouse is a dated single-storey building with portacabins providing additional office/admin floorspace. Sport England outlined that the application satisfactorily demonstrates that a new clubhouse of 500sqm and all associated facilities could be accommodated. The new clubhouse would provide an opportunity for additional revenue for the club and provide a significant community asset in an area with a lack of such facilities. Sport England therefore concluded that the replacement facilities represented better provision.</p> <p>Homes England are seeking a return to the wording of the previous Local Plan policy, and Development Brief wording, which refers to ‘<i>consideration of</i>’ provision of allotments, allowing for sufficient flexibility. In relation to both outline applications CR/2018/0544/OUT and CR/2021/0355/OUT at the site, allotment space had been considered but was not deemed feasible due to the following reasons:</p> <ul style="list-style-type: none"> • the scale of the open space, play, woodland and sports facilities;

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			<ul style="list-style-type: none"> • a unique design approach which provides a continuous housing ‘edge’ which shields new and existing residents from noise from the Goods Yard/ Manor Royal and Crawley Avenue to the south; • requirement for SuDS attenuation areas; • a 15m woodland buffer from the Ancient Woodland; • recent addition of TPO notifications for several trees and hedgerows; • policy requiring delivery of 1 tree per home; and • setback from the Crawley Avenue Air Quality Management Area. <p>To provide allotments in addition to the above requirements would necessitate the removal of a number of much needed new homes which would impact negatively on viability or the reduction in other contributions such as affordable housing, which as an Agency, we are reluctant to do.</p> <p>It should also be noted that no objections were made by the council or other statutory consultees regarding the need for allotments during the determination of either outline application for the site. In the absence of removal of allotment provision from the policy, the (re)addition of ‘consideration of’ enables the approach to allotment provision to be considered as part of the planning application, based on evidence of need and feasibility of delivery potential at the time of the application.</p> <p>Suggested Modifications:</p> <p>To resolve this inconsistency, Homes England believe the council should propose a further main modification to Policy H2 for consultation. The proposed wording of Policy H2 should be: <i>“Tinsley Lane, Three Bridges (deliverable) 120 dwellings, mixed use recreation/residential. Development of this site must include, at least:</i></p> <ol style="list-style-type: none"> 2. <i>the replacement of Oakwood Football Club;</i> 3. <i>senior 3G football pitch and facilities;</i> 4. <i>a junior 3G football pitch;</i> 5. <i>community use arrangements for the sports pitch facilities;</i> 6. <i>enhancement and management for public access of Summersvere Woods;</i> 7. <i>on-site publicly accessible play space and amenity greenspace;</i> 8. <i>consideration should be given to the provision of allotments.</i> <p><i>Development must also be carefully planned, laid out and designed to minimise potential future conflicts and constraints on the important minerals function of the adjacent safeguarded minerals site.</i> <i>Full details of the requirements relating to this site are set out in the Tinsley Lane</i></p>

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			<p><i>Development Brief.”</i></p> <p>We hope that these representations will be incorporated in the modifications of the draft Local Plan. If you require any further information, please do not hesitate to contact me or my colleague Hamish Dean.</p>

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REP/138	Heine Planning Consultancy	MM 28 and MM29	<p>There is no evidence to suggest the 2014 GTAA overestimated need. CBC fail to acknowledge that failure to address this need has led to outmigration and families seeking planning permission for small private sites elsewhere including Rusper for the Maloney family who used to live in bricks and mortar in Crawley.</p> <p>If CBC had made efforts to contact the Irish Traveller families who live in housing in Crawley they would have established that there remains a need for caravan pitches. In migration is an additional need for families, some of whom have been displaced from Crawley and had to look elsewhere. There is a pressing need for more socially provided sites in this part of the SE region.</p> <p>There are large waiting lists for socially provided sites . There are families with a need for sites in adjoining districts such as Reigate and Banstead and Tandridge. CBC has not tested this need as it has no such site and there is no point Travellers applying for pitches on a site that does not have planning permission and which the Council has no real intention of providing. Those in housing in Crawley have no choice but to apply for sites in other districts. The Highway costs for Broadfield Kennels have not been made public. Requests to CBC to acquire this site for those with a need have been ignored/ overlooked.</p> <p>If CBS is not willing to release this land for private sites they must ensure they deliver it themselves and sort out grants and funding. But as the MM notes, the immediate need is for small privately owned family sized pitches for households who do not want to live on a socially rented site or on a site with other families. These families have experienced living on large, problematic, overcrowded, poorly managed socially provided sites and they want to self provide so that they do not have to experience the problems so often associated with council sites. They want security of tenure. They want affordable accommodation. The MM will fail to address the immediate existing need for small private sites and most worrying, CBC do not appear to realise this and do not appear willing to amend their policy as drafted to deliver what is needed. There is no commitment or timetable to deliver the so called Reserve Site. Its v title is indicative of the fact it is not considered an allocation to meet the immediate known need.</p> <p>The in house GTAA has failed to identify the needs of those in bricks and mortar. The Council has ignored the need in neighbouring authorities which could justify Broadfield kennels. The problem in CBC is policy was not informed by an up-to-date need assessment. The GTAA was completed after policy was drafted and submitted for examination. It is really hard not to conclude that the Council is trying to justify policy as drafted, is ignoring evidence of need for private pitches and is failing to address the need that they know exists by relying on a site they appear to have no intention, of delivering. In the meantime families in Crawley have to go elsewhere for pitches and those displaced can not return and the Council is chosing to ignore evidence to support this and is</p>

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			<p>leaving all the hard work to neighbouring authorities where need is much greater. This is not sound policy. It is not PPTS compliant. It is kicking the can down the road in the hope it gets squashed and never returns.</p> <p>Suggested Modifications: Need to address immediate need and identify land for small private sites for those resorting to Crawley. Need to commit to delivering a socially provided site for those in housing who do not wish to remain living in bricks and mortar and those on waiting lists for socially provided sites in the wider area, and explain how and when Broadfield Kennels will be provided/ funded. Need to contact Travellers in housing to identify their future need for pitches and not rely on neighbouring councils to meet need arising in Crawley.</p>
REP/133	The Planning Bureau obo McCarthy Stone	MM30, MM31, MM41	<p>McCARTHY STONE RESPONSE TO THE MAIN MODIFICATIONS CONSULTATION OF THE CRAWLEY BOROUGH LOCAL PLAN 2024 MM30, MM31, MM41</p> <p>Thank you for the opportunity to comment on the Crawley Local Plan main modifications consultation. McCarthy Stone is the leading provider of specialist housing for older people.</p> <p>We object to Main Modifications MM30, MM31 and MM41 with respect to specialist housing for older people whether this sits within the C2 or C3 use class together with the use of the ‘calculator’ to calculate affordable housing sums. The Main modifications will not make the plan effective. As evidenced by the Council’s own viability assessment, any affordable housing requirement for older people’s housing including on brownfield sites, where older person’s housing is predominantly delivered, creates an unrealistic, over aspirational policy requirement that will undermine deliverability. The plan as written either with or without the main modifications, will not deliver much needed older peoples housing in line with need without further viability assessment and is therefore not justified or effective. In addition, the policy is not flexible as the flexibility implied at para 13.40 of the submission plan has not been incorporated in a similar vain to Build to Rent and Rent to Buy and instead the policy strictly implies that ‘affordable care’ should meet the same policy requirements as mainstream housing and is not an exceptional circumstance. The justification that you can simply replace the CIL amount, in the Viability Assessment with that of the Affordable housing requirement as advocated in the Council’s hearing statement (CBC/MIQ/006 section 6.12 and 6.17) is flawed as the latter figure is substantially more than the CIL requirement. This is also on the basis that it could be likely that specialist housing for older people is deemed to be C2 use and CIL exempt despite no clarification.</p> <p>We were unable to attend the relevant hearing session with regard to policy H5 but have engaged with the plan making process throughout the plan production process highlighting that specialist housing for older people cannot (sheltered and extra care) deliver affordable housing and remain viable as evidenced by the Council’s</p>

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			<p>own submitted Crawley Local Plan and Community infrastructure Levy Viability Assessment, March 2021, Dixon Searle (exam ref: D/VA/02a and b) (LPVS). It is also relevant to note that <u>since the original Viability Assessment and it's update was undertaken build costs have also increased and sales values have been more challenging, both of which will affect viability further.</u></p> <p>The Council have disregarded both their own and our evidence and made no proposed modifications to the plan exempting older persons from affordable housing despite submission of a number of representations. Indeed their response to the 2023 consultation states '<i>CBC considers that Policy H5: Affordable Housing, as now drafted, is consistent with and supported by the Crawley Local Plan & Community Infrastructure Levy Viability Assessment, March 2021</i>' (See Consultation Statement – Officer Responses to Formal Public Consultation Representation Summaries 2019 – 2023), September 2023 page 95, Exam reference CBC/KD/CS/01k.'</p> <p>We note that the main modifications MM30, MM31, and MM41 are put forward with regard to policy H5 and its supporting text, reasoning for modifications is summarised as being necessary in order to provide clarification to C2 developments and use of commuted sums calculator and that this is to make the plan more effective (inspectors letter ID-026 Post Hearings letter 31 January 2024). However, the Council's proposed amendments that were proposed within the Councils hearing statement to Matter 6 (CBC/MIQ/006 section 6.12 and 6.17), appear to be accepted without consideration that <u>the policy with respect to specialist housing for older people and the level of affordable housing being requested is not justified by the Council's LPVS (exam ref: D/VA/02a and b) in the first place. This is irrespective as to whether it falls into class C2 or C3 of the use class order.</u></p> <p>We note that the Council in their statement to Matter 6 at para 6.12.2 (ref CBC/MIQ/006) quote the judgement of 'Rectory Homes Limited v Secretary of State for Housing Communities and Local Government in 2020 (Post-Submission Document Reference: PS/H/HN/10) which indicated that self-contained accommodation within a C2 development could be capable of being counted as 'dwellings' for the purposes of Local Plan policies on affordable housing'.</p> <p>We do not dispute this position for the purpose of this exercise, however it is often the case that there is a grey area between extra care and sheltered housing and whilst extra care often falls into the C2 use class order it is also common for sheltered housing to fall into the standard C3 use class. However, the use class does not take away from the need of specialist housing for older people whether that be sheltered or extra care, the</p>

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			<p>abnormal and additional costs such schemes incur nor the evidence and the typologies tested within the LPVS (exam ref: D/VA/02a and b).</p> <p>We would remind the Examiner that the PPG on Viability confirms the following: <i>‘Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. To provide this certainty, affordable housing requirements should be expressed as a single figure rather than a range. Different requirements may be set for different types or location of site or types of development’.</i> Paragraph: 001 Reference ID: 10-001-20190509’</p> <p>Para 34 of the NPP confirms with respect to development contributions that: ‘34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). <u>Such policies should not undermine the deliverability of the plan.</u>’</p> <p>The PPG on Viability then confirms at paragraph: 002 Reference ID: 10-002-20190509 that <i>‘The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan.....Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage.’</i></p> <p>And that Paragraph 004 Reference ID: 10-004-20190509 of PPG on Viability confirms what is meant by a typology: <i>‘A typology approach is a process plan makers can follow to ensure that they are creating realistic, <u>deliverable policies</u> based on the type of sites that are likely to come forward for development over the plan period. In following this process plan makers can first group sites by shared characteristics such as location, whether brownfield or greenfield, size of site and current and proposed use or type of development. The</i></p>

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			<p>characteristics used to group sites should reflect the nature of typical sites that may be developed within the plan area and the type of development proposed for allocation in the plan.</p> <p>Average costs and values can then be used to make assumptions about how the viability of each type of site would be affected by all relevant policies. Plan makers may wish to consider different potential policy requirements and assess the viability impacts of these. Plan makers can then come to a view on what might be an appropriate benchmark land value and policy requirement for each typology.</p> <p>Plan makers will then engage with landowners, site promoters and developers and compare data from existing case study sites to help ensure assumptions of costs and values are realistic and broadly accurate.....Plan makers may then revise their proposed policy requirements to ensure that they are creating realistic, deliverable policies.'</p> <p>Paragraph 007 Reference ID: 10-007-20190509 of PPG on viability confirms the circumstances where Viability Assessment at the decision making stage could be appropriate and includes 'for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.'</p> <p>The Council have correctly tested the sheltered / retirement housing, extra care and care home typology at this plan making stage in line with para 004 Reference ID: 10-004-20190509 of PPG on Viability, but despite the viability of retirement /sheltered housing /extra care housing with affordable housing being found to be challenging or substantially not viable within their own LPVS (exam ref: D/VA/02a and b) and evidence put to them that the typologies are not viable, through the various rounds of consultation, the Council have maintained their policy approach that specialist housing to meet the needs of older people, whether that falls into C2 or C3 use class, can deliver affordable housing to the same level of other developments. Indeed, the main modifications in effect go further and attempt to strengthen this approach. This is surprising given that the Council's hearing statement at para 6.12.5 appears to acknowledge the constrained viability by quoting their LPVS (exam ref: D/VA/02a and b):</p> <p><i>'The Viability Assessment notes in paragraph 3.7.21 on page 76 in respect of the 'sheltered' and 'extra care' typologies:</i></p>

