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16 July 2021

The Cabinet will meet virtually in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012. Public access is available via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **CABINET** will be held **VIA REMOTE VIDEO LINK** on **MONDAY, 26<sup>TH</sup> JULY, 2021** at **4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

	<b>Pages</b>
1. Roll Call and Virtual Meeting Explanation.	
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
3. To receive apologies for absence.	
4. To confirm Minutes of the previous meeting held on 7 June 2021.	<b>3 - 8</b>
5. To consider any items that the Leader agrees to take as urgent business.	
6. Budget Management 2021/22 - Progress Report April to May 2021.	<b>9 - 28</b>
7. Copthorne Neighbourhood Plan.	<b>29 - 62</b>

To: **Members of Cabinet:** Councillors J Ash-Edwards (Chair), J Llewellyn-Burke (Vice-Chair), J Belsey, R de Mierre, S Hillier, R Salisbury and N Webster

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## **Minutes of a meeting of Cabinet held on Monday, 7th June, 2021 from 4.00 pm - 4.53 pm**

**Present:** J Ash-Edwards (Chair)  
J Llewellyn-Burke (Vice-Chair)

J Belsey  
R de Mierre

S Hillier  
N Webster

**Also Present:** Councillors J Dabell, A Eves, I Gibson, S Hatton and  
R Salisbury

### **1. ROLL CALL AND VIRTUAL MEETING EXPLANATION.**

The Leader introduced the meeting, he noted the sad passing of Cllr Andrew MacNaughton and asked for a period of quiet reflection. The Leader conducted the roll call to confirm the Members present.

Tom Clark, Head of Regulatory Services advised that The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 permit remote attendance at Cabinet meetings provided they are live streamed to allow for public access.

### **2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

Councillor Hillier declared a non-prejudicial interest in item 6 as he is the Chairman of an organisation that uses a building owned by Mid Sussex District Council.

### **3. TO RECEIVE APOLOGIES FOR ABSENCE.**

No apologies were received.

### **4. TO CONFIRM MINUTES OF THE PREVIOUS MEETING HELD ON 8 FEBRUARY 2021.**

The minutes of the meeting held on 8 February 2021 were agreed as a correct record and electronically signed by the Leader.

### **5. TO CONSIDER ANY ITEMS THAT THE LEADER AGREES TO TAKE AS URGENT BUSINESS.**

None.

### **6. COMMUNITY MANAGEMENT ASSET TRANSFER POLICY.**

Elaine Clarke, Community Facilities Project Officer introduced the report. She noted the comments made by the Scrutiny Committee for Leader, Finance and

Performance on 19 May. The proposed policy is not a new process but creates a framework for the leasing of council buildings to community organisations.

The Deputy Leader emphasised that it is a framework to ensure transparency as the leases and uses of council owned buildings differ. The policy will allow for some flexibility; the buildings must be in suitable locations and be regularly maintained. The benefit of more public open space as part of the Burgess Hill Growth Programme was noted.

The Cabinet Member for Economic Growth welcomed the paper and advised that the policy builds on work of the Council consulting with Town and Parish Councils over the last few years. He commended the scrutiny process and asked for some clarification.

The Community Facilities Project Officer confirmed that monitoring of ongoing maintenance would be carried out by the Estates Team, the policy will strengthen the Council's ability to ensure buildings are maintained regularly. The Head of Regulatory Services advised that the agreed Heads of Terms would also be reflected within the lease, and once the lease is signed any failings of the lessee could be a breach of the lease.

The Cabinet Member for Community advised that Mid Sussex has plenty of public open space as a result of careful planning over many years. The management of these areas is important, and he welcomed the policy.

The Cabinet Member for Customer Services highlighted that the Council reserved the right to appoint a councillor as a nominated non-executive on the Board of the Lessee, and any new lease must be agreed by the Cabinet.

The Leader advised the policy would provide a useful framework when looking at expressions of interest to lease council buildings. He took the Members to the recommendation which was agreed unanimously.

## **RESOLVED**

Cabinet considered the Community Management and Asset Transfer Policy and the revisions suggested by the Scrutiny Committee for Leader, Finance and Performance and agreed the final draft which will be presented to Council for adoption.

## **7. STRATEGIC RISKS 2021-22.**

Peter Stuart, Head of Corporate Resources introduced the report. He highlighted the goals of the report: to agree the revised policy as set out in Appendix B, changes to the Constitution for Council to consider, and to agree the risks identified by the Management Team. The revised policy clarifies and makes substantive changes to bring the Audit Committee up to date, to review governance and risks. He noted that the Chairman of the Audit Committee commented positively on the changes.

He advised that the risks identified by the Management Team reflects the changes in the way the Council operates, technical changes and the impact of the pandemic. The pandemic has led to a large variant in the finances of all councils and could have an impact for several years. A large variant is not sustainable in the long term and actions taken in the next year will have an impact longer term. Cyber security attacks have had a catastrophic impact on day to day operations. Business continuity is included as the council is IT dependant, and an interruption to the modern working

environment could be a strategic risk. He confirmed that the Constitution Review Group would manage any changes to the terms of reference.

The Deputy Leader welcomed the proposed changes to the Strategic Risk Management Policy. She noted the use of reserves to balance the annual budget and that the Council has been financially independent for a number of years. The loss of £1.4m income from the leisure centres was out of the Council's control. The Deputy Leader endorsed the proposals.

The Cabinet Member for Customer Services expressed concern with operational resilience and business continuity. She asked whether the risk of business continuity for personnel is covered as staffing is not mentioned. She commended the officers who kept the council's services operational during the pandemic. Simon Hughes, Head of Digital and Customer Services confirmed that the resilience of the work force is reviewed through work force planning, the metrics on sickness and the ability to recruit. The programme to support staff by the Health and Wellbeing Team has been extended. The data confirmed that the resilience of the work force was not a strategic risk for council, and sickness levels have reduced. As staff can be adequately supported he was confident that it is not a strategic risk.

