



Economy and Planning

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The Planning Inspectorate

By Email Only

CRAWLEY BOROUGH LOCAL PLAN 2023 – 2040: POST MAIN MODIFICATIONS CONSULTATION RESPONSE

Dear Inspectors David Spencer and Glen Rollings,

Many thanks for your letter, dated 7 May 2024, following the close of the Main Modifications consultation.

Please find below the council’s responses to your queries arising from some of the representations received during that public consultation:

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Please note, links to published documents have been included in the response to assist.

Policy H5 Affordable Housing

2.7(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.

PPG paragraph 10-001 states as follows:

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



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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.

Crawley Borough Council (CBC) does not consider that there is a failure to adhere to this section of the PPG in respect of the affordable care requirements of Policy H5, including as applied to bedspace provision.

Whole Plan and CIL Viability Assessment

The Local Plan Viability Study (Submission Document References: DS/VA/02a; DS/VA/02b; DS/VA/01b) includes housing typologies for sheltered and extra care developments, an assessment in respect of the St Catherine's Hospice allocation, as well as a commercial typology in respect of a nursing home.

The assessments of the residential typologies/sites are based on assumptions set out in Appendix I which include the affordable housing requirements set out in Policy H5. The assumptions used for the Appendix IIIc commercial typologies, also set out in Appendix I, do not include affordable housing, but they do set out a residual land value which can be compared with likely benchmark land values to indicate the presence and extent of any 'headroom' in terms of viability. The viability of the requirements of Policy H5 can then be indicated by comparing this with the contribution established using the commuted sums calculator, in line with the worked example set out in response to question ii below (and for reasons set out in response to question ii CBC does not consider it plausible that the costs of on-site delivery would exceed this commuted figure).

The Whole Plan and CIL Viability Assessment (2021) Appendix IIIc indicated that viability outcomes for care homes from a developer perspective varied widely depending on yield and income assumptions, as well as existing use. Yields modelled ranged from 5% to 7% (as with the other commercial typologies) with strong viability performance at the lower end of this range on the basis of a nil CIL scenario (as is the case with the current CIL charging schedule). These findings were not considered a sufficient basis to support the introduction of a CIL charge, bearing in mind that the CIL regime offers no scope to take account of site-specific considerations, and where, accordingly, an additional 'buffer' is recommended in the Planning Practice Guidance. However, the assessment indicated that in some of the modelled scenarios the costs of the policy could be supported.

For example, the £432,250 contribution generated by applying the commuted sums calculator (at the 40% rate) to the Viability Assessment nursing home typology would (as set out in answer to question ii below) represent a cost of £1,350,781 per hectare (on the basis of 0.32 ha site area). The residual land values (RLV) of the same typology at a 5% yield, by comparison, range from £2,164,973 to £6,738,163, depending on value assumptions. Deducting the contribution from these figures leaves a residual figure ranging from £814,192 to £5,387,382 per hectare. The lower of these figures would be sufficient to achieve greenfield benchmark land values used in the Assessment, while the upper figure would significantly exceed the highest brownfield benchmark land values used.

CBC further highlights that one important context for consideration of the implications of Policy H5 for nursing/care homes is the government's proposals for 'charging reform' in the social care sector, as part of the wider package of proposals for social care reform. The charging reform proposals envisage:

- Introduction of a cap of £86,000 on care costs, above which individuals will be eligible for public support;
- increasing the means-testing threshold, so more people can access local authority funded care;

- increasing the amount local authorities pay to providers to reflect a ‘fair cost of care’;
- giving ‘self-funders’ the option of paying the same rates as the Local Authority.