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			<p><i>'In our experience (in other Council areas to date) these schemes produce mixed viability outcomes and are frequently the subject of viability review and negotiation resulting in a commuted sum payment route towards affordable housing enabling off-site. Retirement and extra care developments do however typically support premium sales values levels, which tend to go some way to counteracting the often higher than standard development costs'.</i></p> <p>The Council then justify through their hearing statement (CBC/MIQ/006 section 6.12 and 6.17) including the requirement for all older persons housing, whether C2 or C3, to have to provide affordable housing on the basis that the LPVS (exam ref: D/VA/02a and b) tested older persons housing schemes and that the LPVS (exam ref: D/VA/02a and b) included an allowance for Community Infrastructure Levy. However, the Council at Para 6.12.6 states that <i>'there is a strong likelihood that schemes containing self-contained dwellings for older people would still be characterised as C2 on the basis of communal facilities and on-site care provided, and as such would fall outside CIL as charged via the Council's adopted CIL Charging Schedule 2016 (Post-Submission Document Reference: CBC/KD/CIL/01)'</i> and this view is disputed.</p> <p>Likelihood that a scheme is C2</p> <p>Paragraph: 014 Reference ID: 63-014-20190626 of the PPG on housing for older people specifically says that <i>'It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided'</i>. It is therefore for the Local Planning Authority (LPA) to decide which use class such housing falls into and if this is not clarified within the Local Plan it will be up to the LPA at the decision-making stage. Neither the Local Plan nor the CIL charging schedule clarify which use class older persons housing fall into and therefore there will be no clarity or certainty as to which use class a development management officer will place an older persons scheme into. In addition the CIL charging schedule does not specifically exempt C2 uses.</p> <p>Therefore, justifying a policy approach and modifications to a policy that in effects strengthens a flawed policy approach based in the hearsay of 'likelihood' that a DM officer will class a proposal as a C2 use is not a sound planning reason.</p> <p>Justifying the approach by switching the CIL requirement to an affordable housing requirement</p> <p>Notwithstanding the above lack of clarity due to lack of definition and whether a development management officer may class a proposed scheme C2 or C3, we note that the Council is advocating that they can simply</p>

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			<p>switch the CIL amount in the LPVS (exam ref: D/VA/02a and b) into an affordable housing contribution. However, the Council do not appear to have considered that the amount their calculator is requiring for affordable housing is substantially more than that required by CIL. As such older persons housing proposals would then become even less viable than shown in the LPVA.</p> <p>For example, we note that the currently indexed rate for CIL for a C3 scheme is currently in the 2024 CIL schedule is £140.59/sqm. Para 2.12.11 of the Council’s statement confirms that <i>‘the ‘Affordable housing Calculator’ would be used to establish the contribution due from developments involving an element of care (whether to be provided on or offsite). This would be calculated (as with the existing calculator) on the basis of a floorspace levy, though this would be based on net sale area (NSA) rather than the gross internal area (GIA) of the development as a whole, in order to make allowance for the high proportion of communal space which typically exists in such developments. On this basis, a levy of £350 per square metre would be used, as currently, to reflect the boroughwide 40% requirement. A lower levy of £218.75 per square metre would be applicable for the purpose of achieving the 25% requirement in the Town Centre’.</i></p> <p>The Council have provided a worked example in their hearing statement on page 38 para 6.12.13 and this is the same as MM41. This concludes: <i>‘C2 Scheme: A scheme with a Gross Internal Area (GIA) of 10,000 square metres, outside the Town Centre, comprising 100 self-contained dwellings, and with a Net Sale Area (NSA) of 6,500 square metres, would result in an affordable housing requirement of £2,275,000.00 (£350 x 6500).’</i></p> <p>Overall, this would clearly result in a requirement of £2,275,000.00. If this 10,000 sqm floorspace was instead translated into a CIL requirement, at the current 2024 rate of £140.59 /sqm, this would result in a CIL payment of £1,405,900, leaving a difference or shortfall of £869,100. The rate of £350 per square metre, even on a net floor area basis would therefore result in a substantially greater planning obligation being requested than that of the CIL used in the LPVS (exam ref: D/VA/02a and b), and this is all on the basis that the development management officer seeks to define all forms of specialist housing for older people as C2 housing at the application stage and exempts the scheme from CIL.</p> <p>This example clearly shows that the CIL amount used in the LPVS (exam ref: D/VA/02a and b) cannot simply just be replaced by an affordable housing requirement as the affordable housing amount is substantially greater and such a requirement would make older persons housing schemes even less viable than that shown within the councils LPVS (exam ref: D/VA/02a and b).</p>

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			<p>Flexibility / Exceptional circumstances</p> <p>Policy H5 does try to provide some flexibility (as required by the PPG) to the way the policy is implemented in ‘exceptional circumstances’. However, the policy confirms that <i>‘The council will only consider relaxing this affordable housing requirement, in part or in full, in exceptional circumstances, where a scheme is clearly subject to abnormal costs, not including land costs, and not otherwise envisaged by the Local Plan Viability Assessment’.</i></p> <p>However, specialist housing for older persons has been tested and envisaged by the LPVS (exam ref: D/VA/02a and b) and therefore there is great concern that not only would a development management officer define an older persons scheme as C3 housing and Require CIL and affordable housing, as no definition is provided, but they also not deem such housing to be exceptional as it has been tested within the LPVS (exam ref: D/VA/02a and b) and thereby not apply flexibility.</p> <p>Conclusion</p> <p>The requirement for all ‘residential development, including those providing care regardless of whether it falls into Use Class C2 or C3’ is not justified and will not be effective in delivering the older persons housing need within the Borough. This approach is not consistent with national policy and undermines delivering much needed specialist housing to meet the needs of older people. Specifically, the approach is not consistent with paragraphs 002 Reference ID: 10-002-20190509 and Paragraph 004 Reference ID: 10-004-20190509 of PPG on Viability.</p> <p>The Council have attempted to justify the affordable housing requirement for specialist housing for older people within their hearing statement (CBC/MIQ/006 section 6.12 and 6.17) by implying that there is a likelihood that any form of specialist housing for older person housing will be deemed to be C2 and therefore subject to a zero charge in respect to CIL, despite the Council having no definition, and that as the C3 CIL charge had been included in the Councils viability appraisal this sum could simply counterbalance the affordable housing requirement. However, the affordable housing requirement, using the example given in the hearing statement (CBC/MIQ/006 section 6.12 and 6.17), shows such a financial sum to be much more substantial than the CIL charge which would result in schemes being even less viable than already shown to be in the LPVS (exam ref: D/VA/02a and b). The Council’s justification is therefore flawed.</p> <p>In addition, there is no certainty that a development management officer would class specialist housing for older people into the C2 use class and exempt it from CIL or that they would consider older persons housing to</p>

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			<p>be an exceptional circumstance and flexibility provided, as the typology has been tested through the Local Plan Viability Assessment.</p> <p>The Main modifications are therefore not justified and not consistent with national policy. The modification will not be effective at delivering any of the much needed private specialist housing for older people including care homes indeed the main modification will make schemes even less viable and the plan less effective.</p> <p>Suggested Modifications:</p> <p>If the examiner does not feel they can provide exemption to older peoples housing to providing affordable housing in accordance with the evidence, as should be the case for the plan to be justified, in our Matter 6 Issue 2 hearing statement para 6.17.24 (REP-133-001) we put forward some amendments to the policy to ensure clarification and flexibility to the policy and again advocate these in order for the examiner to find the plan sound. For east the flexible amendments recommended were as follows:</p> <p><i>Amend para 1 of the policy to read:</i> <i>40% affordable housing will be required from all residential development, including those providing care regardless of whether it falls into Use Class C2 or C3, resulting in a net increase of at least one new housing unit across the borough which fall outside the Town Centre.</i></p> <p><i>Delete para 7 'Affordable Care' as follows:</i> <u>Affordable Care</u> <u>This Policy applies to all new residential developments, including those providing care, regardless of whether it falls under Use Class C2 or C3. Affordable provision for such schemes should be met on-site and equate to:</u></p> <ul style="list-style-type: none"> • <u>Borough-Wide: 40% affordable provision (tenure to be determined);</u> • <u>Town Centre: 25% affordable provision (tenure to be determined);</u> <p><i>Amend para 9 as follows:</i></p> <p>The Council will only consider relaxing this affordable housing requirement, in part or in full, in exceptional circumstances, where a scheme is clearly subject to abnormal costs, not including land costs, and not otherwise envisaged by the Local Plan Viability Assessment. This must be evidenced by robustly assessed viability appraising various permutations of affordable housing provisions to best address local affordable housing needs which will be independently assessed. Should concessions be agreed by the Council then claw-back mechanisms will be expected to be put in place for multi-phased development</p>

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			<p>schemes and independently monitored. The scheme must also evidence that it addresses a demonstrative and immediate housing need.</p> <p>Add to end of policy: <u>Specialist older persons' housing including sheltered and extra care accommodation falling into either C2 or C3 of the use class order is an exceptional circumstance. Proposals delivering older persons housing will be considered on a case-by-case basis in terms of viability and affordable housing and given the single phased nature of such schemes will not be subject to a review mechanism.</u></p> <p>Thank you for the opportunity for comment.</p>
REP/167	Walsingham Planning obo Muller Property Group	MM30 & MM41	<p>Introduction</p> <p>We write on behalf of Muller Property Group ('Muller') to formally respond to the Council's Local Plan Review 'Main Modifications' consultation.</p> <p>Muller control a site at 1066 Balcombe Road Crawley on which they are seeking to progress proposals for a new care home. A planning application was refused by Crawley Borough Council in April 2023, and this decision has been appealed. An Informal Hearing is scheduled to take place on 30 April.</p> <p>The representations are made in the context of a new care home on this site that lies within the Crawley built up area.</p> <p>We have previously made representations on the Council's Regulation 19 Submission Version Local Plan in June 2023. It is of considerable concern that the issues we raised appear not to have been forensically examined such that fundamental flaws with how the draft policies will work in practice remain.</p> <p>Whilst we are only allowed to comment on the Main Modifications, the previous concerns are intimately interlinked with the current concerns towards the draft plan, and it is necessary for these representations to touch on areas previously consulted on.</p> <p>The focus of this response relates to draft Policies H5 and the Planning Obligations Annex in relation to affordable housing, and Policy EP4 and the Noise Annex in relation to noise. These are Main Modifications MM30 & MM41; and MM35 & MM43, respectively.</p>

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			<p>MM30 & MM41 – Draft Policy H5 and the Planning Obligations Annex</p> <p><u>Summary</u> Policy H5 and the Planning Obligations Annex are unsound.</p> <p>In order to make it sound, the inclusion of “care homes” within Policy H5 and the supporting text needs to be removed.</p> <p>The following sentence should be added to the supporting text of Policy H5: <i>“For the avoidance of doubt, this policy does not relate to care homes.”</i></p> <p><u>Discussion</u> These representations relate to the ‘affordable care’ subsection of Policy H5 and the Planning Obligations Annex. We are making representations on both MM30 and MM41, however the majority of what we are commenting on relates to MM41.</p> <p>We have previously raised our concerns over the proposed requirement of a care home to provide affordable care as this will stymie development and make new private sector care homes unviable. It is not the purpose of the planning system to place barriers in the way of development which addresses a specific identified need.</p> <p>We had previously considered that the Draft Plan had erroneously included ‘care homes’ within Policy H5 by not realising the distinction between a care home operation and other types of retirement accommodation that may or may not fall within Use Class C2. What is now very clear from the Main Modifications is that the Council do intend to apply the affordable housing requirement to care homes, but completely fail to understand how care homes operate and how they are financed, and have proposed through the Main Modifications an approach that is completely unworkable and will result in no new care homes coming forward in the District over the Plan period, despite the increasing need.</p> <p><u>Need</u> There is undisputably a very strong need for new purpose-built care homes within Crawley (see for example the Icen North West Sussex Housing Needs Survey 2017).</p> <p>This need will only get more acute over time with an ageing population and ageing care home stock.</p> <p>The need for affordable housing is not derived from the delivery of a care home.</p>

