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Strategic Planning
Crawley Borough Council
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Via email: strategic.planning@ Crawley.gov.uk

16th June 2023

Dear Sir / Madam

McCARTHY STONE RESPONSE TO CONSULTATION ON THE CRAWLEY BOROUGH DRAFT LOCAL PLAN 2024-2040 (REGULATION 19) SUBMISSION PUBLICATION CONSULTATION (MAY TO JUNE 2023)

Thank you for the opportunity to comment on the Crawley Borough Draft Local Plan 2024 – 2040 (Regulation 19), submission publication consultation. McCarthy Stone is the leading provider of specialist housing for older people including retirement housing and extra care housing in the UK. Please find below our comments on the consultation.

We note that this is a further regulation 19 consultation and that the website states that *'If you submitted a response to a previous Regulation 19 consultation, you do not need to resubmit or repeat these. Responses from the previous Regulation 19 consultations will be submitted, in full, to the Secretary of State for the Local Plan's examination, along with responses received in this consultation.'* We have therefore responded to this consultation on the basis that our representation, REP/133, made on the 30th June 2021 will still be submitted alongside this representation but have the following further comments to make. In addition, we highlight that we still maintain our comments / objections to policies DD1, DD4, ST2 and H3. In particular, we are disappointed that the Council have not considered incorporating a stand alone policy supporting the delivery of housing for older people, given the need, in line with our comments to H3.

Policy H5 Affordable housing.

We provided a detailed response to the 2021 Regulation 19 consultation and being mindful of the guidance in the PPG that confirms it is the responsibility of site owners and developers to engage in the Plan making process we provided a separate document to that consultation that undertakes viability appraisals for the sheltered and extra care older persons' housing typologies. Within this viability appraisal, we challenged some variables within the *'Crawley Borough Local Plan Review: Whole Olan Policies and CIL Viability Assessment, March 2021'* (Dixon Searle). Our representation concluded that older person's housing is not able to provide an affordable housing contribution or CIL in Crawley and recommended that *'Specialist older persons' housing including sheltered and extra care accommodation will not be required to provide an affordable housing contribution'*.

As a result of our representation no amendments to the plan appear to have been made. The council have published a *'Viability Assessment – Updated, December 2022'* (Dixon Searle) (Viability Assessment) to support this consultation however this does not discuss or update viability analysis of specialist housing for older people (sheltered / extra care).

This lack of amendment or update is surprising given our detailed viability appraisal of sheltered and extra care schemes that identified discrepancies in the inputs to viability in terms of dwelling mix, sales period site works, profit, sales and marketing costs and sales values. Since the original Viability Assessment was undertaken build costs have also increased and sales values have been more challenging, both of which will affect viability further.

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We would remind the Council of the increased emphasis on Local Plan viability testing in Paragraph 58 of the NPPF and that the PPG states that *“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”* (Paragraph: 002 Reference ID: 10-002-20190509). The evidence underpinning the Council’s planning obligations and building requirements should therefore be robust.

The viability of specialist housing for older people is more finely balanced than ‘general needs’ housing and although we commend the Council in testing the older people’s housing typology within the Viability Assessment, as this accords with the typology approach detailed in Paragraph: 004 (Reference ID: 10-004-20190509) of the PPG, we are disappointed that our representation has not been considered in detail and changes incorporated within the plan. If this is not done, the delivery of much needed specialised housing for older people may be significantly delayed with protracted discussion about other policy areas such as affordable housing policy requirements which are wholly inappropriate when considering such housing need.

We therefore recommend that the Council ensure that a further update to the Viability Assessment is undertaken to inform the plan. The update must consider older person’s housing and the inputs discussed in our previous representation. If older person’s housing is found to be not viable an exemption must be provided within the plan in order to prevent protracted conversations at the application stage over affordable housing provision and delaying the provision of much needed older persons housing.

Recommendation:

The viability evidence is updated to make sure it is up to date, the outcomes then incorporated into the plan and we would recommend the following text is added to policy H5.