The Chair took the Members to the recommendations which were agreed unanimously.

## **RESOLVED**

That Cabinet:

- (i) Agreed the Strategic Risks for 2021-22 and management plans set out at appendix A; and,
- (ii) Agreed the MSDC Strategic Risk Management Policy, as set out at Appendix B and supported the consequent changes to the Constitution.

## **8. FINANCIAL OUTTURN 2020 - 2021.**

Peter Stuart, Head of Corporate Resources introduced the report. He highlighted the comprehensive report as the pandemic has impacted the Council's finances. The report explains the details for the variances and the overspend of £1.4m to March 2021. The end of year result was an improved position compared to the prediction in June 2020. This was due to the action of officers, the assistance from Central Government for local authorities with grants and the receipt of £2.1m from the Income Compensation Scheme. He noted the purchase of more temporary accommodation and investment in the Place and Connectivity Programme in Burgess Hill of £2.4m.

The sustainability of the Council in the longer term has improved as the General Reserves have been topped up by reviewing all reserves and returning funds where a need has reduced or is no longer required. He highlighted the return of reserves for leisure insurance, illegal incursions and Gatwick reserves. He confirmed the use of General Reserves to finance last year's budget and noted there is no forecast to use reserves for the 2021/22 budget.

The Deputy Leader welcomed the report, commended the results in the current circumstances and thanked the officers for the comprehensive report. She queried the short-term future expenditure for Gatwick Airport.

Judy Holmes, Assistant Chief Executive advised that a reserve is a best guess to what finance may be needed. She noted it was normal for councils to work on a Development Consent Order (DCO) in partnership with other councils. £41,000 has been retained in the reserve, a planning performance has been agreed with Gatwick Airport Liaison along with an agreement with funding. With a DCO any applicant is expected to fund most the work that is required. Other sources of funding will be available for 2021-22 and work continues.

The Cabinet Member for Economic Growth noted the investment to improve the footpaths in Burgess Hill which has been beneficial to the local residents. He expressed concern over the Council's investment in the Property Fund. The Head of Corporate Resources advised he has discussed this matter regularly with the Deputy Leader. The Local Authority Property Fund does a good job, has good assets and are not overly exposed to retail. The return is currently 3% per annum, he commended them on their consistent performance and advised they are well placed to ride out the current unpredictable circumstances.

The Cabinet Member for Community highlighted the positive impact the airport has on employment and the local economy, the negative impact on the environment and the Council's work to balance airport expansion. He asked for clarification on expenditure for Gatwick in relation to the Council's total. The Head of Corporate Resources advised it was 10% of net budget.

The Cabinet Member for Economic Growth thanked the officers for the comprehensive report, welcomed the receipts from Hurst Farm which would be used to finance The Orchards Centre purchase. He noted the many challenges of the pandemic and that some improvements on parks and open spaces had been delayed and would be completed in the current financial year.

The Leader thanked the members and noted that this was the first report to detail the considerable cost of the pandemic. He highlighted the cost of work to subsidise the leisure centres, advised that the majority of the council's income is from sources other than Council Tax. The strength of the council's financial position allowed it to underwrite those costs, however this was not sustainable long term. He hoped the figures would soon improve with the relaxation of restrictions and getting the council's finances back on a more sustainable footing was important. Comparing the overspend to the Spring projections, the overspend is less than expected. He took the Members to the recommendations (i) to (vii) which were agreed unanimously.

## **RESOLVED**

That Cabinet noted the contents of this report, and recommended to Council:

- (i) that grant income as set out in paragraph 12 to 19 of this report be transferred to Specific Reserves;
- (ii) that requests totalling £108,000 be transferred to Specific Reserves as set out in Table 1;
- (iii) that £100,000 be transferred to the Community Development Fund Specific Reserve from General Reserve as detailed in paragraph 21;
- (iv) that balance of interest totalling £170,031 as set out in paragraph 22 is transferred to the General Reserve;

(v) that Dividend income totalling £8,529 as set out in paragraph 27 is transferred to the General Reserve;

(vi) that the 2021/22 capital programme be increased by £1,556,000 as a result of slippage of some 2020/21 capital projects as detailed in Table 2;

(vii) that the revenue overspend in 2020/21, totalling £1,400,000, be met from General Reserve.

## **9. PERFORMANCE OUTTURN 2020/21.**

Emma Sheridan, Business Unit Leader for Community Services, Policy and Performance introduced the report. She highlighted that despite the challenges of the pandemic the Council had continued to perform well in the delivery of its services, and noted the change of working arrangements, service delivery and new work streams. Any reductions in performance were explained in report along with a few minor changes proposed to performance indicators.

The Deputy Leader highlighted the swift change to agile working practices, new work streams and areas where workload had increased due to the pandemic whilst still continuing with the Council's normal business activities. She endorsed the proposed changes as these will benefit the Council.

The Cabinet Member for Customer Services commended the performance of all teams during the pandemic and noted that Mid Sussex was only one of 12 local authorities to receive the Annual Revenue Grant. The council was in the minority of local authorities that did not have a shortfall in Council Tax income.

The Cabinet Member for Community highlighted the work of the Wellbeing Team and noted that over 1,000 people had been supported by wellbeing initiatives and that all intervention courses are full. During the pandemic anti-social behaviour cases had risen and crime rates had fallen. People must be vigilant as we return to our normal routines. Local authority searches had increased by 38% during lockdown.