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			<p>Requiring C2 care home developments to provide affordable care fails to consider future trends and future needs, and instead places a significant obstacle in the way of development. Indeed, we are aware of no local authority in the country which seeks to apply an affordable housing policy requirement to care homes.</p> <p>The retirement accommodation market is complicated with many different types of operation from retirement apartments where the occupants are completely self-sufficient, to sheltered housing, close care apartments, nursing homes and care homes where full care is provided. Some of these uses may fall within Use Class C3, and others within Class C2, and even within the later there are important distinctions. Care Homes of the type proposed by Muller are dealing with end of life care, where occupants typically reside for about 18 months before passing away.</p> <p><u>Viability</u> No evidence has been provided to demonstrate care homes can provide affordable housing or affordable care.</p> <p>The complexity and how this impacts on viability is precisely highlighted within the Local Plan Viability Study (Dixon Searle: March 2021) which the Council themselves cite as justification for developing the Policy:</p> <p><i>“The typology results representative of extra care development (60 apartments – Table 3j) do not reach viability with 40% AH and the other assumptions used collectively. The nature of these results appears similar generally to those seen on appraisal of the care home typology reviewed within the scope of the commercial/non-residential tests as reviewed below (results at Appendix IIIc – Table 5k). The indications are that particular consideration may need to be given to such schemes, commencing with an understanding of their characteristics and looking at viability if relevant. From experience there may be a grey area in terms of where these sit between or combining care services and housing. <u>There could be a range of scheme types and within these it may be that some schemes would not be required to provide affordable housing in any event, or might be developed or procured in a way that means they make more accessible provision – meeting a range of needs.</u>” (para 3.7.24) (our emphasis)</i></p> <p>The Viability Study clearly identifies situations where some schemes would not be required to provide affordable housing. We firmly believe that this applies to care homes in particular.</p> <p>It is clear that the proposal for all care home uses to provide affordable accommodation has not been viability checked and tested through the Local Plan process. Appendix IIIc of the Dixon Searle Viability Report sets out the commercial results of their work and does not include an assessment of a care home with affordable housing provision. This is not surprising given the comments made at paragraph 3.7.24 of the Dixon Searle</p>

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			<p>main report (quoted above). To the extent that Dixon Searle have looked at extra care, it demonstrates that it is not viable at 40%.</p> <p>At 13.39 of the tracked changes Main Modifications Document it states: <i>“The Viability Study considered ‘sheltered’ housing and ‘extra care’ housing typologies (this included a higher proportion of communal areas), along with a ‘nursing home’ commercial typology. The Viability Study supports the principle of affordable housing from such schemes...”</i></p> <p>This is simply not the case. There is certainly no assessment contained within the Dixon Searle report looking at how affordable care beds could be provided viably in the traditional care home business model.</p> <p>Furthermore, at 13.39 of the MM Document it is proposed to delete the following text: <i>“that particular consideration may need to be given on a case by case basis”</i></p> <p>This is precisely what the evidence base (the Local Plan Viability Study) is saying, and it is wholly incorrect to seek to delete this line. It specifically notes that there is a grey area in terms of the different characteristics of care provision, and that there could be a range of types where some schemes would not be required to make an affordable housing contribution.</p> <p>We object to the deletion of the text highlighted above.</p> <p>A C2 care home providing end of life care which has to provide affordable housing is not viable from an investment perspective and would not work from a practical perspective.</p> <p>New care homes are expensive to build and require finance to purchase the land, build the care home (typically of 60 beds or more) and are generally funded by institutional investors. The viability of a new care home will be modelled based on land value, construction and fit out costs, operating costs (including an element of void / empty beds) and most importantly, revenue.</p> <p>Revenue will be calculated based on market rates and the investor will need to see a return on their investment over a period of time, which also covers the operating costs of the care home. If there is any uncertainty at the outset of whether a percentage of the beds needs to be ‘affordable’ and at a reduced rate payable in perpetuity by the County Adult Social Services, which in itself may change over time, then the business model fails.</p> <p>In West Sussex, in 2023/24 the County Adult Services paid £790 per week / £41,080 per annum for a ‘personal care’ place in a care home. In comparison, the same package providing the same level of care funded privately</p>

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			<p>is typically between £1,550 and £1,729 per week which equates to between £80,600 and £89,908. This is double the price and the comparison immediately demonstrates the impact on viability of operating a care home involving an affordable provision.</p> <p><u>Practicality / workability</u></p> <p>Other issues also arise out of modelling the viability of reserving a percentage of beds within a care home to be funded by the County Council. For example, what happens when beds are reserved for affordable provision but there is not the demand at a particular moment in time? Presumably the beds are left vacant as they cannot be let privately.</p> <p>Even if there is a commitment from the County Council at the outset on funding certain beds and at a certain cost per bed, the level of revenue paid is likely to be below what is viable, taking into account acquisition and construction costs etc to operate the care home.</p> <p>Policy H5, and the modifications introduced at MM30 and MM41, are unworkable and will create uncertainty. If the funder/developer doesn't know the amount of public sector funding at outset, and how this will relate to the rate of private funded care beds over time, they cannot carry out a financial model for the operation.</p> <p>The clear consequence is that care home operators will not take forward new care homes in Crawley Borough, but instead will pursue opportunities in other local authority areas without the constraints placed on them from affordable housing and funding / viability.</p> <p>Notwithstanding the above, the Main Modifications do not provide a way to calculate affordable care from new care homes. The supporting text simply repeats what is contained within the Housing Topic Paper which informed the drafting of the policy.</p> <p>On p.46 of the Schedule of Main Modifications Document (MM41), the worked example provided for calculating affordable provision from C2 accommodation relates to 100 self-contained dwellings (purportedly to be in Class C2) and not a care home. Care homes are a different business model. There is no 'self-containment', no 'residential units' and no 'net sales area' that can be identified in a care home. Such terms are not synonymous with end of life C2 care home provision (such as that proposed by Muller).</p> <p>The care market in the UK simply doesn't operate as Policy H5, MM30 and MM41 set out. The "example" in MM41 as drafted it is wholly unworkable for a care home. There is no saleable product to the client or</p>

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			<p>customer. A resident pays for care on the basis of a weekly fee that covers their bedroom, their laundry, their meals and where they eat them, their lounge areas and all their care.</p> <p>The Proposed Modifications advise that C2 schemes must use the Commuted Sum Calculator based on net sale area only. This highlights a confusion between C2 sheltered accommodation or close care accommodation, where individual accommodation units can be defined and are sold or rented such as in the worked example, and care homes where the care home itself is the single planning unit, care beds are part of the overall care home package which provides considerable communal facilities including lounge areas and all catering etc.</p> <p>It is not possible to calculate a net sales area for a care home. The only example provided in the planning obligation section of the Proposed Modifications (MM41) relates to a scheme for self-contained dwellings falling within Class C2, where it is possible to define a net sales area. No example has been given as to how this approach could be applied to a traditional care home.</p> <p>The calculation set out in the Proposed Modifications also lacks clarity in relation to how a capital contribution could be calculated for offsite provision – in the event that the County Council do not wish to provide a care package, and where that money would then be directed. Will it be directed to construction of a care home elsewhere – in other words an infrastructure cost, or will it be used to subsidise care provision which is a Council / government responsibility?</p> <p>It must be stressed that MM41 is the first time the Council have attempted to set out how it will apply Policy H5 to Class C2 uses. It is a very late stage in the plan-making process to introduce a refinement to the policy which to date has not been viability tested. Whilst this consultation is on the ‘Main Modifications’ of the Draft Borough Local Plan, MM30 and MM41 go to the heart of draft Policy H5 and the proposed blanket requirement for all C2 Care to provide affordable housing. They are one and the same, and it is only at this late stage that we are able to review the Council’s proposed approach to how it will work.</p> <p>These representations have demonstrated why it is an unworkable policy. Until now it has been at a high level and a draft policy has progressed with little evidence for a blanket C2 requirement and no detail on how it will be calculated/implemented. The entire process is unsound. It is critical to the care home sector that H5, MM30 and MM41 are the focus of further review and testing.</p> <p>Policy H5 is fundamentally flawed, as demonstrated by MM41. The result is that Draft Policy H5 remains unsound. It is not justified, not evidenced, and it will be unworkable; i.e. it will not be effective.</p>

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			<p>We have previously emphasised how it is important that future policies allow a site-by-site assessment rather than the application of a broad-brush ‘one size fits all’ policy. Failure to take account of individual site circumstances including development costs and viability would be contrary to the objectives of the NPPF as set out at paragraph 35.</p> <p>The Local Plan Viability Assessment on which Policy H5 is relying makes <u>precisely</u> this point at para 3.7.24. Policies must have flexibility built into them and avoid an overly prescriptive approach to planning and development control across the District, policies should have sufficient scope to allow the decision taker to have regard to potential of sites on an individual basis, both now and in the future over the course of the Plan period.</p> <p>Policies need to be able to be agile and respond to changes in market conditions and/or situations where supply has been affected.</p> <p>Finally, we question whether the entire approach of requiring C2 care home uses to provide affordable care is a legitimate one. The policy of applying affordable requirements to C2 care homes may not meet the CIL Regulations as it effectively relates to cross subsidisation of adult social care which is funded by the County Council. This has become clear through the additional text provided in the Main Modifications, which refers to West Sussex Council Adult Services “<i>agreeing to support the care package and any reasonable care related service charges</i>”.</p> <p>In other words, the care home operator will be asked to provide and operate affordable care beds at a reduced package cost compared to care beds which are funded privately. This effectively subsidises the County Council in carrying out its statutory requirements and equates to cross subsidisation of revenue for the operation of the care home.</p> <p>The consequences of Policy H5 with or without the Main Modifications is that new care home provision will not come forward within Crawley Borough. MM30 and MM41 are therefore unsound. The policy approach is unworkable and is not justified. It will not be effective, and it is not consistent with national policy.</p> <p>At the very least, to address the issues that we have raised in these representations, the inclusion of ‘care homes’ within Policy H5 and the supporting text needs to be removed.</p> <p>For the same reasons, it is also requested that the following sentence is added to the supporting text of Policy H5 which states: “<i>For the avoidance of doubt, this policy does not relate to care homes.</i>”</p> <p>Suggested Modifications:</p>