These proposals are summarised in the National Audit Office report ‘Reforming Social Care in England’ (2023), on pages 20-22 [Reforming adult social care in England - NAO report](#). In order to support these proposals, the government has set out its intention to narrow the gap which exists between the costs paid by local authorities and the costs paid by ‘self-funders’. In 2017, the Competition and Markets Authority report ‘Care homes market study: final report’, [Care homes market study: final report \(publishing.service.gov.uk\)](#) estimated that the average premium paid by ‘self-funders’, as compared with local authority funded clients, was 41% higher, meaning that the effective average ‘discount’ enjoyed by local authorities was around 29 per cent (a smaller discount than the 50 per cent suggested in the representation submitted by Muller Property Group as part of the Local Plan Main Modifications Consultation). As part of the work to prepare the ground for these reforms, local authorities have been carrying out ‘Fair Cost of Care’ exercises under direction from the government, in order to identify the ‘true’ cost, per person, of delivering the main types of social care (including allowance for the overheads and profits of care operators, as well as capital costs and an appropriate return on these). For example, West Sussex County Council’s exercise identified weekly costs ranging from £1,016.98 to £1,294.63 (West Sussex Cost of Care Report Annex B 65+ Care Homes (2023) Table 4 [West Sussex Fair Cost of Care Exercise 2022 | Market Sustainability | Provider Zone \(wscareproviderzone.co.uk\)](#)).

CBC is not seeking to rely on the detail of this work for the purposes of considering the viability impacts of Policy H5, but rather to highlight that it is the stated policy intention of the government to substantially reduce the gap between rates paid by local authorities and ‘self-funders’. If proceeded with, these proposals would have the effect of substantially mitigating the viability impacts associated with the ‘on site’ requirements of Policy H5 in respect of bed space accommodation. However, these proposals have been beset by delays, with the commencement of the £86,000 cap now delayed until 2025.

In this context, CBC considers that the on-site requirements of Policy H5 as applied to bed space accommodation, i.e. the reserving of capacity for individuals supported by local authority funding, represent a step in a direction already indicated by national policy on social care reform. As such, CBC does not accept the suggestion made in some representations to the Main Modifications consultation that Policy H5 would place a unique blight on care home development within Crawley. Rather, CBC queries some of the assumptions being put forward in representations as a ‘default’ scenario. For example, the income stream envisaged based on rates of £1,550-£1,729 per week in the representation received from Muller Property Group appears to be based on an assumption that no residents will ever approach the LA either because they have exhausted their funds or because they have reached the £86,000 ‘cap’. CBC does not understand how this scenario is consistent with the government’s agenda for charging reform. In this context, CBC further notes the concern expressed in the Competition and Markets Authority ‘Care Homes Market Study: final report’ (2017) on page 153, [Care homes market study - GOV.UK \(www.gov.uk\)](#), that ‘where a provider’s contract terms or policies prohibit or deter self-funding residents from approaching their LA should they become eligible for state funding within a certain period, such a requirement is likely to be unfair under consumer law’.

CIL Allowance

CBC further reiterates the point that the residential typologies in the Whole Plan and CIL Viability Assessment (i.e. the sheltered and extra-care schemes) include an allowance for CIL, which would not be charged on a C2 scheme. While it is not stated in the Charging Schedule itself that the

'residential' rate is specific to C3, it is clear from the viability evidence that supported the examination of the Schedule that this was the intention, with the 'residential' testing being specific to C3, and with C2 being classed as one of the 'commercial' categories that was tested.

Use Classes C2 and C3

CBC does not consider that it is for the Local Plan to seek to set thresholds for determining whether a development is C2 or C3. Whether or not a given scheme is C3 or C2 will necessarily be considered through the development management process. This is considered appropriate, and CBC can point to a track record of being reasonable in its treatment of relevant schemes within the borough from this perspective.

It is appropriate for this to be considered at the development management stage, on the basis of the characteristics of the individual scheme seeking permission. Applicants may seek pre-application advice in relation to this matter. CBC is not arbitrary or dogmatic in its approach to this issue and it will be seen that the council did not force the point in relation to the permitted scheme at 44 Goffs Park Road (CR/2016/0972/FUL), which attracted no CIL charge even though part of that scheme consisted of clearly distinct dwellings.

Main Modifications

CBC believes that the Modifications would tend to reduce, rather than increase, the burden of the policy approach on viability. The Main Modifications, in fact, have the effect of softening the headline policy requirements in respect of C2 schemes. That this is the case in respect of the residential older persons' typologies is shown by the indicative examples set out in the CBC written statement in response to Matter 6 Question 6.17 (Examination Document Reference: CBC/MIQ/006).

The 'net sale area' approach in respect of C2 developments which has been set out in the proposed Main Modifications, in reality, falls considerably short of a requirement for 40% affordable housing (or 25% in the Town Centre). In the case of the worked example of a self-contained C2 scheme set out in the Planning Obligations Annex, for example, it would result in a contribution of 12%. The proposed approach is intended to set a requirement which would reduce pressure on viability and thereby reduce the need for site-specific consideration of viability.