The Leader agreed with the comments of the other Cabinet Members and thanked the officers for their hard work especially when dealing with extra work at short notice. He also thanked the scrutiny committee for their comments on the report. He took Members to the recommendations which were agreed unanimously.

### **RESOLVED**

That Cabinet:

(i) Noted the Council's outturn performance and progress with Council Priority Projects in 2020/21 and identified any areas where further reporting or information was required; and

(ii) Agreed to the minor changes to performance targets for 2021/22 included at appendix B to this report.

The meeting finished at 4.53 pm

Chairman

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## BUDGET MANAGEMENT 2021/22 – PROGRESS REPORT APRIL TO MAY 2021

REPORT OF: Head of Corporate Resources  
Contact Officer: Cathy Craigen, Chief Accountant  
Email: [Cathy.craigen@midsussex.gov.uk](mailto:Cathy.craigen@midsussex.gov.uk) Tel: 01444 477384  
Wards Affected: All  
Key Decision: No  
Report to: Cabinet  
26th July 2021

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### EXECUTIVE SUMMARY AND RECOMMENDATIONS

#### Purpose of Report

1. This report reviews the progress on the Revenue Budget, Capital Programme and Revenue Projects and Treasury Management for 2021/22.

#### Summary

2. The forecast revenue outturn position for 2021/22 at the end of May is showing a projected net overspend of £468,000 against the original budget. This mainly relates to the cost of the pending unbudgeted pay award (£141,000) and the continued impact of Covid19 that has resulted in further unbudgeted Leisure centre re-opening costs (£308,000). However, all Leisure costs set out in Appendix A of this report will be met from the Leisure Covid Support Specific Reserve created in 2020/21 which will reduce the forecast overspend to £143,000.
3. Whilst the MHCLG Income Compensation scheme will also continue for the first quarter of the year and help mitigate lost income, Members are warned that, unless income levels recover as the year progresses, some draw on reserves may again be required to balance the budget by year end,. However, this should not lead to concerns over the viability of the authority in the short term, although, as mentioned before, evidently the budget over the medium term will need to be brought into a position where expenditure is not in excess of income from all sources.

#### Recommendations

4. **To recommend to Council for approval:**
  - (i) that £432,728 grant income relating to Homelessness Prevention be transferred to Specific Reserves as detailed in paragraphs 26;
  - (ii) that £6,400 grant income relating to the Cold Weather Fund be transferred to Specific Reserve as detailed in paragraph 27;
  - (iii) that £563,194 grant income relating to the Covid-19 Test and Trace Contain Management Outbreak Fund (COMF) be transferred to Specific Reserve as detailed in paragraph 28;
  - (iv) that £21,215 grant income relating to Implementing Welfare Reform be transferred to Specific Reserve as detailed in paragraph 29;
  - (v) that £27,618 grant income for new burdens relating to Verify Earnings & Pensions be transferred to Specific Reserve as detailed in paragraph 30;
  - (vi) that £5,000 grant income in respect of a payment for Rough Sleepers be transferred to Specific Reserve as detailed in paragraph 31;

- (vii) that £2,973 grant income relating to Revenues and Benefits New Burdens be transferred to Specific Reserves as detailed in paragraph 32;
- (viii) that £166,800 grant income in respect of New Burdens Local Authority Discretionary funding be transferred to Specific Reserve as detailed in paragraph 33;
- (ix) that £33,632 grant income relating to Domestic Abuse Safe Accommodation funding be transferred to Specific Reserves as detailed in paragraphs 34;
- (x) that £25,000 grant income relating to Additional Emergency Accommodation funding be transferred to Specific Reserves as detailed in paragraphs 35;
- (xi) that £107,395 grant income relating to Admin Subsidy be transferred to Specific Reserves as detailed in paragraphs 36;
- (xii) the variations to the Capital Programme contained in paragraph 50 in accordance with the Council's Financial Procedure rule B3.

To note:

- (xiii) the remainder of the report.
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## **REVENUE SPENDING**

### **Position to the end of May 2021**

5. This is the first budget management report for the current financial year. This is intended to inform Members how key income and expenditure targets are performing after the first two months of 2021/22 and thereby establish a position over the summer.

### **Expenditure and Income to date**

6. Table 1 details 'actuals' to date for the key income categories and salaries expenditure, compared to their profiled budgets. It gives a snapshot position on performance to the end of May only. This table also details the projected year-end position for these key income categories, but this only forms part of the consideration for the year-end predictions for the Council's overall revenue budget.

<b>Table 1: Key income/expenditure to the end of May 2021</b>						
<b>INCOME</b>	2021/22 Actual to May £'000	Profiled 2021/22 Budget £'000	2021/22 Original Budget £'000	Pressure/ (Saving) To end May £'000	Projected Year-end Variance £'000	To Note: 2021/22 Budget Unadjusted For Covid-19* £'000
Car Park Charges	(209)	(259)	(1,481)	50	48	(2,151)
Development Management Fees	(207)	(202)	(1,209)	(5)	0	(1,494)
Building Control Fees	(104)	(95)	(446)	(9)	0	(446)
Land Charges	(31)	(30)	(153)	(1)	0	(153)
Licensing Act Fees	(14)	(8)	(145)	(6)	0	(145)
Hackney Carriage Fees	(6)	(23)	(139)	17	0	(139)
Outdoor Facilities Income	(8)	(3)	(35)	(5)	0	(35)
Garden Waste	(185)	(200)	(1,638)	15	0	(1,638)
Leisure Contract Income	0	0	0	0	0	(1,444)
Industrial Estates Rents	(278)	(277)	(1,340)	(1)	0	(1,340)
Town Centre Rents	(386)	(453)	(2,063)	67	0	(2,063)
Depot Rent	(25)	(20)	(77)	(5)	0	(77)
General/Miscellaneous Property	(80)	(77)	(293)	(3)	0	(293)
<b>Total Income</b>	<b>(1,533)</b>	<b>(1,647)</b>	<b>(9,019)</b>	<b>114</b>	<b>48</b>	<b>(11,418)</b>
<b>EXPENDITURE</b>						
Salaries	2,203	2,143	12,857	60	132	12,857

\*For information only - It shows the 21/22 budgets without the income reductions built in. (i.e. Before budgets were reduced to take account of the income decreases where demand has been affected by the pandemic).