REP/171	Stone Planning Services Ltd	MM30 & MM41	<p>Crawley Local Plan Main Modifications Representations 2024</p> <p>Stone Planning Services is appointed by Charterpoint Group Limited to consider the Main Modifications to the Crawley Local Plan. Charterpoint has considerable experience nationwide in the procurement and delivery of C2 Residential Care Homes. They have delivered C2 Residential Car Homes across the country. These representations relate to MM30 and MM41. Both of which relate to Policy H5 - Affordable Housing.</p> <p>Background</p> <p>The Icen North West Sussex Housing Needs survey (2017) which forms part of the evidence base to the Plan shows that Crawley is anticipated to have a 62.5% increase in the percentage of population on the over +65 year old category. Growth in this age category accounts for 35% of the total projected change. It is a growth of 9,600 people aged over 65 (2019-39). Table 62 shows that there will be an increase of 68% in residents with dementia and an increase of 63% in residents with mobility problems.</p> <p>At 10.25 it concludes there is a need for 168 units of accommodation (not dwellings) per 1,000 residents over 70 with 56% in the market sector.</p> <p>At 10.42 - 10.44 it states: <i>“ it is however important to recognise that the viability of extra care housing is different from general mixed tenure development schemes, not least as there are typically significant levels of communal space and on-site facilities; higher construction and fit out costs; and slower sales rates as there are less off plan sales. There also practical issues associated with how mixed tenure schemes may operate. The council need to consider these issues in crafting policies.”</i></p> <p><i>It can be difficult in some circumstances for developers of specialist housing for older persons to compete with other developers for land. To support a delivery of specialist accommodation, it may be appropriate for the councils to consider making specific land allocations for specialist housing for older persons within new local plans.</i></p> <p><i>Ultimately for the purpose of seeking affordable housing we would recommend the council in developing new planning policies consider the specific viability of extra care housing schemes as part of preparing viability evidence within the plan making process.”</i></p> <p>Whilst this is specific to Extra Care housing the principles equally apply to Residential Care Home provision.</p> <p>It is clear that there will be an increasing need for accommodation for the elderly over the Plan Period. Residential Care Homes are an important typology within the C2 Use Class. The Local Plan must be positively prepared and effective in setting out policies to ensure delivery of this typology. In its proposed form it is not and is unsound.</p>
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		<p>Main Modifications MM30 and MM41</p> <p>We consider that there is a fundamental misunderstanding with regard the different accommodation typologies that fall within Use Class C2 which has resulted in Main Modifications and hence Policy H5 having a very negative impact on delivery.</p> <p>It is important to understand the difference between Extra Care Housing and Care Homes.</p> <p>Extra care housing is housing with care primarily for older people (but not exclusively) where occupants have specific tenure rights (see below) to occupy self-contained dwellings and where they have agreements that cover the provision of care, support, domestic, social, community or other services.</p> <p>It is private accommodation and is available for rent, shared ownership or sale. You have your own front door so you can control who comes in and when. Couples and friends can stay together.</p> <p>In care homes, residents have their own bedrooms not self-contained dwellings, otherwise the remaining space is predominantly communal. Whilst people living in residential and nursing care homes have their care provided by the care home staff, extra care residents are not obliged, as a rule, to obtain their care services from a specific provider. That said, other services (such as some domestic services, costs for communal areas including a catering kitchen, and in some cases some meals) will be built into the charges residents pay.</p> <p>Unlike care homes, occupants of Extra Care housing units have security of tenure and housing rights afforded by their occupancy agreements and cannot be required to move, unless in breach of the occupancy agreement.</p> <p>A fundamental feature of housing with care is that it is a housing model. Whilst on-site services may – and indeed should be – coordinated effectively, legally, the housing is a separate entity from the care – if it were otherwise, schemes would be liable to registration as care homes. In extra care schemes, the housing provider/scheme owner is merely facilitating a domiciliary care provider to enter the premises and residents have to pay separately for care.</p> <p>In extra care schemes only the care provider is regulated by the Care Quality Commission (CQC) in respect of the care they provide - the building and its operator are not regulated by CQC. In care homes, the building has to be registered by CQC and the care provider’s activities are regulated by CQC.</p> <p>We object to the Council introducing an affordable dwelling requirement on C2 Residential Care Homes. This is a contradiction in itself. All new Residential Care Homes provide residents with a bedroom and en-suite. They do not have space for cooking, recreation, interaction with other residents, exercising etc. They are not dwellings.</p>
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			<p>The new C2 Residential Care Homes have communal areas for socialising, reading, watching tv, dining areas, cinema, hairdressers. Meals are cooked in a central kitchen by staff and served to residents in communal dining areas. C2 Care homes units are essentially bedrooms not separate dwellings.</p> <p>Residential Care Residents are on average over 80 years old and an average stay is 18 months.</p> <p>The Council refers to the Rectory Homes v SoS High Court decision. That decision related to “the erection of a Housing with Care development “. It provided Extra Care. In those circumstances each resident would live in a very different environment to a C2 Residential Care Home.</p> <p>Paragraph 5 of the judgement stated:</p> <p><i>“ The appeal scheme would provide 78 units of residential accommodation. Each unit would have its own front door, between one and four bedrooms, a living room , bathroom and kitchen allowing for independent living . . . “</i></p> <p>Paragraph 53 of the judgement states: <i>“It has become well established that the terms “dwelling” or “dwelling house” in planning legislation refer to a unit of residential accommodation which provides the facilities needed for day-to-day private domestic existence . . . “</i></p> <p>We acknowledged that a scheme of that nature would create 78 self-contained dwellings. A 78 bed C2 Residential Care Home is very different in nature.</p> <p>As stated above residents in a C2 Residential Care Home have limited private facilities - a bedroom and en-suite bathroom. They do not have private facilities for ‘day to day domestic existence”. Meals, recreation, socialising are undertaken in communal areas.</p> <p>We consider that the Council has misinterpreted the judgement. Bedrooms/en-suites in a C2 Residential Care Home are not dwelling houses. In the Extra Care sector, the situation is very different. C2 Residential Care Homes should be exempt from affordable housing.</p> <p>The GLA topic paper: Specialist Older Persons Housing was published in November 2017. At paragraph 2.2 it defines Residential Care Homes as: <i>Residential nursing care accommodation (including end of life/ hospice care and dementia care home accommodation) should be considered as C2 as it provides non-self contained residential accommodation for people who require additional personal or nursing care. Rooms may be private or shared and may provide an ensuite bathroom. Communal facilities are likely to include a dining room and residents’ lounge, with meals and personal services routinely provided to all residents. Personal or nursing care is a critical part of the accommodation package at residential/nursing care accommodation. Care homes are unlikely to provide more than 80 bed spaces in total.</i></p>
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		<p>At paragraph 2.9 it states: <i>In general terms, class C3 encompasses ‘dwelling houses’ and developments in this use class provide affordable housing contributions, whereas use class C2 encompasses ‘residential institutions’ and developments are not expected to provide affordable housing. Assisted Living Extra Care schemes providing on-site care and support typically are within C2 of the use class order but this is often questioned by local authorities, who are predisposed to seek affordable housing....</i></p> <p><i>This debate leads to protracted negotiations and disputes between providers and local planning authorities with unnecessary cost and delay. These often use arbitrary characteristics of a development, such as whether apartments have their own front door, or are ‘self-contained units’ rather than look at more crucial factors such as the degree of support provided on-site.</i></p> <p>We consider that this reinforces our belief that C2 Residential Care Homes are not dwelling houses and should not be the subject of the affordable housing policy(H5).</p> <p>Crawley, as everywhere, has an ageing population. That will create additional demand for C2 Residential Care Homes. If affordable housing is requested as set out in policy H5 then there is a real danger that none will be delivered. Residential Care Homes would be unviable. Introducing such an impediment to delivery would result in the plan not being effective, justified or positively prepared. The Plan is unsound.</p> <p>The default for affordable housing provision is on site provision. MM30/MM41 introduce an option, in exceptional circumstances, for an offsite contribution to affordable housing. Out of the town centre delivery of 40% affordable is sought.</p> <p>Within the town centre 25% affordable is sought.</p> <p>The level of contribution is based on the Council’s Borough Wide Sums Calculator. For C2 uses the Net Sales Area (NSA) will be used to account for the gross - net ratio.</p> <p>The worked example relates to self-contained dwellings. As has been set out earlier in these representations C2 Residential Care Homes do not operate in that manner. There appears to be no viability assessment of a C2 Residential Care Home.</p> <p>The term “Net Sales Area” is imprecise. There is no “sales” area. The bedrooms are not “sold”. This is not applicable to a C2 Residential Care Home.</p> <p>If on site affordable bedrooms are provided (the default position), then based on a 70 bed unit this would deliver 28 affordable units. The local authority weekly room rate is in the region of £800. This equates to £41,600 per annum The non-supported room rate is in the region of £1600. That equates to £83,200 per annum.</p> <p>Across 28 units that would result in an annual revenue loss of £1,164,800.</p>
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		<p>However as stated if introduced, the Term Net Sales Area will need precise definition. Whilst not supporting this requirement as a matter of principle on C2 Residential Care Homes, we suggest that this should relate to the private residential elements of a Care Home only and not communal areas. A typical bedroom is 20 sqm . A 70 bedroom C2 Residential Care Home would result in a calculated off site contribution of £500,000.</p> <p>However as stated there is a shortfall of available beds therefore it is highly unlikely this option would be available.</p> <p>No C2 Residential Care Home can operate on that basis. Fixed operational costs remain unchanged whilst annual income would be £1.1m less than budgeted.</p> <p>Furthermore, funders would not be attracted to funding the delivery of such schemes as they are unviable.</p> <p>By including C2 Residential Care Homes within the affordable homes policy the plan will impede delivery at the very time that the population is ageing.</p> <p>The Local Plan Viability Study (March 2021) is cited as justification for the inclusion of Residential Care Homes within the scope of the policy. The report at 3.7.24 states:</p> <p><i>“ . “The typology results representative of extra care development (60 apartments – Table 3j) do not reach viability with 40% AH and the other assumptions used collectively. The nature of these results appears similar generally to those seen on appraisal of the care home typology reviewed within the scope of the commercial/non- residential tests as reviewed below (results at Appendix IIIc – Table 5k). The indications are that particular consideration may need to be given to such schemes, commencing with an understanding of their characteristics and looking at viability if relevant. From experience there may be a grey area in terms of where these sit between or combining care services and housing. There could be a range of scheme types and within these it may be that some schemes would not be required to provide affordable housing in any event, or might be developed or procured in a way that means they make more accessible provision – meeting a range of needs.”</i></p> <p>This part of the evidence base clearly shows that certain schemes and/or typologies will not be capable of delivering affordable housing. We can see no evidence within the Viability Report to support a policy that requires all C2 uses to provide affordable housing. In fact there is no worked example relating to Residential Care Homes.</p> <p>MM40 shows a deletion of the following wording:</p> <p><i>“This Policy applies to all new residential developments, including those providing care, regardless of whether it falls under Use Class C2 or C3. Each scheme will be considered on a case-by-case basis in relation to any</i></p>
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		<p><i>specific or exceptional matters. However, the starting point remains as: Borough Wide: 40% affordable provision (tenure to be determined) Town Centre: 25% affordable provision (tenure to be determined)</i></p> <p>This approach reflects that set out in the Housing Needs Survey and the Viability Study. Hence, we see no justification for its deletion and the introduction of a blanket tariff approach.</p> <p>Paragraph 63 of the Framework relates to establishing the housing need including tyhst fur older people including:</p> <ul style="list-style-type: none"> • Retirement Housing • Housing with Care • Care Homes <p>The Framework distinguishes between the older persons housing typologies. Policy H5 does not. The proposed amendment discourages provision.</p> <p>C2 Residential Care Homes should be exempt from Policy H5. Policy H5 and MM30 and MM41 does not reflect the way Care Homes operate.</p> <p>We are not aware of any other Local Plans that have a policy whereby C2 Residential Care Homes seek an affordable housing either on site or by way of a contribution.</p> <p>Consideration should also be given to the need to comply with the Community Infrastructure Levy Regulations. In seeking on site provision the loss of revenue would require any affordable units to be subsidised in perpetuity. This is a revenue cost not a capital cost. Operational costs will increase year on year with rises in heating, staff costs, food, cleaning etc. Operators cannot influence the Local Authority rate and as a consequence the differential between the local authority rate and the privately funded rate will widen. This will increase the annual deficit. No funder would invest in the construction of a C2 Residential Care Home on that basis. In our strong opinion seeking of what is a revenue contribution is not compliant with the Regulations.</p> <p>The Planning Practice Guidance states at 023 Reference ID: 25-023-20201116 <i>Charging authorities may also set differential rates by reference to different intended uses of development. The definition of “use” for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987 (as amended) although that Order does provide a useful reference point. Charging authorities taking this approach will need to ensure that the differential rates are supported by robust evidence on viability.</i></p> <p>It is clearly within the gift to remove reference to C2 Residential Care Homes from Policy H5. We recommend that Policy H5 is changed according.</p>
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Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>Paragraph 35 of the Framework sets out the tests of soundness of a Local Plan. As a result of MM30 and M41 Policy H5 is not justified, positively prepared or effective. Hence the Plan is unsound.</p> <p>We respectfully suggest that the Council, engages positively with the C2 Residential Care Sector to ensure a full understanding of the impact of Policy H5 and how, in its current form, it will impede delivery of Residential Care Homes throughout the Plan Period at a time when the need is growing.</p> <p>Should you require any further information then do not hesitate to contact me.</p> <p>Suggested Modifications:</p>
REP/173	Savills obo Hazelwick School	MM30 & MM41	<p>Crawley Local Plan Main Modifications Representations 2024</p> <p>This representation has been prepared by Savills, on behalf of Hazelwick School, in response to MM30 and MM41 to the Crawley Local Plan, both of which relate to Policy H5 – Affordable Housing. The consultation is open from Monday 12 February to Monday 25 March 2024.</p> <p>1. Background</p> <p>Savills is instructed by Hazelwick School to market land surplus to requirements within the school’s campus which has been identified as suitable for C2 (Care) development. The site comprises a former caretaker’s house, garden and part of the school’s sports fields. The building has been vacant for a number of years and is in need of significant refurbishment.</p> <p>The school’s senior leadership team is constantly looking at ways to improve the school and the student experience, and have reached the conclusion that better use could be made of the land. The school envisage using funds generated from the sale to further redevelop and enhance the existing offering for students on site.</p> <p>A care home has specifically been chosen as a low intensity use that will fit well with the school’s existing operation. It is a relatively quiet use that can be accommodated next to an academic environment. Traffic generation is low and generally outside of the busy times at the school.</p> <p>The demographics for the area suggest that there are 13,047 people aged 75 years plus in the Borough, which is projected to increase by 1,175 people by 2026. Of the current supply of care homes in the Borough, only 2 have been purpose built since 2010. These figures demonstrate a strong elderly population and therefore a need for more modern care facilities to be delivered within the Borough to replace dated stock which may be unsuited to modern resident preferences.</p>

Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>The site received a positive pre-application response from Crawley Borough Council in April 2023. The response was such that the principle of development for a C2 (Care) scheme in this location was supported, however we are of the view that the proposed modifications MM30 and MM41 to the Crawley Borough Local Plan have the potential to impact on the feasibility of delivering a care home on this site.</p> <p>Marketing commenced in mid-January 2024 and offers were received from interested parties at the end of February 2024. A number of these parties, however, are concerned about the proposed modifications and the impact they will have on a proposed C2 (Care) development at the property. A number of these parties have also made their own representations on this matter.</p> <p>2. Adopted Policy</p> <p>We have reviewed the Borough's current adopted planning policy and comment as follows. The Crawley Borough Local Plan (adopted December 2015) does not make reference to a need for affordable housing to be provided on C2 (Care) developments, and only outlines an affordable housing requirement for C3 (Residential) developments.</p> <p>The Affordable Housing Supplementary Planning Document (dated November 2017) makes reference to a requirement for affordable housing from extra care developments, however an affordable housing requirement for C2 (Care) Use specifically is not captured in this SPD.</p> <p>We note that there is no reference for a need to provide affordable housing within C2 (Care) developments within the 'Improving Lives Together – Our ambition for a healthier future in Sussex: Sussex Health and Care' document dated December 2022. Furthermore, we note that the Viability Assessment prepared by Dixon Searle in December 2022 excludes an example appraisal of a development containing a C2 (Care) scheme, and instead only tests the impact of the Borough's emerging policy purely on C3 (Residential) developments.</p> <p>3. Proposed Policy</p> <p>The proposed modifications MM30 and MM41 to the Crawley Borough Local Plan 2023 to 2040 suggest 40% affordable housing will be required from all residential developments (including both C3 and C2 use classes), where on-site provision is the default expectation and off-site contributions in lieu may be considered in exceptional circumstances.</p> <p>The modifications state that for C2 developments outside the town centre, the value of the developer's contribution will be determined by using the Borough-Wide Commuted Sums Calculator, applying the scheme's Net Sale Area (NSA) to account for the gross-net ratio of care schemes.</p>

Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>4. Key Issues</p> <p>Proposing an on-site affordable housing model within a C2 (Care) development is non-functional in practice. This is because the majority of care home developers cannot commit to developing sites without an intended care home operator in mind. There is a very limited pool of care home operators that would be willing to acquire a care home with a need to provide affordable beds on-site. This is as a result of the adverse impact on the financial viability of the care home model which has struggled in recent years. In particular, in the aftermath of the pandemic, rising staff costs and the overheads associated with running a care home have risen disproportionately to the income received per bed. Rising build costs have also played a factor in the deliverability of new care homes.</p> <p>The proposed modifications are also currently unclear for developments that fall outside of the town centre, because the suggested wording implies that off-site contributions will be the method of providing affordable housing for C2 (Care) Use schemes outside the town centre. However, the proposed modifications are contradictory as they also emphasise on-site affordable housing being the default expectation. Prospective purchasers of our client's site, therefore, have struggled to find clarity on what assumptions they should be making in their offers in respect of affordable housing contributions.</p> <p>We urge the council to provide clarity on its stance for C2 (Care) schemes in the Borough, particularly those that fall outside of the town centre. We are of the view that should affordable housing be required on-site on C2 (Care) developments, this would be unnecessarily punitive towards care home operators. Simply put, the proposed modifications risk reducing the amount of care homes that are delivered in the Borough which could be to the detriment of the Borough's residents as the demographics suggest a pressing needs for care accommodation.</p> <p>5. Suggested Alternative</p> <p>In order to provide clarity to care home developers and operators looking at current and future schemes in the Borough, we object to the proposed modifications to the Crawley Borough Local Plan 2023 to 2040, and instead we are of the view that an alternative wording would be better suited to this policy.</p> <p>It is clear that the Borough has captured an affordable housing requirement for extra care developments, as this is outlined in the Affordable Housing Supplementary Planning Document (dated November 2017), but to date planning policy has not referenced a need for on-site affordable housing to be drawn from C2 (Care) products.</p>

Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>We are therefore of the view that a requirement for on-site affordable housing within a care environment should only be applied to products that fall within the extra care classification only, rather than conventional C2 Use care homes. This is due to the fact that the profits from an extra care facility are significantly higher than a conventional C2 Use care home, in which revenue generated from open market care is needed to secure the running of such facility.</p> <p>We suggest that if it is the intention to capture affordable housing within a C2 Use care home, it should be captured via off-site monetary contributions, which could then contribute towards a bespoke facility in the Borough run by either West Sussex County Council Adult Services or the NHS. Such facility would present a much bigger offering compared to the proposed on-site affordable beds within individual care homes, and would benefit significantly from the economies of scale achieved by running a bespoke social housing care scheme.</p> <p>In nearby authorities such as Guildford, for example, the Borough does not seek to gain an affordable housing contribution from C2 (Care) uses, reflecting the issues around financial viability and also the pressing needs for care accommodation in the Borough.</p> <p>Suggested Modifications: In particular, the changes sought to the proposed modifications to the Borough Local Plan are set out below.</p> <p>Proposed deletions have been illustrated as (red strike through) and additional wording in <u>red underline</u>.</p> <p>Policy H5 (Modification Reference MM30) <i>An affordable housing contribution will be required from all residential developments, including those providing care regardless of whether it falls into Use Class C2 or C3, where on-site provision is the default expectation while off-site contributions in lieu may be considered in exceptional circumstances <u>where on-site provision is the default expectation for C3 Residential and Extra Care / Assisted Living developments. In the case of C2 (Care) developments, a commuted sum towards off-site affordable housing provision will be sought, subject to a financial viability assessment.</u></i></p> <p>Policy H5 (Modification Reference MM41) <i>On C2 developments outside the Town Centre, the value of the developer's contribution will be determined by using the Borough-Wide Commuted Sums Calculator, applying the scheme's Net Sale Area (NSA) to account for the gross-net ratio of care schemes, and that value shall determine the number of units (or bed spaces) that can be acquired on-site, with or without any additional subsidy, and of an appropriate tenure. <u>In the case of C2 (Care) developments, a commuted sum towards off-site affordable housing provision will be sought, subject to</u></i></p>

Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p><i>a financial viability assessment, rather than on-site provision being the default expectation. For C3 Residential and Extra Care / Assisted living developments, on-site provision is the default expectation.</i></p> <p>6. Summary The site offers an excellent opportunity to provide much needed care development for the Borough, however the proposed modifications pose a significant financial risk in that the development will not be sufficiently viable for a private operator to take forward. The changes outlined in this representation are required to reduce the possibility of the proposed modifications having an adverse impact on bringing forward C2 (Care) developments in the Borough.</p>
REP/174	Retirement Housing Group	MM30 & MM41	<p>Crawley Local Plan Main Modifications Representations 2024</p> <p>I am writing to you on behalf of Retirement Housing Group (RHG) to raise concerns expressed by our members relating to modifications MM30 and MM41 to policy H5 of the emerging local plan.</p> <p>RHG does not normally comment on individual local plans. However on this occasion RHG members were deeply concerned that</p> <ul style="list-style-type: none"> the proposed modifications to the local plan seek affordable housing from a type of accommodation (residential care) which is not normally expected to provide affordable housing and also seeks 40% affordable housing from all forms of housing and accommodation for older people including C2 uses without regard to the findings from the Council’s own viability appraisal <p>Affordable housing and residential care (C2) accommodation</p> <p>We consider that there is a fundamental misunderstanding with regard to the different accommodation typologies that fall within Use Class C2 which has resulted in Main Modifications and hence Policy H5 potentially having a very negative impact on delivery of both care homes and Extra Care housing, as well as retirement housing where no care, but only support is provided.</p> <p>With particular regard to care homes we note points put forward by Stone Planning Services Ltd on behalf of RHG member Charterpoint Group.</p> <p>RHG objects to the Council introducing an affordable dwelling requirement on C2 Residential Care Homes. All new Residential Care Homes provide residents with a bedroom and en-suite. They do not have space for cooking, recreation, interaction with other residents, exercising etc. They are not dwellings. Meals are cooked in a central kitchen by staff and served to residents in communal dining areas. C2 Care homes units are</p>

Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			<p>essentially bedrooms not separate dwellings. It is therefore quite inappropriate to seek affordable housing from a C2 residential care scheme</p> <p>Viability appraisal of C2 Extra care housing and residential institutions and affordable housing contributions</p> <p>RHG member McCarthy Stone has provided detailed comments demonstrating that the viability appraisal carried out by DSP does not provide evidence to support the council's proposed policies.</p> <p>As I am sure you will be aware the PPG section on viability states</p> <p>How should plan makers set policy requirements for contributions from development?</p> <p>Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).</p> <p>These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. . . . Different requirements may be set for different types or location of site or types of development.</p> <p>See related policy: National Planning Policy Framework paragraph 34 Paragraph: 001 Reference ID: 10-001-20190509 Revision date: 09 05 2019 See previous version</p> <p>Therefore, in order to apply affordable housing the council must have tested the viability of doing so. DSP prepared the plan wide viability study and comment re extra care accommodation:</p> <p><i>3.7.24 The typology results representative of extra care development (60 apartments – Table 3j) do not reach viability with 40% AH and the other assumptions used collectively. . . .From experience there may be a grey area in terms of where these sit between or combining care services and housing. There could be a range of scheme types and within these it may be that some schemes would not be required to provide affordable housing in any event, or might be developed or procured in a way that means they make more accessible provision – meeting a range of needs. Crawley BC LP and CIL Viability Assessment - DSP19682 FINAL REPORT v8.pdf</i></p> <p>With regard to residential institutions there is only one specific care home appraisal FINAL Appendix IIIc - CBC - Commercial Results v4.xlsx (crawley.gov.uk) and this appears to be completely private with no AH inclusion (the rate corresponds with the £175 per week rates in their summary tables.</p>

Local Plan Main Modifications: Chapter 13. Meeting Housing Needs & Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
			Therefore, not only is it incorrect to apply the AH target to care homes but no appraisal has been carried out to justify setting an affordable housing target for a care home. With regard to extra care housing, the Council's own viability study has demonstrated that Extra Care cannot meet the full 40% affordable housing requirement.
			Suggested Modifications:

Local Plan Main Modifications: Chapter 15. Sustainable Design & Construction			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/113	Natural England	MM33	<p>Policy SDC4: Water Neutrality</p> <p>We welcome the recommendation in paragraph 22 of the Inspectors' Letter that this policy be made a strategic policy as a Main Modification (MM33). We also welcome the recommendation here of the insertion of proposed policy criterion 7 to Policy SDC4 as a main modification to address the potential for a future strategic solution to water neutrality being secured through forthcoming water resource planning.</p> <p>In addition, we welcome the inclusion within MM33 in policy criterion 6 (previously policy criterion 4) of the additional wording we recommended in our advice letter of 28th April 2023 which seeks to give greater clarity on alternative water supplies.</p> <p>Suggested Modifications:</p>
REP/062	Environment Agency	MM33	<p>Crawley Borough Local Plan Main Modifications Consultation: SA and HRA</p> <p>Thank you for your consultation on the Main Modifications. We have the following comments to make.</p> <p>MM33, Page 30, Para 15.51</p> <p>Please insert the following additional text as highlighted below.</p> <p>15.55 Should applicants not utilise the Local Authority and SDNPA-led OIS, certainty of delivery of alternative offsetting will need to be demonstrated. The Water Neutrality Statement should supply full details of the offsetting scheme that their development would rely upon. Similarly, certainty of alternative supply will need to be demonstrated in the Water Neutrality Statement.</p> <p>For connection to an alternative water company, this could be achieved by confirming that the alternative water company has sufficient capacity and will take on supply to the development. For a private supply borehole or other source of supply, this will require evidence that sufficient water supply is available to meet demand arising from the proposed development (including reference to the Environment Agency's published Mole Abstraction Licensing Strategy) and demonstrating with certainty that the alternative supply source does not impact upon the Arun Valley sites.</p> <p>Suggested Modifications:</p> <p>As set out above.</p>