General remarks on Policy H5 as applied to specialist older persons' accommodation

CBC notes that the wider issue of the relationship of Policy H5 to specialist older persons' accommodation has been subject to consideration at various points in the examination, including in the council's Written Response to the Inspectors' Matters, Issues and Questions (Examination Document Reference: CBC/MIQ/006, Question 6.12 and 6.17) and the Local Plan Examination Hearing Session held on 9 January 2024.

CBC is aware that there is wide variation in the nature of schemes within the overall category of specialist older persons' housing. There is a role for considering relevant plausible scenarios (including approaches to use class and the application of CIL) as part of the plan-making process. At the same time the variety of such schemes can only be partly accounted for through viability testing of typologies at the Plan-making stage. Therefore, the council does not accept the logic that such accommodation should always count as a special circumstance where there is effectively a presumption against affordable housing contributions being required.

CBC considers that the findings of the Local Plan Viability Study in paragraphs 3.7.19-3.7.23 indicate that such schemes form a spectrum in terms of their viability, and that case-by-case consideration will in many cases be needed, within the context of an overarching strategic policy.

The Viability Assessment acknowledges that such situations may arise – it does not identify particular classes of scheme as being unable to support an affordable housing contribution.

CBC considers that there is justification for a strategic policy setting headline requirements in respect of affordable provision within developments including specialist older persons' housing, while allowing scope to take account of site-specific considerations where appropriate. The Viability Assessment also notes that attention could be given to how such schemes 'might be developed or procured in a way that means they make more accessible provision – meeting a range of needs' (paragraph 3.7.24).

There seems to be a concern, in the representations submitted to the Main Modifications Consultation, that the council would refuse to entertain viability evidence at the development management stage, on the basis that specialist older persons' accommodation has already been considered in the Local Plan Viability Assessment. This does not seem to be a realistic objection, bearing in mind that the Viability Assessment itself clearly entertains the potential need for site specific consideration in relation to this type of housing and the H5 Policy itself refers to such possibilities: *"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"*. The key point is that any viability evidence submitted would be considered against the assumptions made in the Local Plan viability assessment.

CBC considers that the requirements of PPG paragraph 10-001 have been met and the Local Plan Viability Study (Submission Document References: DS/VA/02a; DS/VA/02b; DS/VA/01a; DS/VA/01b) provides sufficient assurance that the contributions expected from development, including affordable housing provision, do not undermine the delivery of the plan, including allocations for older persons' housing and housing for persons with disabilities. On the other hand, the council would reject the contention that older persons' accommodation should benefit from a blanket (explicit or de facto) expectation of being unable to make any contribution towards affordable housing.

[2.7\(ii\) 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.](#)

CBC believes that the proposed approach is capable of being applied within a typical care home model. Whilst there is no Net Sales Area (NSA) in the sense of an area which is actually sold, it is possible (as with extra-care etc typologies) to exclude communal areas, the intention being thereby to reduce the viability impact of the calculator approach. Even in a care home, it is possible to separate the communal areas from the private en-suite bedrooms. It is also possible to define a 'freehold value per bed', and this concept is used in Department of Health and Social Care Guidance associated with the 'Fair Cost of Care' work ('Market Sustainability and Fair Cost of Care Fund 2022 to 2023: Guidance – Annex E: Further detail on return on capital and return on operations'). The calculator approach can be applied within this context.

For example, the care home typology in the Local Plan and CIL Viability Assessment has 60 bedrooms, a 'net sale area' of 1,235 square metres (i.e. excluding communal areas), and a gross development value of £8,446,721. On this basis, the calculated contribution using the '40%' calculator would be £432,250, which would amount to 5 per cent of GDV and hence 3 bed spaces.

As this example shows, the ‘net sales area’ approach as applied to care homes would involve a requirement significantly below 40% / 25%.

The requirement would be for proportion of bed spaces identified in this way to be offered to West Sussex County Council in the first instance, who may also liaise with the NHS for the purposes of reablement (i.e. freeing up hospital space) and respite (i.e. short stay cover providing a break for carers), with the calculation figure being turned into a commuted payment where the County Council does not take up the accommodation.