7. Car parking income is below budget by £50,000 in the first two months of the financial year. This is detailed in Table 2 below. This is made up of lower than budgeted Season Ticket income, £37,000 and Pay and Display £13,000.
8. A pressure for Season ticket income was included in 2021/22 budget of £87,000 representing an expected 45% continued annual loss in income resulting from the pandemic, and season ticket holders not renewing. By outturn 2020/21 the shortfall was an 85% loss. The forecast has therefore been revised to reflect a 70% loss for this year, with some recovery anticipated as travel picks up, but this is not expected to return to pre pandemic levels. This will result in a further £48,000 forecast shortfall for the year as shown in Appendix A of this report.
9. For Pay and Display, there was a pressure of £583,000 included in 2021/22 budget, which represented a 30% annual shortfall on 2020/21 pre pandemic budget. Although the first two months have recorded a further shortfall, it is expected that this be recovered over the remainder of the year as restrictions are lifted and therefore no further change to the budgeted 30% shortfall for the year is expected at this stage. These forecasts will be kept under review for the remainder of the year.

	2021/22 Actual to May (Over)under target £'000	2021/22 Original Budget £'000	2021/22 Unadjusted For Covid-19 £'000	Outturn 2020/21 (Over)under target £'000	Forecast 2021/22 (Over)under target £'000
Pay and Display	13	(1,375)	(1,958)	<b>1,065</b>	<b>0</b>
Season Tickets	37	(106)	(193)	<b>163</b>	<b>48</b>
<b>Total</b>	<b>50</b>	<b>(1,481)</b>	<b>(2,151)</b>	<b>1,228</b>	<b>48</b>

10. At the end of May planning application fee income is above target by £5,000. A pressure of £285,000 was included in 2021/22 budget, representing an anticipated 20% continued loss of Planning Fee income as a result of the pandemic, where a reduction in larger applications resulted following the uncertainty and loss of confidence in the Economy. This uncertainty is expected to continue for the foreseeable future and recovery of income to levels pre-pandemic levels are not anticipated for this financial year.
11. At the end of May, Building Control Income is over target by £9,000. This is mainly due to the profiling of income, which can fluctuate. Therefore, no full year variation is anticipated at this stage.
12. At the end of May Land Charges income is over target by £1,000. However, as the Stamp Duty holiday is due to reduce at the end of June and the Corona Virus Job Retention scheme contributions also decrease it is expected that the housing market will slow down. Therefore, no variation to the full year projection is anticipated at this stage.
13. Licencing income is £6,000 above target for April to May. This is mainly due to the profiling of income, which can fluctuate. Therefore, the forecast remains unchanged.
14. Hackney Carriage Fees are below target by £17,000 for the first two months of this financial year. This is mainly due to the profiling of income, which can fluctuate.
15. Outdoor facilities income is £5,000 above budget after the first two months of the year. This is partly due to income being profiled for when cash is collected, but this can vary from the income due for specific periods. No full year variation is anticipated at this stage.
16. Based on the current budget profile, Garden Waste income is £15,000 below target at the end of May. The budget allows for further expansion of the service to 23,000 customers by the end of the year. Any shortfall to date is therefore expected to recover as the year progresses and no variation is forecast at this stage.

17. The target for Management Fee income from the leisure centre contractor was removed for 2021/22 budget. This is subject to ongoing negotiations due to the forecast operational losses, which will include the loss of the management fee income for the remainder of the financial year and possibly for future years.
18. The actual to May for the four income areas below in paras 19 to 22 relates to income where an invoice has been raised rather than actual income received. There may be a downturn in income received for these income streams because of the impact of Covid 19 which will be reported as necessary as the year progresses.
19. Industrial Estates rent is showing a minor variation at the end of May. The full year projection is expected to be unchanged.
20. Town Centre rent is £67,000 below the target at the end of May. This shortfall is mainly due to the Covid-19 rent concessions for the Orchards Shopping Centre. No change to the full year projection is anticipated at this stage.
21. Depot rent is showing as £5,000 above budget for April to May. This is due to a balance of rent payment relating to the last financial year. No change to the full year projection is anticipated at this stage.
22. General/miscellaneous property income is showing a minor variation at the end of May. No change to the full year projection is anticipated at this stage.
23. The salaries expenditure to the end of May is a small pressure of £60,000 against the profiled budget. However, the forecast year-end variance currently stands at a pressure of £132,000, which is mainly due to the estimate of the 1.5% pay award for 2021/22 following the National Employer's pay offer to the NJC unions. This was not included in the 2021/22 budget and is subject to change as it has not been formally agreed to date. Appendix A of this report provides further detail on the forecast variance. This position will continue to be monitored closely as we progress through the year.
24. In summary, based on current information available and as outlined in Appendix A, the current forecast year-end position (at the end of May 2021), is an overspend of £468,000 before the use of the Leisure Covid Support Specific Reserve.

