

APPROVAL OF THE RECOMMENDATIONS CONTAINED IN THE COPTHORNE NEIGHBOURHOOD PLAN EXAMINATION REPORT

REPORT OF: Divisional Leader for Planning and Economy
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Wards Affected: Copthorne and Worth
Key Decision: Yes
Report to: Cabinet 26th July 2021

Purpose of Report

1. The purpose of this report is to seek Cabinet's approval of the recommended modifications to the Copthorne Neighbourhood Plan following independent Examination in respect of the Basic Conditions for Neighbourhood Plans.

Summary

2. Worth Parish Council submitted the Copthorne Neighbourhood Plan to Mid Sussex District Council for Examination on 2nd February 2021. An Independent Examiner was appointed to examine the Plan which took place between April – June 2021. The Examiner considered the representations received and determined that no public hearings were required.
3. The Examiner has issued his final report and concludes that, subject to a number of modifications, the Copthorne Neighbourhood Plan can proceed to Referendum. It is recommended that the proposed modifications are accepted by the District Council.
4. Mid Sussex District Council as the Local Planning Authority (LPA) must publish a 'Decision Statement' setting out how the Neighbourhood Plan will be modified in response to the Examiner's Report.

Recommendations

5. **It is recommended that Cabinet:**
 - a) **Formally accepts the Examiner's recommended modifications to the Copthorne Neighbourhood Plan to enable the Plan to proceed to Referendum;**
 - b) **Agrees to publish the 'Decision Statement' as set out at Appendix 1 of the report.**

Background

6. The District Council supports communities who wish to prepare Neighbourhood Plans. Altogether, in addition to the Copthorne Plan, 18 Neighbourhood Plans have been 'Made' (adopted) in the District and there is one remaining designated neighborhood plan area, Horsted Keynes.
7. Worth Parish Council is the 'qualifying body' with responsibility for preparing the Copthorne Neighbourhood Plan. The Parish Council started their preparation of a Neighbourhood Plan for its Parish in July 2012 when the Neighbourhood Plan area was designated by the District Council.

Copthorne Neighbourhood Development Plan

8. Work on an initial Neighborhood Plan was paused in April 2017. The revised draft Plan was subject to public consultation under Regulation 14 (Pre-submission) of the Neighbourhood Planning regulations which started in September 2020. The Parish Council formally submitted their revised Neighbourhood Plan to the District Council for further consultation and Examination on 2nd February 2021.
9. The Copthorne Neighbourhood Plan covers the plan period 2021 to 2031 and has been prepared for a designated neighbourhood area which follows the Copthorne and Worth ward boundary.
10. The Plan sets out a vision and objectives for the ward and, in line with paragraph 14 of the National Planning Policy Framework, it contains a series of policies to protect the community facilities, green spaces, heritage, character, local economy and parking.
11. The Plan does not propose to allocate any sites for housing but proposes a range of policies which reflect local distinctiveness.
12. The Neighbourhood Plan was published by the District Council for Regulation 16 public consultation from 9th February until 24th March 2021. 15 representations were received during the consultation period. A summary of the representations can be found at: <https://www.midsussex.gov.uk/media/6221/copthorne-neighbourhood-plan-representations-summary.pdf>
13. The District Council has worked proactively with the Parish Council to ensure the best outcome for the Neighbourhood Plan at Examination and has provided informal and formal comments on the Neighbourhood Plan as it has progressed through the various stages. The progression of the Copthorne Neighbourhood Plan to this stage is recognised as an important milestone, the result of a considerable amount of hard work by the Steering Group on behalf of the Parish Council.

Copthorne Neighbourhood Plan Examination

14. In agreement with Worth Parish Council, Mid Sussex District Council appointed an Independent Examiner, Mr Andrew Ashcroft, to review whether the Neighbourhood Plan met the Basic Conditions, as required by legislation and to recommend whether it should proceed to Referendum.
15. The Examiner's report was sent to the District Council on 10th June 2021. The Examiner in his summary commented that, "The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community."
16. Officers at the District Council have reviewed the Examiner's report. The Parish Council confirmed that they accepted the Examiner's recommendations on 1st July 2021.