‘Specialist older persons’ housing including sheltered and extra care accommodation will not be required to provide an affordable housing contribution’

Policy DD3 Standards for New dwellings (including dwellings)

In our 2021 representation we expressed concern ‘that the Council has failed to properly consider the cumulative impact of what it expects new development to achieve, and if it is feasible, or indeed, credible’ and recommended that *‘That the cumulative impact of the design and policy requirement are considered in conjunction with the Council’s stated ambitions for development, notably density’*. Given the policy wording in the latest iteration of the Crawley Local Plan we remain of the view that the Council has not assessed this cumulative impact correctly. Instead, the Council should rely on the Nationally Described Space Standards (NDSS) as otherwise the costs involved in designing specific houses may deem sites unviable. In addition the policy also repeats elements of the NDSS. There is no need to repeat government policy within DD3.

Recommendation:

The policy should be been reconsidered in relation to the current Building Regulations, feasibility and viability. Once reconsidered, we recommend that policy DD3 is deleted and instead the Council rely on the NDSS.

Strategic Policy DD4: Tree Replacement Standards

The policy does not appear to have been amended in light of our original objections.

Policy G13 - Biodiversity and Net Gain

Given the progress of the Environment Act and the introduction of a mandatory requirement for a minimum 10% biodiversity net gain the policy appears to have been amended. However, the policy at para 5, 11 and 12 tries to introduce a sequential approach to delivering BNG as well as going beyond the Environment Act in seeking gains into perpetuity by stating *‘In the first instance ‘net gains’ should be sought on-site. If on-site is not feasible then offsite ‘net gains’ should be sought in the form of ‘Biodiversity Credits’. Gains should be sought for perpetuity for the lifetime of the development. Any credits that are bought to deliver off-site Net Gains should demonstrate that they will be secured for at least 30 years via conditions or agreements’* (para 5).

In introducing a sequential preference, the Council should note that section 7.4 of the Natural England Biodiversity Metric 4.0 user guide (‘the Metric’), March 2023 identifies a spatial risk multiplier that *‘reflects the*

relationship between the location of on-site biodiversity loss and the location of off-site habitat compensation' (para 7.4.2). Para 7.4.2 confirms that: 'It affects the number of biodiversity units provided to a project by penalising proposals where off-site habitat is located at distance from the impact site'.

Table 7.1 of the Metric then identifies the spatial risk score to be used for each habitat group depending on the location of the compensation site in comparison to the development site. For example, within the Local Planning Authority (LPA) Area or National Character Area (NCA) of the impact site the spatial risk score would be 1, if the compensation is outside LPA or NCA of impact site, but in neighbouring LPA or NCA the spatial risk score is 0.75. The Metric therefore already accommodates the distance away from the development site that the off-site BNG is proposed, with more BNG units being required the further away the compensation site is from the development site. The council should therefore delete the requirement and instead rely on the Metric.

In addition, we note that para 10 is still pursuing a clear ambition to increase in tree cover in the Borough. However, as detailed in our 2021 representation, we are concerned that this may be an impediment to building at higher densities, particularly on previously developed sites in urban areas. The policies in the Local Plan try and deliver a wide-ranging number of objectives and in combination it does not appear feasible that new development, particularly on constrained urban sites, can meet them all. Is it credible to expect development with a minimum density of 200 dph (as detailed in Policy CL4) to increase the level of tree cover on site? We therefore recommend that para 10 of the policy is also deleted.

Recommendation:

Delete para 5, 10, 11 and 12 of Policy G13 and instead rely on Natural England's Biodiversity Metric and the Environment Act.

Strategic Policy SDC1: Sustainable Design and Construction

The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions by 2050 is commendable. We feel however that the policy should be largely deleted and the council should instead rely upon the 2021 edition of the Building Regulations and the Future Homes Standards.

Recommendation

Delete policy and instead rely on Part L of the Building Regulations and the Future Homes Standards.

Thank you for the opportunity for comment.

Yours faithfully

N. Styles

Natasha Styles
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