### **Miscellaneous**

25. The total remaining in Balance Unallocated is unchanged at £20,000 as there has been no utilisation to date.
26. In May, we received a grant from Ministry of Housing Communities and Local Government relating to homelessness support of £432,728 in respect of Homelessness Prevention Grant. Members are requested to approve the transfer of this sum to Specific Reserves for this purpose.
27. In May the Council received £6,400 from MHCLG in respect of a payment for the Cold Weather Fund. The purpose of this Section 31 grant is to provide additional services for rough sleepers in the cold weather period. Members are requested to approve that this sum be earmarked in Specific Reserve for additional costs incurred by Housing Services.

28. In May, the Council also received two grant payments of £138,433 and £424,761 from the Department for Health and Social Care and West Sussex County Council respectively, for Covid-19 Test and Trace Contain Management Outbreak Fund (COMF). The purpose of this grant is to provide support for councils incurring expenditure in relation to the mitigation against and management of local outbreaks of COVID-19. Members are requested to approve the transfer of these sums, totalling £563,194, to Specific Reserves to meet these additional costs.
29. In April, we received a grant payment of £21,215 from the DWP in respect of Implementing Welfare Reform. Members are requested to approve the transfer of this sum to specific reserves to meet this additional cost.
30. In April grant totalling £27,618 was received from the DWP to meet the costs of new burdens relating to Verify Earnings & Pensions grant. Members are requested to approve the transfer of this sum to specific reserves to meet this additional cost.
31. In May, the Council received £5,000 from MHCLG in respect of a payment for Rough Sleepers. Members are requested to approve that this sum be earmarked in Specific Reserve for additional costs incurred by Housing Services.
32. In April and May, the Council also received three grant payments from Department for Work and Pensions (DWP) of £948 in respect of New Burdens Savings Credit Uplift, £542 for Single Persons Discount Gateway and £1,483 for Housing Benefit Matching Service. Members are requested to approve the transfer of these sums to Revenues and Benefits New Burdens specific reserves to meet these additional costs.
33. In May, grant of £166,800 was received from Department for Work and Pension (DWP) in respect of New Burdens Funding for additional costs associated with the administration of grant schemes by Local Authorities during the pandemic. Members are requested to approve the transfer of this sum to the Revenues and Benefits New Burdens specific reserves to meet these additional costs.
34. In May, the Council received £33,632 from MHCLG in respect of Domestic Abuse Safe Accommodation Funding to provide specialist support within sufficient safe accommodation to ensure those fleeing domestic abuse, have somewhere safe to go. Members are therefore requested to approve the transfer of this sum to specific reserves to meet this additional cost.
35. In May, grant of £25,000 was received from MHCLG in respect of Additional Emergency Accommodation grant as a one-off payment to contribute to additional emergency accommodation, support and move on costs which have been funded through other MHCLG rough sleeping delivery programmes, including the Next Steps Accommodation Programme. Members are therefore requested to approve the transfer of this sum to specific reserves to meet this additional cost.
36. In May 2021, the Council received £107,395 in respect of Admin Subsidy grant from the MHCLG. We are extending last year's Local Council Tax support Scheme of £150 per recipient and Members are requested to approve the transfer of this sum to specific reserves to meet this cost.

## **CAPITAL SPENDING ON CAPITAL PROGRAMME AND REVENUE PROJECTS**

### **Position to the end of May 2021**

37. The Capital Programme and Revenue Projects for 2021/22, as approved at Council on the 3 March 2021, amounted to £5,558,000. Following the 2020/21 Outturn, this has been increased by £1,556,000, being the slippage of some 2020/21 projects. Therefore, the revised Capital Programme and Revenue Projects totals £7,114,000.
38. Further details relating to these changes are contained in the Outturn 2020/21 report to Cabinet on 7 June 2021. The actual and commitments to the end of May 2021 total £1,418,640.

### **Variances to the 2021/22 Capital Programme and Revenue Projects**

39. At this early stage in the year all projects are progressing as expected, other than those identified in Table 4 under "Proposed variations to the Capital Programme" below.

### **Proposed Variations to the Capital Programme and Revenue Projects**

40. The Council has been successful in securing £3,181,890 from the Coast to Capital LEP for the delivery of a Rural Connectivity Fibre network project (RCP). The project is aimed at supporting digital infrastructure and full fibre roll-out within Mid Sussex building on projects already underway such as the LFFN and CFCP projects. Further details are shown in the Capital Justification in Appendix B of this report. The programme has been amended accordingly.
41. Since the Corporate Plan and Budget 2021/22 report was approved at Council on 3 March 2021, we have received notification of increased funding for Disabled Facility Grants in 2021/22, through the Better Care Fund which is passported onto MSDC from West Sussex County Council. The allocation this year is £1,109,000. This allows additional funding of £209,000 compared to the original budget of £900,000. Also, a further £165,000 unused additional funding received at year-end is available in 2021/22 resulting in a total increase in the DFG budget of £374,000. However, the revised budget for 2021/22 also includes last year's unutilised allocation of £135,000 that was built into the 2021/22 budget following Outturn 2020/21, so the Disabled Facilities Budget total now stands at £1,409,000, of which approximately £352,000 has been committed to date.
42. Purchase of Green Bins in 20/21 was £10k overspent. This overspend related to the early delivery of part of the 2021/22 Garden Waste Bin project financed from capital receipts. Therefore the 2021/22 project totalling £30,000 has been adjusted to £20,000 to account for this.
43. The Council is required to install an air quality monitoring station on the kerbside at 170 London Road East Grinstead. This is to provide accurate and detailed data to inform our assessment as to whether an air quality management area must be declared as the data from the air quality station can be used for detailed dispersion modelling. The cost of this project is £18,190 and will need to be funded from General Reserve. Further details are shown in the Capital Justification in Appendix B of this report. The programme has been amended accordingly.