Key Recommended Modifications by Examiner to the Copthorne Neighbourhood Plan

17. The Examiner's key recommendations are:

- Reframing the proposed policy regarding accessibility standards for homes for older people so that instead of being a requirement the standards are aspirations (policy CNP3).
- Deletion of the policy on Assets of Community Value as the only asset of community value within the plan area already benefits from protection under other policies in the Plan (Policy CNP6).
- Modifications to the wording of the proposed Character Areas policies (CNP9-13) to ensure that the policies are implementable.
- Deletion of the proposed policy requirements regarding transport assessments from the Policy and instead included in explanatory text as guidance. (Policy CNP15. 1 c).
- Addition of a caveat on the proposed car parking policy to recognise the safety and traffic flow benefit of street parking and avoid detrimental impact on design (Policy CNP16).

18. Further minor modifications were recommended by the Examiner and are detailed in the Decision Statement (Appendix 1).

Decision Statement

19. The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority (LPA) must publish the actions that will be taken in response to the recommendations of the Examiner. This is known as the 'Decision Statement'.
20. Details of each modification recommended by the Examiner are set out in the proposed Decision Statement at Appendix 1.
21. The Neighbourhood Plan Regulations impose no obligations for the Examiner or the LPA to consult on the changes to the Plan which they are minded to accept. Those that do not endorse the Plan have the chance to vote to reject it at Referendum. Should an LPA decide not to accept an Examiner's recommendations it must notify those that made representations of their proposed decision (and the reason for it) and invite representations for a period of 6 weeks.
22. As the LPA, Mid Sussex District Council is recommending that all the modifications are accepted therefore there is no requirement to carry out any further consultation.
23. It is recommended that Cabinet formally accept the Examiner's modifications as they are necessary for the Neighbourhood Plan to meet the Basic Conditions tests.

Next Steps

24. Following approval by Cabinet and the publication of the Decision Statement, the Copthorne Neighbourhood Plan can proceed to Referendum. It is provisionally agreed that the Referendum will be held on Thursday 16th September 2021. If over 50% of those voting are in favour of the Neighbourhood Plan, then the Plan can be 'Made' (adopted) by the District Council and will form part of the statutory Development Plan for the Copthorne and Worth Ward and used in the assessment and determination of planning proposals.

Policy Context

25. The National Planning Policy Framework and the Localism Act 2011 support Neighbourhood Plans. The Mid Sussex District Plan was adopted in March 2018 and the preparation of Neighbourhood Plans is part of its overall development strategy.

Neighbourhood Plans will sit alongside the District Plan and set out how local communities wish their neighbourhoods to evolve.

Other Options Considered

26. Cabinet has the option not to accept the recommendations of the Independent Examiner on all the elements, one of the elements, or some of the elements contained within the Examiner's Report. However, this is not considered appropriate as the modifications are considered necessary for the Neighbourhood Plan to meet the Basic Conditions.

Financial Implications

27. The cost of the Examination is £4,000 and the Referendum will cost £6,821. These costs can be met from Government grant once the Plan achieves a successful Referendum.

Risk Management Implications

28. The Examiner has recommended modifications to ensure the Neighbourhood Plan meets the Basic Conditions. If these modifications are not implemented the Plan would be at risk of legal challenge on the basis it does not meet the legal requirements for Neighbourhood Development Plans.

Equality and Customer Service Implications

29. An Equality Impact Assessment was carried out at the Submission (Regulation 16) Stage of the Neighbourhood Plan. The Parish Council also prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees. The Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements.

Other Material Implications

30. There are no other material considerations.

Appendices

1. Copthorne Neighbourhood Plan Decision Statement.

Background Papers

- Copthorne Submission (Regulation 16) Neighbourhood Plan - <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>
- The Independent Examination Report into the Copthorne Neighbourhood Plan. <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans/>