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REP/062	Environment Agency	MM34	<p>MM34, Page 31, EP1 MM34 highlights two modifications to Policy EP1. No objection to these modifications.</p> <p>In addition, “Amend Policy EP1, Part v: ...development will: ...not be permitted to take place within 8 metres from the edge of bank of any Main River or from any Ordinary Watercourse, nor within 3 metres of any sewer system without prior consent from the appropriate authority;” Opportunities for ecological enhancements should be explored through implementation of Water Framework Directive mitigation measures contained in the Environment Agency’s Catchment Planning System (CPS), see Appendix X [XLS list of mitigation measures attached]; development proposals should not prejudice the future implementation of CPS measures.</p> <p>Crawley Borough Modifications Local Plan 2023 to 2040, February 2024 - Development and Flooding section which contains Policies EP1 and EP2. Note that the proposed modifications as set out in MM34 are reflected in this document within Policy EP1. Also note that paragraph 16.15 has been updated to highlight the 2023 SFRA applies the precautionary approach to identifying Flood Zone 3b using the 2% AEP output, which is welcomed.</p> <p>Suggested Modifications: As set out above.</p>
REP/167	Walsingham Planning obo Muller Property Group	MM35 & MM43 and the noise Annex	<p>MM35 & MM43 – Draft Policy EP4 and the Noise Annex</p> <p><u>Summary</u> Policy EP4 and the Noise Annex are unsound.</p> <p>In order to make it sound, the proposed new noise levels should not be used. The text should be deleted and the wording revert back to the current (adopted) levels.</p> <p><u>Discussion</u> The proposed new noise levels in the draft Local Plan for aircraft noise in Crawley Borough (those proposed by MM43 within the Noise Annex) are significantly lower than the levels used elsewhere in the UK and recommended in the Government's Aviation Policy Framework. This is inconsistent with the national policy position and could result in the refusal of planning permission for residential development in a large area of the Borough.</p>

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			<p>The proposed levels for the Significant Observed Adverse Effect Level (SOAEL) and Unacceptable Adverse Effect Level (UAEL) in MM43 are not supported by evidence and do not align with previous guidance or the noise exposure hierarchy identified in Planning Practice Guidance: Noise.</p> <p>The draft Local Plan contains an internal inconsistency in its policy requirements for noise, stating that noise-sensitive development can be permitted if users will not be exposed to unacceptable noise impact, but also stating that noise-sensitive uses will not be permitted in areas exposed to the UAEL.</p> <p>The proposed use of the L_{Amax} parameter during the day to define the LOAEL, SOAEL, and UAEL is not supported by any valid reason or evidence. This parameter is typically used to control sudden noisy events during the night and has no relevance to daytime noise levels.</p> <p>The noise levels proposed by the Noise Annex (MM43) would require planning permission to be refused for residential development exposed to aviation noise above 60dB, regardless of the noise mitigation measures that could be implemented. This is unreasonable and inconsistent with national noise policy and guidance.</p> <p>A detailed Technical Note prepared by Sharps Acoustics in response to the changes proposed by MM43 appends this letter. It goes into detail to expand on the summary paragraphs above, highlighting the inconsistencies with national policy and why the proposed noise levels contained within the Noise Annex are without justification.</p> <p>Policy EP4, informed by the noise levels within the Noise Annex, are not justified, and not evidenced, therefore making it unsound. It will render large parts of the spatial strategy within the Plan unworkable, therefore making it not effective. Furthermore, it is not consistent with national policy.</p> <p>Appendix MM reps – Noise Technical Note</p> <p>sharps acoustics Balcombe Rd, Crawley <small>Response to proposed changes to Local Plan in relation to proposed definitions of effects levels for aircraft noise</small></p> <p>Introduction Sharps Acoustics LLP (SAL) have been instructed by Muller Property Group to review the Draft Crawley Borough Local Plan 2023 – 2040, February 2024 (the draft Local Plan) and comment on the “<i>Main Modifications additional text to Submission Local Plan (May 2023) version</i>” as this relates to noise.</p>

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			<p>The draft Local Plan introduces a new policy, EP4, which would, it is understood, replace the requirements of existing Policy ENV11 in relation to the control of development which may be affected by aircraft noise. This new policy would significantly reduce the noise levels at which noise from aircraft would be expected to result in an unacceptable adverse effect (the “Unacceptable Adverse Effect Level”, UAEL) and a significant adverse effect (the “Significant Observed Adverse Effect Level”, SOEAL).</p> <p>According to the revised “Noise Annex” to the draft plan, these new defined levels were derived from (built on): <i>“... the noise exposure hierarchy identified in Planning Practice Guidance: Noise, and using the previous guidance in PPG24 and evidence identified in Topic Paper 7 ...”</i></p> <p>This note considers the proposed new noise levels and descriptors in relation to these three documents and other relevant guidance on the impact of aircraft noise. It also provides a view on the reasonableness of planning decisions which would follow if the Council’s definitions were applied as appears to be intended and without reference to noise mitigation which could be included with a scheme design.</p> <p>Before considering these questions, the meaning of “effect levels” (such as the SOAEL and UAEL) is explained and their evolution from planning and noise policy in the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE) is discussed.</p> <p>2.0 Policy requirements and “effect levels” for noise Noise Policy Statement for England (NPSE)</p> <p>2.1 The NOEL (No Observed Effect Level), LOAEL (Lowest Observed Effect Level) and SOAEL (Significant Adverse Effect Level) were first introduced in the Noise Policy Statement for England (NPSE) produced in 2010. These are defined in the NPSE as follows:</p> <ul style="list-style-type: none"> • NOEL – No Observed Effect Level This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise. • LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected. • SOAEL – Significant Observed Adverse Effect Level This is the level above which significant adverse effects on health and quality of life occur. <p>The Noise Policy Aims of the NPSE (NPSE paragraphs 2.22 to 2.24) can be summarised as follows:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life...; • mitigate and minimise adverse impacts on health and quality of life...; and • where possible, contribute to the improvement of health and quality of life.

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			<p>The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided.</p> <p>The second aim of the NPSE is to mitigate and minimise adverse impacts between LOAEL and SOAEL.</p> <p>The NPSE does not provide noise guideline values or limits above which SOAEL occurs. Indeed, the document advises that it is not possible to have a single objective noise-based measure that defines SOAEL (NPSE paragraph 2.22). Therefore, it is necessary to refer to other advisory documents in order to seek to define such levels.</p> <p>The NPSE states that it should address all types of noise apart from noise in the workplace (occupational noise) including:</p> <ul style="list-style-type: none"> iv. “environmental noise” which includes noise from transportation sources; v. “neighbour noise” which includes noise from inside and outside people’s homes; and vi. “neighbourhood noise” which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street. <p>National Planning Policy Framework (NPPF)</p> <p>2.7 The NPPF was first introduced in 2012 with the most recent update published in December 2023. The document reiterates the Government’s policy to mitigate adverse impacts and avoid significant adverse effects.</p> <p>2.2 Paragraph 180 of the NPPF advises that planning polices and decisions should: “... <i>contribute to and enhance the natural and local environment by ... preventing new and existing development from contributing to, being put at unacceptable risk from ... noise pollution.</i>”</p> <p>2.3 Paragraph 191 of the NPPF states that Planning policies and decisions should ensure that any: “... <i>new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life ...</i>”</p> <p>Aviation Policy Framework</p> <p>The Government’s Aviation Policy Framework (APF) sets out the Government’s objectives and principles to guide plans and decisions at the local and regional level, to the extent that it is relevant to that area. It sets out certain levels which represent the onset of significant community annoyance; the level at which airport</p>

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			<p>operators should offer sound insulation to existing residents; and the level at which airport operators should offer assistance with the costs of moving to existing residents. These three levels are discussed in more detail below and are used elsewhere in the UK to represent the LOAEL, SOAEL and UAEL values for aircraft noise.</p> <p>What is the UAEL, where was it introduced?</p> <p>The UAEL (Unacceptable Adverse Effect Level) was introduced in the Planning Practice Guidance on noise (PPG). The PPG is intended to assist in policy application (rather than to change policy).</p> <p>The PPG reinforces the concept of LOAEL and SOAELs discussed above and seeks to define people’s perceptions at these different effect levels. The PPG also introduced the concept of the Unacceptable Adverse Effect Level (UAEL). The UAEL is described in the Noise Exposure Hierarchy Table as occurring when noise is “very disruptive” and outcomes when noise is at or above the UAEL are described as follows: <i>“Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.”</i></p> <p>2.13 Although the PPG advises that levels above the UAEL should be prevented, it is <u>not</u> a national planning policy requirement to refuse planning permission where noise levels above the UAEL (or above the SOAEL) are occurring at a site in the absence of noise mitigation.</p> <p>2.14 The PPG states in Paragraph: 007 Reference ID: 30-007-20190722 under the header <i>“What factors influence whether noise could be a concern?”</i>: <i>“The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. These factors include: ...</i></p> <p><i>vii. whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary.</i></p> <p>...</p> <p><i>where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.”</i></p>

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			<p>2.15 Therefore, where internal noise levels can be controlled so that there are no adverse effects and external amenity spaces are not an intrinsic part of the overall design, there should be no reason to refuse planning permission, according to Government Planning and Noise Policy and Guidance.</p> <p>Professional Practice Guidance on Planning and Noise (ProPG) A useful source of guidance in relation to the “unacceptable” levels and when planning permission ought to be refused is the Professional Practice Guidance on Planning and Noise (ProPG). This document, referred to by CBC in their Topic Paper, was published in 2017 jointly by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health. It provides guidance on the management of noise within the planning system in England and is also reference in the Local Plan. The ProPG does not explicitly refer to the UAEL but does state, in its Section 3.7, under the header “Recommendation – Objection on noise Grounds”: “Government policy contained in both the NPSE and the NPPF (see Supplementary Document 1) is to “aim to avoid noise from giving rise to significant adverse impacts on health and quality of life”. The Government’s subsequent guidance (PPG-Noise) contained advice that the planning process should be used to avoid a significant observed adverse effect, and to prevent an unacceptable adverse effect, from occurring.”</p> <p>The document goes on to provide guidance to practitioners on when to recommend refusal in order to prevent unacceptable adverse effects. Section 3.11 of ProPG then states, in relation to planning permission and the UAEL: “Notwithstanding that a good acoustic design process has been demonstrated, the noise practitioner should recommend that consent for a new housing development in its proposed form is prevented on noise grounds alone, regardless of any case for the development to proceed if:</p> <p>Internal noise levels are regarded as “unreasonable” AND either there is an unacceptable “external amenity area noise assessment” or an unacceptable “assessment of other relevant issues”; OR Internal noise levels are regarded as “unacceptable”. (emphasis added) Following this guidance, therefore, a development should not be refused if internal noise levels are acceptable.</p> <p>2.19 On the basis of the above it is necessary to determine what are acceptable internal noise levels for residential development. British Standard (BS) 8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’ (BS 8233), which is principally intended to assist in the design of new dwellings, provides guidance on “desirable” internal noise levels, as shown in Table 2.1 below.</p>

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			Activity	Location	Day (0700 to 2300 hours)	Night (2300 to 0700 hours)	Table 2.1: BS8233 recommended “desirable” indoor ambient noise levels for dwellings
			Resting	Living Room	35dB LAeq,16hr		
			Dining	Dining Room	40dB LAeq,16hr		
			Sleeping	Bedroom	35dB LAeq,16hr	30dB LAeq,8hr	
			<p><i>BS8233 states that where development is considered necessary or desirable these limits can be relaxed by up to 5dB LAeq,T and reasonable internal conditions would still be achieved. The ProPG states the following in relation to this: “The more often internal LAeq levels start to exceed the internal LAeq target levels by more than 5 dB, the more that most people are likely to regard them as “unreasonable”. Where such exceedances are predicted, applicants should be required to show how the relevant number of rooms affected has been kept to a minimum. Once internal LAeq levels exceed the target levels by more than 10 dB, they are highly likely to be regarded as “unacceptable” by most people, particularly if such levels occur more than occasionally. Every effort should be made to avoid relevant rooms experiencing “unacceptable” noise levels at all and where such levels are likely to occur frequently, the development should be prevented in its proposed form....”</i></p> <p><i>On the basis of the above, the ProPG considers the internal noise levels set out in BS8233 to be acceptable and internal noise levels 10dB above this to be unacceptable.</i></p> <p>Government guidance relating to noise sensitive developments potentially affected by aircraft noise 2.22 The PPG states in Paragraph: 012 Reference ID: 30-012-20190722 under the header “How can the potential impact of aviation activities on new development be addressed through the planning system?”: “The agent of change principle may apply in areas near to airports, or which experience low altitude overflight, where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (such as residential, hospitals and schools). This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts. The need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development.”</p>				