44. The current programme includes slippage from 2020/21 of £408,000 for the Burgess Hill Place and Connectivity Programme. The next phase of this project now needs to be included in the Capital Programme which is outlined in detail in the Project Justification in Appendix B of this report. £122,000 of this was previously approved for walking and cycling improvements at Fairfield Recreation Ground, Burgess Hill by the Deputy Leader under delegated Cabinet Member decision as detailed in MIS 14 on 7 April 2021. The project total therefore now been increased by £1,684,000 (including the £122k mentioned above) to £2,092,000 and will be funded from LGF grant.
45. The current programme includes £145,000 for the Oaklands Windows Replacement Phase IV project. This project now needs to be increased by £30,000 due to addition of windows to the Council Chamber area which were previously omitted from the refurbishment scheme. Further detail is contained in the MIS 17 report on 28 April 2021. This additional cost will be funded from General Reserve. The project total now stands at £175,000.
46. Due to estimated increased costs of £33,000, the Heating works Phase 3 project needs to be increased from £106,000 to £139,000. This is mainly due to a slight amendment to the original scope of works and a significant increase in the cost of materials, such as copper for the pipework, between budget setting and tender returns. This additional cost will need to be financed from General Reserve. The programme has been amended accordingly.
47. The current programme includes £23,000 for the Burgess Hill Station Revenue Project. In May, a further £50,000 'One Estate' Funding Grant from Brighton & Hove City Council was received for this project. The project total has been increased to £73,000 to reflect this additional funding.
48. The Cabinet Member for Community used his delegated authority to approve the implementation of CCTV at both East Court and Mount Noddy in East Grinstead as detailed in MIS19 on 12 May 2021. The full CCTV system for both sites, including groundworks, is £42,800 partly funded from S106 released via MIS by the Leader, with on-going maintenance costs of £2,400 per annum. The remaining cost of the project will be funded partly from a Proceeds of Crime Act contribution totalling £4,172, leaving £17,370 which will be met from the Community Safety – 'Funding for all' Specific Reserve. The current programme has been updated accordingly.
49. The Programme includes two separate Revenue projects. These are the Refurbishment of Committee Room (£68,000) and Refurbishment of Oaklands Room (£30,000). Since they were approved, the works are being completed under one contract at an increased total cost of £105,000 compared to the original combined cost of £98,000. This relates to the additional asbestos removal costs of this project. Therefore, these projects will now be reported as one. The additional £7,000 needed to finance these costs will be met from General Reserve. The current programme has been amended accordingly.
50. Proposed capital variations are summarised in table 3 below:



<b>Table 3: Capital Programme and Revenue Project Variations April to end May 2021</b>		
	<i>Apr to May</i>	<i>Ref</i>
	<i>£'000</i>	
<b>Capital Projects</b>		
Rural Connectivity Programme	3,182	<i>Para 40</i>
Disabled Facilities Grants.	374	<i>Para 41</i>
Garden Waste Bins	(10)	<i>Para 42</i>
Air Quality Monitoring station	18	<i>Para 43</i>
Burgess Hill Place & Connectivity Programme	1,684	<i>Para 44</i>
Oaklands Windows Replacement Phase IV	30	<i>Para 45</i>
Heating Works Phase 3	33	<i>Para 46</i>
	<hr/>	
Total Capital Projects Variations	5,311	
<b>Revenue Projects</b>		
Burgess Hill Station	50	<i>Para 47</i>
CCTV at East Court and Mount Noddy Recreation Grounds	43	<i>Para 48</i>
Refurbishment of Committee Room	(68)	<i>Para 49</i>
Refurbishment of Oaklands Meeting Room	(30)	<i>Para 49</i>
Refurbishment of Committee Room & Oaklands Meeting Room	105	<i>Para 49</i>
	<hr/>	
Total Revenue Projects Variations	100	
	<hr/>	

51. Taking into account the change detailed above, the overall effect is an increase to the current programme of Capital and Revenue Projects for 2021/22 of £5,411,000. Therefore, the revised programme total for 2021/22 now stands at £12,525,000.

### **TREASURY MANAGEMENT INTEREST**

52. Treasury Management interest for this financial year was projected in the Budget Report to be £171,830 at an average rate of 0.4%. The Budget Report is prepared well before many of the cash flow items are known.
53. The interest receivable forecast is currently below the budget due to the lower than anticipated interest rates available. This is partly caused by the large balances of grant funding held by Local Authorities, so that there is excess cash in the market. Whilst Mid Sussex's average balance is higher than forecast, a large proportion needs to be liquid to be distributed to local businesses and the money market funds rates are barely above zero. Therefore, a very cautious estimated year-end projection for Treasury Management to be earned in the year is £133,606 being £38,224 under target. This position will continue to be monitored closely as we progress through the year.

### **POLICY CONTEXT**

54. This report shows actual financial performance against the original budget, which was approved within the context of the Financial Strategy.

### **FINANCIAL IMPLICATIONS**

55. The financial implications are detailed within the body of this report.

### **RISK MANAGEMENT IMPLICATIONS**

56. There are no risk management implications.

### **EQUALITY AND CUSTOMER SERVICE IMPLICATIONS**

57. There are none.

### **OTHER MATERIAL IMPLICATIONS**

58. There are no legal implications as a direct consequence of this report.

### **SUSTAINABILITY IMPLICATIONS**

59. There are no sustainability implications as a direct consequence of this report.

### **Background Papers**

Revenue Budget 2021/22

## Appendix A

### Forecast Budget Variations for 2021/22 at the end of May 2021

	<i>Pressures in 2021/22</i>	<i>Notes</i>
	<i>£'000</i>	
Season Ticket Income	48	1
Leisure centre re-opening costs	308	2
Sports Consultancy - (Covid)	17	3
1.5% Pay Award for 2021/22	141	4
	<hr/>	
	514	
	<hr/> <hr/>	

Notes:

- (1) See paragraph 8.
- (2) Following ongoing negotiations with the Leisure contractor, additional costs of reopening the Leisure Centres at reduced capacity are expected in 2021/22, subject to monthly open book reconciliations.
- (3) Additional Leisure consultancy providing advisory support on open book reconciliations in order to identify Leisure Centre re-opening costs during the pandemic.
- (4) Estimate of 1.5% pay award for 2021/22 following the National Employers pay offer to the NJC unions. This was not included in the 2021/22 budget.