CBC does not accept that there are insurmountable practical obstacles to the envisaged approach to on-site provision, given that many care homes already accommodate ‘self-funders’ alongside clients funded by the Local Authority. Nationally, most care home residents are state-funded. A significant proportion of homes in West Sussex have at least some residents funded by the Local Authority; e.g., 27% of respondents to the 2022 ‘Fair Cost of Care’ exercise had more than 50% of their market business from WSCC (West Sussex Cost of Care Report Annex B 65+ Care Homes (2023), page 9 <https://www.wscareproviderzone.co.uk/media/1hqnnqjw/west-sussex-cost-of-care-report-annex-b-care-homes-dhsc-final-amended-jan-23.pdf>).

The detailed terms on which on-site provision could be made would be subject to negotiation between the provider and the local authority. The basic parameters for any agreement with the County Council could be set via a planning obligation. There would be no obligation for a provider to accept any given price offered by the local authority, but there would be no disincentive for the provider to reject offers unless they were judged to be more disadvantageous to the financial performance of the scheme than the off-site option, in which case there would be no agreement and the off-site option would apply.

The intention would not be to prevent private occupancy of these spaces where the local authority does not accept them. Where this is the case, at the outset, a commuted payment would be sought in lieu of onsite provision.

2.7 (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).

As applied to care homes/nursing homes, the on-site requirement would involve the reservation of bed space capacity for local authority funded individuals, rather than the subsidising of care costs. Any differential between the rate paid by the local authority and a ‘self-funder’ would be incidental. As such, this is not funding of a revenue cost or duplication of an existing statutory requirement. It is true that, in practice, local authorities tend to pay lower rates than ‘self-funders’, although this is understood to be to a large extent a product of the relative negotiating power of local authorities within the social care market, rather than the existence of separate products or tenures for local authority funded and self-funded bed spaces (see the Competition and Markets Authority report ‘Care homes market study: final report’, pages 39-42 [Care homes market study - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/care_homes_market_study_-_final_report.pdf)). This is distinct from the scenario found in normal affordable housing tenures, which are subject to a set discount.

CBC considers that the proposed approach is workable and legitimate as a response to the requirement in National Planning Policy Framework (NPPF) paragraph 63 (Post-Submission Document Reference: PS/DS/NPPF/01) that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies’.

The proposed approach seeks to ensure that the profile of the older persons’ accommodation provided has some resemblance to the profile of identified demand within the borough. Evidence

prepared for the Local Plan Examination (Topic Paper 3: Housing Needs; Submission Document Reference: DS/TP/03, section 3.5) highlights that the SHMA showed that a significantly higher proportion of older households in Crawley are in tenures other than owner occupation (especially social rent), as compared with other parts of the housing market area, particularly Horsham. Critically, a significant proportion of the need for care home accommodation arising from Crawley is from households that do not have existing equity to sell to fund their care.

CBC does not accept the implication that it is necessary to exclude these households in order for the business model of care home development to be sustainable. Nor does CBC accept the argument that the council's obligation to support care home development in response to identified need is equally applicable to all types of care home operation irrespective of how far the services on offer relate to the specific characteristics of identified local need. The proportion of individuals in need of care in Crawley borough who will depend at some point on public support is considerable, and it is reasonable and consistent with the NPPF that this should be reflected in planning policy.

The commuted payment would likewise be used for capital rather than revenue expenditure. It could be used in another care scheme, but given the limited opportunities for new older persons' housing developments within the borough it could also be used for general need housing, with priority to housing meeting Building Regulations M4(3) 'wheelchair user dwellings'.

Policy EC4 Gatwick Green

[3.1 i. Paragraph 1.2.7 – additional content to criterion c. regarding the timing of a transport assessment.](#)

Gatwick Airport Limited suggests the following further Modification to the Crawley Borough Local Plan 2023-2040, Policy EC4 criterion c (yellow highlight):

*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.*

CBC believes that this suggested Modification does not go to the soundness of the Plan. Whilst CBC agree that it is essential that the access arrangements for Gatwick Green do not have a severe impact on the highway network and that they complement the Airport's long term objectives for a southern runway, it is not considered appropriate for a full Transport Assessment to be required at the Master planning stage. However, the council considers further clarification would be helpful in detailing the stage at which the Master Plan, Mobility Strategy and Transport Assessment are respectively required.