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			<p>The PPG considers the agent of change principle can be appropriate for development close to airports and that local authorities can utilise planning conditions to require appropriate mitigation measures. The PPG does not state that development should be prevented in areas where noise levels reach a specified set limit.</p> <p>So, in a situation where the noise levels are above the UAEL (or the SOAEL) in the absence of noise mitigation, the levels which would occur once the proposed noise mitigation is in place needs to be considered. This guidance further reinforces the point that, if internal noise levels can be made acceptable (and living conditions are also acceptable) and external noise levels are also acceptable, so that there are no adverse effects from noise, then national planning policy is that planning permission should not be refused and that the necessary noise mitigation is secured by conditions.</p> <p>In relation to external noise, the Council’s topic paper states: <i>“With aviation noise none of these options are usually available. This is because the noise descends from above and the use of barriers has only limited effect. The only option with residential developments is to restrict the whole development to the 60dB LAeq,16hr contour so that residents are not exposed to excessive levels of noise whilst carrying out external activities in their gardens, in the street, at the local shops or waiting for the bus.”</i></p> <p>The Council’s Topic paper cites an example of a planning decision where it was found that the internal environment could be technically protected, but the external environment would have been exposed to levels exceeding 60dB LAeq16h and so was found to be unacceptable.</p> <p>As a general point, this is fair. If people would unavoidably be exposed to noise levels resulting in medically definable harm or where they would experience “extensive and regular changes in behaviour, attitude or other physiological response” when they use external amenity areas, then it would be illogical to permit such developments. However, where a development includes no external amenity areas and internal noise levels are adequately mitigated, this restriction would be both unreasonable and unnecessary.</p> <p>Summary</p> <p>2.28 It is SALs opinion that, when considering noise in new dwellings, development should be appraised on the effect of noise at locations where they are intended to be used. That being inside the development and in external amenity areas, where these are proposed, based on the benefit that any proposed mitigation will offer.</p> <p>2.29 It is SALs opinion that defining the UAEL at a set noise level is inappropriate for new residential development and that development which is appraised without consideration of proposed mitigation is inconsistent with national noise policy and makes no logical sense. However, this method is how the draft</p>

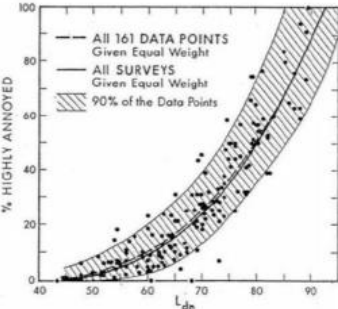
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			<p>Local Plan proposes that a development be assessed, by setting UAELs as development ‘cut off’ points whereby noise development is no longer permitted, regardless of design and mitigation.</p> <p>3.0 The proposed updated to Policy contains an internal inconsistency</p> <p>3.1 The draft Local Plan refers to the UAEL in Policy EP4: Development and Noise: <i>“Residential and other noise sensitive development will only be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise impact from existing, temporary or future uses.</i></p> <p>...</p> <p><i>Noise sensitive uses proposed in areas that are exposed to noise at the Unacceptable Adverse Effect level will not be permitted.</i></p> <p>3.2 Policy EP4 is therefore inconsistent with regard to unacceptable noise impact. On one hand, the plan states that noise sensitive development can be permitted where it is demonstrated that users of the development would not be exposed to unacceptable noise impact, which would be in line with national policy. However, it then states that noise sensitive uses will not be permitted if development is proposed in an areas exposed at the Unacceptable Adverse Effect level.</p> <p>3.3 These two sentences are inconsistent, the former considers the benefit of any proposed mitigation whereas the latter ignores the benefit of any proposed mitigation.</p> <p>4.0 Suitability of the new chosen values for SOAEL and UAEL Values proposed for LOAEL, SOAEL and UAEL in the draft Local Plan</p> <p>4.1 The Noise Annex of the draft Local Plan defines new levels to be used as the LOAEL, SOAEL and UAEL for aviation noise for day and night as set out in Table 4.1 below.</p> <p>Table 4.1: CBC’s proposed SOAEL and UAEL values</p> <table border="1"> <thead> <tr> <th>Level</th> <th>Day</th> <th>Night</th> </tr> </thead> <tbody> <tr> <td>LOAEL</td> <td>51 to 54dB $L_{Aeq,15hr}$ and $\geq 55dB L_{Amax}$</td> <td>Between 40dB and 48 $L_{Aeq,15hr}$ and $\geq 48dB L_{Amax}$</td> </tr> <tr> <td>SOAEL</td> <td>54 to 60dB $L_{Aeq,15hr}$ and 65dB to 82dB L_{Amax}</td> <td>48dB and 57dB $L_{Aeq,15hr}$ and 60 to 82dB L_{Amax}</td> </tr> <tr> <td>UAEL</td> <td>Greater than 60dB $L_{Aeq,15hr}$ and $\geq 82dB L_{Amax}$</td> <td>Greater than 57dB $L_{Aeq,15hr}$ and $\geq 82dB L_{Amax}$</td> </tr> </tbody> </table>	Level	Day	Night	LOAEL	51 to 54dB $L_{Aeq,15hr}$ and $\geq 55dB L_{Amax}$	Between 40dB and 48 $L_{Aeq,15hr}$ and $\geq 48dB L_{Amax}$	SOAEL	54 to 60dB $L_{Aeq,15hr}$ and 65dB to 82dB L_{Amax}	48dB and 57dB $L_{Aeq,15hr}$ and 60 to 82dB L_{Amax}	UAEL	Greater than 60dB $L_{Aeq,15hr}$ and $\geq 82dB L_{Amax}$	Greater than 57dB $L_{Aeq,15hr}$ and $\geq 82dB L_{Amax}$
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			<p>4.2 Firstly, the levels given are confusing as they include a range of levels rather than a single level, as the ought to. For example, it is not clear whether the daytime SOAEL threshold would be crossed at 54dB, LAeq,16h; at 50dB, LAeq,16h; or at some point (which the Council have not specified) within the specified range. Since the UAEL has been set at a single level at the upper end of the SOAEL range, it is assumed for the discussion that follows that the Council intend to define the threshold (the level, in fact) at which an SOAEL would occur as the lower end of the range specified in the table. SAL have seen other correspondence from CBC (relating to a specific case) which confirms this assumption. Comparison with LOAEL, SOAEL and UAEL values used elsewhere in the UK.</p> <p>4.3 The CBC Topic Paper sets out the Council’s reasoning and justification for adopting these values. It refers to a range of research papers which explain why it is important to limit exposure to noise and, in particular, to aviation noise. It also refers to a number of recent decisions, the most well-known probably being what the Topic Paper refers to as the “Cranford Agreement Secretary of State’s Decision, February 2017”. In that case, the appropriate values to use as the UAEL for aircraft noise for day and night was discussed in detail by those giving evidence to the planning appeal for the ending of the Heathrow Cranford Agreement. In its, “Report to the Secretaries of State for Transport and for Communities and Local Government”, PINS concluded, in paragraph 1053: “As far as UAEL is concerned, this is the point at which noise would be noticeable and very disruptive causing extensive and regular changes in behaviour. The parties both put this at 69dB LAeq 16hr in their SOUG and, as the point at which the APF requires the provision of relocation assistance, I see no reason to take a different view.”</p> <p>4.4 The Inspector went on to conclude: “I consider that 57, 63 and 69 dB LAeq 16hr should, in this case, be regarded respectively as LOAEL, SOAEL and UAEL.”</p> <p>4.5 In summary, the LOAEL, SOAEL and UAEL for aircraft noise were established to be as shown in Table 4.2 below.</p> <p>Table 4.2: SOAEL and UAEL values from Cranford Agreement Secretary of State’s Decision</p> <table border="1"> <thead> <tr> <th>Level</th> <th>Day</th> </tr> </thead> <tbody> <tr> <td>LOAEL</td> <td>57dB, LAeq,16hr</td> </tr> <tr> <td>SOAEL</td> <td>63dB, LAeq,16hr</td> </tr> <tr> <td>UAEL</td> <td>69dB, LAeq,16hr</td> </tr> </tbody> </table>	Level	Day	LOAEL	57dB, LAeq,16hr	SOAEL	63dB, LAeq,16hr	UAEL	69dB, LAeq,16hr
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			<p>4.6 No levels were defined for night time.</p> <p>4.7 The values in Table 4.2 above were derived with reference to the Government’s “Aviation Policy Framework” (APF). This document considers the management of environmental effects associated with the development of airports and airfields in detail and makes the following statements in relation To certain noise levels from aircraft:</p> <ul style="list-style-type: none"> • We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. • The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. • The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving. <p>4.8 These values are interpreted, as follows:</p> <ul style="list-style-type: none"> • 57dB, LAeq,16h represents the onset of observed adverse effects due to noise as, at this level, some people would begin to be seriously annoyed by aircraft. • 63dB, LAeq,16h represents the onset of significant observed adverse effects due to noise as, at this level, it would not be reasonable to expect people to tolerate noise, thus, some mitigation is required to be offered. • 69dB, LAeq,16h represents the onset of unacceptable adverse effects due to noise since an airport operator would not be able to provide effective additional sound insulation to all existing dwellings at this level. <p>CBC’s deviation from the UK “norm” for LOAEL, SOAEL and UAEL</p> <p>4.9 The CBC topic paper argues that the values in Table 4.2 are not appropriate for its policy for two reasons:</p> <ul style="list-style-type: none"> • There is evidence which suggests that a lower level than 57dB, LAeq,16hr may be a more appropriate reflection of modern community reaction to aircraft noise. • The values used elsewhere in the UK are intended to apply where an existing airport operator needs to provide sound insulation or assistance with the costs of moving house and need to be lower when considering a new noise sensitive development. <p>4.10 CBC also consider that there should be a night time UAEL set and that noise assessed using the LMax parameter should be considered as well as the LAeq,T during both day and night time periods.</p>

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			<p>4.11 CBC has interpreted the “onset of significant community annoyance” as being the same as the threshold at which a significant adverse effect level would be reached. This an incorrect interpretation. The level of 57dB is universally considered to be the threshold above which an adverse effect begins to occur (the LOAEL), as confirmed, for example, in the Cranford case described above. It is not the SOAEL.</p> <p>The onset of significant community annoyance and 57dB</p> <p>4.12 CBC consider that significant community annoyance (which they incorrectly interpret to mean the SOAEL) occurs at a lower level than 57dB and point to some recent evidence to back this position. However, they do not provide any reliable evidence on which to base any alternative level. Indeed, there is no such conclusive evidence, so far as SAL are aware.</p> <p>4.13 This is not the first time that this argument has been advanced. At the draft stage of the APF, the Government considered whether a lower level than this should be used and recognised more recent research suggests people have greater sensitivities than in the past and that effects are experienced below the 57dBA noise contour. However, having considered those arguments, it decided to retain the 57dBA threshold as policy in the final APF, stating: “We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise.”</p> <p>4.14 This point was the subject of considerable debate in the planning appeal which considered the ending of the Heathrow Cranford Agreement. Having heard the arguments from both sides, the Inspector recommended that the level of 57dB, LAeq,16h continued to be used (as the LOAEL) and the Secretary of State agreed.</p> <p>4.15 In SAL view, the proposed use of 54dB, LAeq,16h value as the threshold for the SOAEL is misguided and the value is too low, even for a LOAEL. The difference between the UAEL for an existing airport and when considering new residential developments.</p> <p>4.16 In SAL opinion, CBC are right to point out that there is a difference between a situation where noise is already occurring and may be increased as a result of a proposal to expand or extend the use of an airport and the situation where a new residential use is being proposed in the presence of existing airport noise. However, their interpretation, which is that lower noise levels would be required for new dwellings than would be the case for the expansion of an existing airport, is flawed in SAL view.</p> <p>4.17 People have a wide range of responses to noise and this needs to be borne in mind.</p>

