

Crawley Local Plan 2024-2040 Examination

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Dear Elizabeth Brigden

Post Main Modifications Consultation – Inspectors’ Request

- 1.1 Thank you for the efficient processing of representations received on the proposed main modifications. Having reviewed the material received, there are a small number of areas where we would like to invite the Borough Council to further assist the examination. At this stage we are not seeking to reopen the hearings and anticipate that the examination can conclude through the exchange of written correspondence, but we will keep this under review.

Policy H5 Affordable Housing

- 2.1 Proposed main modifications MM30, MM31 and MM41 have generated detailed comments from those with an interest in delivering specialist residential developments for older persons. Notwithstanding the issue being raised through our Matters, Issues and Questions (at 6.12, 6.16 and 6.17), the proposed main modifications have provided further detail on implementing the policy. As such it is fair and reasonable that those with an interest in the matter have raised representations on the soundness of the policy as part of the main modifications consultation. We remain in examination, and we need to ensure that there will be a justified and effective policy on affordable housing provision in relation to specialist elderly persons housing which we can recommend for adoption.
- 2.2 We acknowledge that assigning the various forms of specialist housing for older people by reference to the Use Classes Order, as illustrated by the Rectory Homes judgment¹, is not necessarily straightforward. As the PPG advises at paragraph 63-014 whether a development falls within C2 (residential institutions) or C3 (dwellinghouse) will be a matter of judgment for

¹ Examination document PS/H/HH/10

the Local Planning Authority dependent on the specifics of the proposed development.

- 2.3 Policy H5 as submitted states that all residential development, including those providing care, regardless of whether it falls into C2 or C3 would be required to provide affordable housing. As submitted the policy under 'affordable care' covers "traditional care homes" where the requirement would be for the provision of the equivalent percentage in affordable care beds in order to meet the Policy.
- 2.4 The proposed modifications sought to address a number of matters as discussed at the hearings and as set out in the Council's Matter 6 statement. Firstly, to improve the structure of the policy and remove unnecessary repetition. Secondly, to clarify that financial contributions for off-site provision would be determined using Commuted Sums Calculators for the town centre and outside of the town centre, and this would be formulated on net sales areas excluding communal areas. Thirdly, additional content regarding on-site provision for affordable care, including the role of West Sussex County Council in supporting any package and whether that would inform exceptional circumstances for a commuted sum, with any such sum being tapered on sites of 10 or less.
- 2.5 The proposed main modifications did not alter the substance of Policy H5 as submitted, in terms of the objective of the policy to secure affordable housing from both C3 and C2 residential developments and 'affordable care' (bedspaces) on 'traditional care homes'.
- 2.6 The response to the proposed main modifications related to Policy H5, which we wish to focus on, can be summarised around the following themes.
 - (1) Whether there is sufficient viability headroom were older persons housing exempted from CIL.
 - (2) The approach to seeking 'affordable care' provision (bedspaces) on 'traditional care homes' (assumed to be analogous to 'Residential care homes and nursing homes' (applying PPG paragraph 63-010)) is not justified by the 2019 Strategic Housing Market Assessment or the 2021 Plan-wide viability evidence. The proposed policy on 'affordable care' would not be effective in terms of its practical delivery (operators providing both private and affordable beds in the same scheme/proposal).
 - (3) Clarity regarding the proposed modified approach to affordable care provision between town centre and outside of town centre locations and whether on-site or financial contributions are to be preferred.
- 2.7 At this stage we would like to invite the Council's response to the representations received in relation to the proposed main modifications MM30, MM31 and MM41 and the following points in particular:
 - (i) Affordable care (bedspace) provision has not been viability tested. Whilst a nursing home was tested in Appendix IIIc this was not predicated on providing either 25% or 40% affordable care provision.

As such the affordable care element of the policy has not been demonstrated to be viable and therefore deliverable as per PPG paragraph 10-001.

- (ii) The ability to calculate / determine affordable care provision on residential care homes / nursing homes given the worked example for C2 accommodation in MM41 relates to self-contained dwellings and the practicalities of determining a net sales area within a traditional care home.
- (iii) Whether the proposed approach to 'affordable care' meets the CIL Regulations given Adult Social Care is usually funded by County Councils (in part through Council Tax).

Gatwick Green (Policy EC4)

- 3.1 Proposed main modifications MM16 and MM17 related to the proposed strategic employment site at Gatwick Green. The Council will be aware of the detailed submissions (objections) from Gatwick Airport Limited (GAL) on the proposed MMs. Notwithstanding their residual strongly held objections, GAL have suggested further amendments to the Plan. We would like to afford the Council the opportunity to respond on the following matters raised in the GAL response. We would encourage the Council to consider whether these further suggested changes would enable an appropriately pragmatic approach to ensure that should the Gatwick Green allocation be found sound its implementation would complement (in so far as it can) the Airport's long-term objectives (as currently presented in the 2019 Masterplan).
- i. Paragraph 1.2.7 – additional content to criterion c. regarding the timing of a transport assessment.
 - ii. Paragraph 1.3.13 – requiring the Mobility Strategy to be prepared in consultation with Gatwick Airport and National Highways to ensure highway works for Gatwick Green do not inhibit the Airport's ability to deliver highway improvements required for the expansion of the airport.
 - iii. Paragraph 1.3.15 – additional content on what would be required at the masterplanning stage and sequencing of masterplan and any planning application.
 - iv. Paragraph 1.3.24 – additional text to paragraph 10.21, the reasoned justification to Policy GAT2, regarding acceptable land uses.

Environment Agency

- 4.1 The response from the Environment Agency to proposed MM34 seeks additional content in relation to Water Framework Directive mitigation measures, including a new appendix to the Plan which would set out specific projects along watercourses in the Borough, some of which may or may not affect development sites. We would like to give the Council an opportunity to respond to the Environment Agency's submission, in terms of whether such an amendment would be necessary for plan soundness.

Conclusion

- 5.1 We would be grateful for the Council's response on the above points at your earliest convenience and preferably before the end of this month. This will assist our deliberations in whether we need to amend the proposed main modifications or potentially seek further evidence / information to enable us to report that the Plan (subject to the main modifications as already consulted on) would be sound.
- 5.2 We would be grateful if this letter could be uploaded onto the examination website. If you have any queries on the contents of this letter, please raise them via Charlotte Glancy, and we will assist. Again, we wish to acknowledge the Council's highly efficient administering and processing of the main modifications consultation and we anticipate the Council's constructive approach in moving the examination forward.

Yours sincerely

Glen Rollings David Spencer

Examining Inspectors.