CBC believes that the Mobility Strategy & Master Plan should be submitted at the same time, as one informs the other, with both to be agreed by the council prior to the submission of any planning application. Once agreed, these would be submitted as part of the outline planning application. The focus of the Mobility Strategy is to ensure that use of sustainable and active travel modes is maximised, provide sufficient detail to identify the highways infrastructure improvements required to mitigate the development and to demonstrate how these will be delivered and operated. Having regard to GAL's suggested modification to policy criterion d, it will also need to demonstrate how

these highways improvements will work alongside the highways improvements required for the expansion of the airport as shown in the Gatwick Airport 2019 Master Plan.

Separate to this is the full, comprehensive Transport Assessment, which will take the Mobility Strategy to a greater level of detail and be required to demonstrate that appropriate access can be provided to the site having regard to both employee and operational movements, taking into account surrounding developments including Gatwick Airport. This would be required as part of the outline planning application.

Therefore, CBC suggests that for clarity, parts c and d of Strategic Policy EC4 should be swapped, meaning that reference to the Master Plan and Mobility Strategy is read first, followed by reference to the Transport Assessment. CBC also considers that the text amendments as set out below (green highlight) and in the following sections will provide the necessary clarity requested by GAL.

Move Strategic Policy EC4 Part c to follow Part d.

Amend original Part c as follows (green highlight):

c. *Demonstrate through a Transport Assessment **to be submitted as part of the outline planning application**, 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.*

3.1 ii. Paragraph 1.3.13 – requiring the Mobility Strategy to be prepared in consultation with Gatwick Airport and National Highways to ensure highways works for Gatwick Green do not inhibit the Airport's ability to deliver highway improvements required for the expansion of the airport. Gatwick Airport Limited suggests the following further Modifications to the Crawley Borough Local Plan 2023-2040, Policy EC4 criterion d (yellow highlight):

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 Strategy will and detailing detail** infrastructure improvements that will be required to adequately mitigate the development impacts on the highways network, **detailing 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.*

CBC believes that this suggested Modification does not go to the soundness of the Plan, but is helpful in clarifying that the Mobility Strategy should be prepared in consultation with appropriate stakeholders. CBC considers that in addition to those parties suggested by GAL, any Main Modification should also refer to West Sussex County Council (as Highway Authority) and relevant public transport operators, as well as active travel groups. Therefore, CBC suggests the following amendment to the Main Modification text submitted by GAL (green highlight):

d. Demonstrate through a comprehensive Mobility Strategy **accompanying the Master Plan for the Gatwick Green site,** 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 ~~usage~~ of sustainable modes of transport as opposed to the private vehicle. **The Mobility 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. 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. **The Mobility Strategy will demonstrate how the required measures and infrastructure improvements will work alongside the highways improvements required for the expansion of the airport as shown in the Gatwick Airport 2019 Masterplan. It will be prepared in consultation with West Sussex County Council, National Highways, Gatwick Airport, relevant public transport operators and active travel groups. The Mobility Strategy will accompany the Master Plan to be agreed by the council prior to submission of an outline planning application.**

3.1 iii. Paragraph 1.3.15 – additional content on what would be required at the masterplanning stage and sequencing of masterplan and any planning application.

Gatwick Airport Limited suggests the final paragraph of Policy EC4 should be absorbed into a new criterion to Policy EC4 as a further Modifications to the Crawley Borough Local Plan 2023-2040 (yellow highlight):

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.***

CBC believes that this suggested Modification is not required for Plan soundness. Whilst the council agrees with the intention to provide further clarity, it does not agree with GAL's suggested text in its entirety. Specifically, CBC does not consider it necessary for the council's Planning Committee to formally approve the Master Plan. This is not consistent with other policies in the Local Plan, particularly Policies CL2 and CL5, nor is it consistent with the approach that has been applied for Master Plans for other major sites, including the Crawley College Site. For consistency, the council would expect the site promoter to prepare the Master Plan in liaison with officers, and for the Master Plan to be formally agreed by the council at Head of Service level, in consultation with the Portfolio Holder for Planning and Economic Development.