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			<p>4.18 A proposed residential development is a case of “people to noise” rather than “noise to people”. It is well known that in any population sample, about 10% of people are not affected, no matter how high the noise level, and 10% who are affected, no matter how low the noise level. This phenomenon was defined by the Schultz curve in 1978. Those persons who make up the 10% highly sensitive to noise are unlikely to move to properties adjacent to a busy airport. This is a natural selection process whereby those living in this development are unlikely to be sensitive to noise. The Schultz curve is displayed below:</p>  <p style="font-size: small;">Schultz, 1978, Synthesis of Social Surveys on Noise Annoyance in Journal of the Acoustical Society of America Vol. 64, No. 2, 383-384</p> <p>4.19 It would be unreasonable to consider the effects of an airport on proposed new residential developments in the same way as if the noise was brought to existing noise sensitive receptors since people will have the opportunity to decide whether or not to move to a dwelling (or other noise sensitive receptor) close to such a site whereas people do not have this opportunity when a new noise source is introduced or when noise from an existing source is increased.</p> <p>4.20 Where occupants of an existing dwelling (or other noise sensitive receptor) are to be exposed to a particular noise level from an existing site, the impact of that level is generally considered to be greater than if a new occupier came to the same level, as a pre-existing situation. This means that the UAEL to applied for new dwellings should, if anything, be higher than the UAEL applied when considering an increase in airport noise exposure, not lower, as CBC have concluded.</p> <p>Use of LMax parameters when defining LOAEL, SOAEL and UAEL</p> <p>4.21 The LMax parameter is sometimes used to control noise from sudden noisy events and the potential harm that these may have on sleep, and can be particularly useful where, for example, the average night time</p>

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			<p>level is not high, but occasional peaks of sound might be. It is therefore generally only used during the night. In general, the thresholds used to define external noise levels which constitute the LOAEL and SOAEL from such peak levels are: LOAEL: 60dB, LAmax SOAEL: 78dB, LAmax (or higher: the value of 80-85dB, LAmax has been set by the Government for the assessment of trains passing at night due to HS2, for example).</p> <p>4.22 No information has been provided by CBC in their topic paper to show how their proposed LAmax night time values have been derived. SAL know of no research which would support the values chosen. The proposed levels are considerably below levels which are considered by the SAL to be appropriate for the control of noise from transportation sources (including aircraft).</p> <p>4.23 There only source of guidance that SAL are aware of which proposes the control of LAmax value during the day is the guidance relating to the control of noise from clay target shooting, where the sudden, very short duration sounds (bangs) produced by guns may lead to adverse effects.</p> <p>4.24 No justification or explanation for the inclusion of the LAmax parameter during the day has been provided by CBC. SAL are unaware of any valid reason for specifying it as a level which is relevant to the definition of the LOAEL, SOAEL and UAEL during the day. SAL have never seen or heard of this being done elsewhere ever and it has no validity, in our view. To propose an external level of 55dB, LAmax, which is below the level which would result in any adverse effect on sleep at night, as the onset of an adverse effect during the day, as the consultation document does, is quite preposterous and further demonstrates the unreasonable-ness of this proposal in SALA opinion. Derivation of proposed new values in the of the Noise Annex of Draft Crawley Borough Local Plan 2023 - 2040</p> <p>4.25 CBC claim, in the Noise Annex of the draft Local Plan, that their proposed values are derived from: "... the noise exposure hierarchy identified in Planning Practice Guidance: Noise, and using the previous guidance in PPG24 and evidence identified in Topic Paper 7 ..."</p> <p>4.26 However, the documents listed do not, in fact, provide the basis claimed for selecting the values proposed.</p> <p>4.27 The values chosen do not align with the outcomes in the noise exposure hierarchy identified in Planning Practice Guidance: Noise, as suggested by CBC. For example, mitigation can readily be provided to achieve</p>

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			<p>desirable internal noise environments when external noise levels from aircraft are above the levels which CBC suggest would be a UAEL (and the SOAEL).</p> <p>4.28 The proposed values do not align with previous guidance in PPG24 either.</p> <p>4.29 PPG24 (now superseded planning guidance) was written prior to the introduction of the LOAEL / SOAEL / UAEL concept so does not contain values which directly align. However, it does contain levels and recommended actions (for planning) which enable a comparison to be made.</p> <p>4.30 PPG24 advised that where noise from aircraft was below 57dB, LAeq,16h: “Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.”</p> <p>4.31 This is similar to the current guidance level for a LOAEL, meaning that PPG24 would recommend the threshold above which adverse effects may be observed (and below which one would expect no adverse effects) would be 57dB, LAeq,16h.</p> <p>4.32 PPG24 also advised that where noise from aircraft was above 66dB, LAeq,16h: “Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”</p> <p>4.33 This is similar to the current SOAEL.</p> <p>4.34 The values proposed by CBC for LOAEL and SOAEL do not, therefore, align with the early guidance in the way that they claim as they are 6dB and 12dB lower than would have been required, had that guidance been used.</p> <p>4.35 There is no other evidence in the Topic Paper which supports the values selected by CBC.</p> <p>5.0 Implications of the proposed levels for future residential development in Crawley Borough</p> <p>5.1 If the proposed levels are adopted, the resultant policy will require that planning permission for residential development exposed to aviation noise above 60dB would be refused, irrespective of the noise mitigation incorporated within the scheme design. This would sterilise a large area to the north the Borough of Crawley.</p>

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			<p>5.2 Anyone wishing to develop a site for residential use in this area, even if no external amenity is proposed as part of the scheme design (such as may be the case for flats or a residential care home, for example); even though it would not pose a technical or financial challenge for the developer to install suitable sound insulation and alternative means of ventilation and cooling to internal areas to achieve levels which CBC agree would be acceptable; and even though such noise mitigation measures can be readily secured by planning conditions, would not be able to do so. That cannot be reasonable in SAL view.</p> <p>6.0 Summary and conclusions</p> <p>6.1 The values proposed in the draft Local Plan are not supported by evidence in the Topic Paper. No research has been tabled to suggest that the proposed LOAEL, SOAEL and UAEL values are appropriate. There is no such evidence, that SAL are aware of.</p> <p>6.2 All values proposed as LOAEL, SOAEL and SOAEL for aviation noise in Table 1 of the Noise Annex of the Draft Crawley Borough Local Plan 2023 – 2040 are well below those used elsewhere in the UK and recommended in the Government’s Aviation Policy Framework. The Government considers that it is important for there to be a clear and consistent policy position on this matter; the Foreword of the APF highlights this, saying: “History shows that we need an agreed policy everyone can stick to before we try to act.”</p> <p>6.3 Elsewhere in the UK, the LOAEL, SOAEL and UAEL are well established and consistent, at the levels shown in Table 4.2 above. CBC’s proposed levels are very significantly below these; this is completely inconsistent with the Government Policy position.</p> <p>6.4 Within the NPSE, the Government encourages LAs to develop local noise policies that implement the national noise policy goals in a local context, stating: “... the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications. In the longer term, the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE.”</p> <p>6.5 In its PPG-Noise the Government notes that LPAs are able to include specific noise standards in their Local Plans whilst cautioning that “care should be taken... to avoid these being implemented as fixed thresholds as specific circumstances may justify some variation being allowed”.</p>

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			<p>6.6 The draft Local Plan, with the levels which are now being proposed, would result in a significant move away from “an agreed policy everyone can stick to” and the resultant policy and noise management measures would not be in accordance with the vision, aims and principles of the NPSE or with national planning policy and guidance.</p> <p>6.7 It is important to avoid this occurring, in SAL opinion and for this reason, SAL recommend that Muller Property Group strongly objects to the proposed approach and new noise levels in Draft Crawley Borough Local Plan 2023 – 2040, February 2024 (the draft Local Plan), “Main Modifications additional text to Submission Local Plan (May 2023) version”.</p> <p>Suggested Modifications: To address the issues that we have raised in these representations, the proposed new noise levels should not be used. The text should be deleted and the wording revert back to the current (adopted) levels.</p>

Local Plan Main Modifications: Chapter 17. Sustainable Transport			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/035	Vail Williams obo Windsor Developments (Jersey Farm)	ST4	<p>In relation to ST4: on Area of Search for a Crawley Western Multi Modal Transport Link (CWMMTL) we note the inclusion of criteria c that requires development to have regard to “Land safeguarded at Gatwick Airport for potential future southern expansion.” This does not appear to be consistent with safeguarding under GAT2 and having participated at the session with GAL Ltd we do not believe this amendment goes far enough to provide clarity about the policy application for Development Management purposes.</p> <p>In regard to the Local Plan map modifications February 2024, we also note that there 2 elements to the key for Policy ST4 with a pink dotted “Area of search for CWMMTL” and grey dotted "interim Area of Search for CWMMTL. However this is not clear in the reasoned justification to support the text and we do not believe that the Inspectors Post hearing letters makes any distinction between these 2 areas, other than accepting the safeguarding area includes the interim area of search. Again, we believe this conflicts and in inconsistent with GAT2.</p> <p>Suggested Modifications:</p>

Local Plan Main Modifications: Planning Obligations Annex			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/055	Gatwick Green Limited	MM39	<p>Gatwick Green Limited (GGL) <u>supports</u> the proposed modifications to the Planning Obligations Annex to make the Local Plan effective and for the following reasons:</p> <ol style="list-style-type: none"> 1. It provides flexibility in how employment and skills initiatives in Crawley are supported through development, either through a financial contribution, or through other measures where such would achieve greater benefits, subject to agreement with the Council. 2. It provides clarification that the measures envisaged could include on-site training provision or other interventions, to be secured by a legal agreement. 3. It revises the calculation for assessing Crawley's employment self-containment rate so it is statistically sound and amends the self-containment rate from 65.7% to 52% - this has the consequence that the financial contributions towards employment and skill development will be reduced, as noted in the calculation for Commercial Development (excluding Office and Hotel uses). <p>These modifications are important in that they reflect national Planning Practice Guidance in relation to the need for flexibility in how planning obligations are delivered, and a statistically sound basis for calculating the contribution.</p> <p>Suggested Modifications: No modifications required.</p>

Local Plan Main Modifications: Sustainability Appraisal			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/055	Gatwick Green Limited	Sustainability Appraisal / SEA Pages 171 – 172 & 258 - 260	<p>Gatwick Green Limited (GGL) supports the proposed modifications in pages 171-172 and 258-260 to ensure the Local Plan is evidentially justified and for the following reasons:</p> <ol style="list-style-type: none"> 1. The industrial and storage/distribution land and floorspace supply of 4.97 ha (28,883 sqm) reflects the revised and lower industrial and storage/distribution employment land supply position at the base date of the Council's employment land supply assessment on 31st March 2023. 2. The outstanding minimum industrial and storage/distribution land and floorspace need/demand has been increased from 13.73 ha to 17.93 ha and from 41,315 sqm to 62,737 sqm respectively, as derived from the Council's assessment of industrial/distribution/storage land supply as of 31st March 2023. <p>These modifications are important in that they reduce the employment land supply to reflect an accurate assessment at the base date of the Local Plan, and consequently increase the minimum industrial/distribution/storage employment land need/demand to 17.93 ha to reflect the accurate land supply position.</p> <p>Suggested Modifications: No modifications required.</p> <p>NB: There is a typographical error in the 2nd paragraphs on pages 259 and 260 – '17.83 ha' should read '17.93 ha'.</p>
REP/062	Environment Agency	SA/SEA	<p>Crawley Local Plan Sustainability Appraisal, February 2024 - Topic Area A includes the risk to flooding. Paragraphs A12, A13 and A15 all have proposed modifications. No objection to any of these proposed additions to the text.</p> <p>Suggested Modifications:</p>
REP/113	Natural England	SA / SEA	<p>Comments on the updated Local Plan Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA).</p> <p>We note that the SA/SEA has been updated in February 2024, but we have no significant comments to make concerning the Plan's SA/SEA.</p> <p>Suggested Modifications:</p>

Local Plan Main Modifications: Habitats Regulations Assessment			
Ref. No.	Respondent	Main Modification Reference	Comments
REP/113	Natural England	HRA	<p>Comments on Main Modification's Habitats Regulations Assessment (HRA)</p> <p>We note that the HRA dated February 2024 concludes that there will be no new Likely Significant Effects (LSEs) upon any habitat site as a result of the proposed modifications and that the main modifications will not change the findings of the 2023 HRA report.</p> <p>We concur with these conclusions of Main Modification's HRA and appropriate assessment insofar that the proposed Local Plan will have no adverse effects on the integrity of any internationally designated sites, either alone or in-combination.</p> <p>Suggested Modifications:</p>