### Forecast Budget Variations for 2021/22 at the end of May 2021

	<i>Savings in 2021/22</i>	<i>Notes</i>
	<i>£'000</i>	
On-going saving from 2020/21 – Waste Contract Indexation	(37)	5
Building Control Salaries	(9)	6
	<hr/>	
	(46)	
	<hr/> <hr/>	

Notes:

- (5) On-going savings identified in budget management 2020/21 but too late for inclusion in the 2021/22 budget.
- (6) Salary savings due to a member of staff working at a lower grade than budget.

## Capital Project Justification Form

## Rural Connectivity Project (Fibre): Programme &amp; Contract Management Services

**Purpose of project:**

The Council has been successful in securing £3,181,890 from the Coast to Capital LEP for the delivery of a Rural Connectivity Fibre network project (RCP). The project is aimed at supporting digital infrastructure and full fibre roll-out within Mid Sussex building on projects already underway such as the LFFN and CFCP projects.

The Government has classified telecommunications as critical infrastructure and are therefore seeking to both ensure delivery of projects, and where possible, accelerate and/or expand delivery.

The Mid Sussex Rural Connectivity Project (RCP) consists of several projects intended to stimulate economic development through the delivery of open access fibre spines. The project deploys several approaches to deliver duct and fibre:

- Dig Once –duct for full fibre is installed as groundwork is underway on developments and other infrastructure improvements, for example roads. This means duct installation costs are reduced and therefore the cost of fibre roll-out is also reduced;
- Construction of duct and fibre of some 30km, that cannot be built with Dig Once. This will bring the network within 300m of at least 6,000 business that will be able to benefit from full fibre connectivity;
- Connections to existing fibre projects via spurs from villages and rural hotspots; and
- Construction of chambers and cabinets to facilitate fibre to the premise.

The Council has previously agreed this programme to accelerate the deployment of full fibre across the District and it is a Corporate Priority Project. This project will help us achieve our socio-economic objectives via the social value delivered though:

- the procurement route which requires the civils work to be substantively delivered by local firms, with some 85% of local SME spend;
- 9 additional jobs created and over 384 jobs directly safeguarded;
- Over 600 local businesses benefitting from additional productivity;
- Open access commercialisation model delivered through the Cooperative National Infrastructure (CNI) which enables local Alternative Network Providers to commercialise the asset in a state aid neutral way;
- Commercialisation that offers a range of services and technologies to meet business and public sector needs; and
- Open access dark fibre offers for business and public sector to innovate and capture more of the value chain.

The project is overseen within the governance of council's Growth Programme and Digital Connectivity Programme Board, with linked projects (Converged Fibre Connectivity Project or North South link) within the governance of the West Sussex Full Fibre Programme Board.

The programme is now moving into its delivery phase and Balfour Beatty Civil Engineering has been appointed through the SCAPE Civil Engineering Construction Framework (GEN2) to undertake the works. This contractor has also been appointed to undertake

works on the delivery of a related fibre implementation, the Converged Fibre Connectivity Project, which is funded through the Business Rates Retention Scheme, and walking and cycling projects which are part of the Place & Connectivity Programme.

There is a good alignment in the projects in terms of the nature of the works and the selected contractor. This project is commencing in the March 2021 and works are expected to complete 2022.

Since the contractor has been appointed using the SCAPE NEC4 framework, there is an expectation that the client will have in place a suitably qualified and resourced team to manage the programme and contract management. Having a joint approach to this management arrangement would enable schemes to be better coordinated, objectives and outcomes to be better aligned and better value for money to be achieved, as has been demonstrated on the current projects that are being delivered under this framework.

Both WSCC and MSDC have limited available capacity or skills to undertake this activity. Nor is it likely that such skills could be appointed in the timescales necessary for the work to progress according to timetables agreed with funding bodies.

Given the Council's lack of skills, experience and capacity to manage a contract of this complexity and scale, it is proposed to commission the services from an external provider. The cost has been estimated based on soft market testing received from suppliers. This approach to the programme management arrangements for a SCAPE framework contract of this kind is regarded as expected practice and has been discussed with the Business Unit Leader for Corporate Estates, who supports this method of supervising SCAPE works contracts. The council will therefore continue to procure CJ Founds Associates Ltd as specialist project and programme managers who are delivering the other fibre projects. They will undertake the programme and contract management function for this work, as well as facilitating and managing the collaboration across the team, including design and technical partners, sub-contractors and stakeholders. This will enable:

- Strong and consistent management of the contractor which meets best practice standards;
- Expert advice in SCAPE programme management;
- Efficiency in delivery, supporting the Dig Once approach, enabling overall savings; and
- Speedy mobilisation and delivery management to timetable.

The key resources required are Programme Manager, NEC Project Manager /Supervisor, Cost Manager and Project Controls Engineer. Additionally, this team will also integrate statutory functions required from within the Council such as Legal, Estates and Public Realm.

The expected cost of such support for the Burgess Hill fibre programme is approximately £150,000 and is qualifying capital expenditure under the Grant Funding provided by the LEP. Additional design and management support will be provided for the construction activities directly by Balfour Beatty under the SCAPE Framework.