Local Plan Strategic Policy CL2 (Making Successful Places – Principles of Good Urban Design) and Policy CL5 (Significant Development, Masterplanning and Design Success) provide further detail on the specific requirements for master planning, including the need for the site promoter to undertake consultation. These requirements are in line with the pre-application consultation expectations for

developers of major developments in the council's Statement of Community Involvement, 2020 [Submission Document Reference: CB/SCI/01].

GAL has suggested this paragraph should form an additional criterion because of the significance of the Masterplan. CBC's view is that the text is more appropriate as a stand-alone paragraph because it refers to "in line with the above requirements" and is, therefore, intended to be different to the individual criteria. The paragraph still forms part of the Policy and, therefore, carries equal weight to the criteria.

Therefore, the council suggests the following modifications to the final paragraph of Strategic Policy EC4 (green highlight). Please note that GAL's modification text did not include the National Highways Main Modification relating to a vision-led approach. Consistent with the draft Main Modifications Local Plan (February 2024) this is included below:

*The development of the **Gatwick Green** site will be in accordance with an agreed master plan **incorporating a vision-led approach as required by Department for Transport Circular 1/2022**. It will set out the key development, mobility, design and delivery principles including **landscape and visual impact produced by the site promoter in consultation with the council** to ensure comprehensive development in line with the above requirements. **The master plan shall be produced by the site promoter in consultation with the council and other parties including statutory consultees, stakeholders, other interested parties and the community**. The master plan **shall be agreed by the council 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 agreed master plan will be taken into account as a material consideration in the determination of any planning applications.***

3.1 iv. Paragraph 1.3.24 – additional text to paragraph 10.21, the reasoned justification to Policy GAT2, regarding acceptable land uses.

Gatwick Airport Limited suggests further Modifications to the supporting text in paragraph 10.21 of the Reasoned Justification to Policy GAT2 (yellow highlight):

*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.*

CBC believes that this suggested Modification is not required for Plan soundness. The residual land around the Gatwick Green allocation continues to be safeguarded in the Local Plan for a potential future southern runway and its supporting infrastructure requirements and the text of the paragraph already recognizes that "the council does not consider surface parking to represent an efficient use

of land". The airport operator could seek to use this land for the purposes of airport-related parking as part of a future Development Consent Order related to a southern runway. That is the correct process to form a view on the access arrangement and the need, quantum and type of parking for such proposals, and it is not for the Local Plan at this stage to consider the acceptability or otherwise of any parking proposals put forward by the airport operator as part of that process.

Therefore, CBC does not consider the additional text suggested by GAL to be necessary for Plan soundness.

Environment Agency

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.

CBC believes that this suggestion does not go to the matter of soundness or legal compliance for the Local Plan.

CBC notes the additional policy text suggested by the Environment Agency in relation to Policy EP1 part v. However, as currently worded the council is unclear when opportunities for environmental enhancements should be explored or the prejudicing of future implementation of CPS measures avoided. The council suggests that the following modification to the Policy may better capture the intended outcome (green highlight):

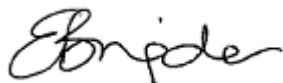
EP1, Part v: ...development will: ...not be permitted to take place within 8 metres from the edge of bank of any Main River or from any Ordinary Watercourse, nor within 3 metres of any sewer system without prior consent from the appropriate authority. Where development is located in the vicinity of any Main River, opportunities for ecological enhancements should be explored, and development should not prejudice delivery of mitigation measures contained within the Environment Agency's Catchment Planning System.

CBC is concerned about including an appendix setting out specific projects which could become out of date in the Local Plan, but agrees that the Environment Agency's published information can appropriately be referenced in the Local Plan. This would enable the Environment Agency's document to be updated separately.

However, should the Inspectors be minded to incorporate the suggested spreadsheet as an Appendix or Annex to the Local Plan (in a similar way to the Housing and Employment Land Trajectories are), CBC would be comfortable to include this, and would seek to include updates in the Authority's Monitoring Report, at least annually. This would require regular support and input from the Environment Agency to keep this maintained.

I hope you find this information to be of assistance. Please let me know if I can advise any further in relation to Crawley's Local Plan.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'E. Brigden', written in a cursive style.

Elizabeth Brigden
Planning Policy Manager

List of Enclosures:

- Strategic Policy EC4 Extract
- Policy EP1 Extract