The expected Capital build cost will be c£2.9M and will be subject to review and refinement under each stage of the SCAPE Framework – with a delivery agreement only signed once cost plans have been agreed within budget.

**Total Amount of Grant:** £3.182m

**Capitalised Salaries included in the project total:** N/A

**Other sources of funding:** N/A

**Revenue Implications:** None as commercialised via CNI post build

**Value For Money Assessment:** As above, the funding will enable the provision of programme and contract management arrangements which are good practice in the operation of SCAPE NEC4 construction contracts and likely to result in better value and minimise the risk of the LEP grant not being spent. The above approach will assure delivery in a timely and efficient manner. The industry benchmark is 6% - 10% of the build costs and this been market tested at 4.5% of project budget.

**Business Unit/Service:** Digital Services

**Head of Service (SRO):** Simon Hughes

**Programme Manager:** Marius Kynaston (MSDC Capital Programmes Manager)

**Project Manager:** Chris Founds (CJFA Ltd - Programme and Projects Manager)

**Cabinet Members:** Cllr Stephen Hillier

**Ward Members:** Not Applicable

**This project contributes to achieving the Corporate Plan in the following ways:**

The Rural Fibre Project supports the Council's priorities of sustainable economic growth and resilient communities. The roll-out of full fibre will help to support existing business and encourage new economic activity.

**Summary of discussions with Cabinet Member:**

The proposal is supported by the cabinet member.

Access to full fibre broadband will advance equality of opportunity through better and faster access to public services, support services, information, cheaper goods and services, learning opportunities, means of communication and job opportunities. Full fibre connectivity can encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation of people with protected characteristics is disproportionately low. For example, for children, access to learning opportunities to support them in their education. For the elderly, access to alternative means of communication, such as video conferencing, to keep in better contact with friends and family, tackling issues of rural isolation. For people suffering with a serious illness, or for people wishing to live independently for as long as possible fibre broadband could offer access to supportive technologies such as telehealth and telemedicine. Another positive impact is likely to be reduced need to travel, reducing car and van usage both locally and across the national network, reducing risk of road traffic collisions and reducing air pollution.

**Risk Analysis:**

Risk for the project is managed through the programme arrangements for the overall fibre programme as documented above.

The proposal is prepared to mitigate the risk of ineffective management of suppliers delivering technical services with which we have little experience. There is a risk that the contracted provider will fail to deliver this service effectively and this will be mitigated by

the governance specifically to be established for this work alongside the existing governance within the Growth Programme; the work will be subject to routine periodic review in the life of the contract.

The workstream leads (Legal, Procurement, Technical) are responsible for providing input to the project plan – updating their elements of the plan but with an awareness of the impact of any changes within their workstream on other workstreams. If any changes to the plan result in the overall project tolerance being exceeded (defined parameters such as time and cost), then the workstream leads meet with the Programme Manager to mitigate the effects on the project as a whole and if necessary, feed into an exception report to be delivered to the Programme Board.

A cost tracker is being used to monitor the costs of carrying out the project and this will be reported to the Project Managers Group on a monthly basis. Any potential deviation from the budget will result in an exception report being presented to the Project Board.

A risks and issues log is maintained throughout the duration of the project and a specific log is linked to procurement. Major risks and issues are elevated on a monthly basis.

## Project justification details

### Air Quality Monitoring Station

#### Purpose of project :

To install an air quality monitoring station on the kerbside at 170 London Road East Grinstead to provide accurate and detailed data to inform our assessment as to whether an air quality management area must be declared as the data from the air quality station can be used for detailed dispersion modelling. The air quality station can house more than one analyser and the plan is to install an analyser for nitrogen dioxide as well as an analyser for particulate matter (PM).

**Total Amount : £18,190**

#### Value For Money Assessment:

Statutory responsibility for monitoring and assessing air quality sits with the Council under Part IV of the Environment Act 1995. Areas where pollutants exceed, or are likely to exceed, Government health based air quality objectives are declared as Air Quality Management Areas (AQMAS) and we are required to produce an air quality Action plan (AQAP) to demonstrate how we will improve air quality in the AQMA. Councils are also required to produce an Annual Status Report (ASR) for the Department of Environment, Food and Rural Affairs (Defra) for their approval.

There are different ways to monitor air pollutant levels in the District. Currently, the Council uses a network of passive monitors called diffusion tubes. These measure nitrogen dioxide which is predominantly caused by local road traffic. The Council also uses data from other local authorities monitoring sites for the transboundary pollutants ozone and particulate matter <2.5microns in size (PM<sub>2.5</sub>).

Diffusion tubes provide a low-cost monitoring option that is best used as a screening tool. Mid Sussex has 33 diffusion tubes located throughout the District. The monitoring sites are reviewed annually and the locations are generally chosen where there is relevant exposure, that is, in locations where there are high traffic volumes and houses close to the road, as concentrations of pollutants drop off rapidly with increasing distance from the source. The Council has been monitoring air quality at sites across the district since 1996. Long term monitoring in specific locations provides continuity of data and enables us to identify air quality trends.

Diffusion tube monitoring of nitrogen dioxide at London Road, East Grinstead has indicated a possible exceedance of the air quality objective and this needs further investigation.

An air quality monitoring station at this location will provide accurate and detailed data to inform our assessment as to whether an air quality management area must be declared as the data from the air quality station can be used for detailed dispersion modelling. The air quality station can house more than one analyser and the plan is to install an analyser for nitrogen dioxide as well as an analyser for particulate matter (PM).

An estimate for a new air quality monitoring station was sourced. This included the equipment and installation costs. The cost was £14,000. An opportunity also arose to purchase a second-hand unit from Wealden District Council.

The air quality station being offered by Wealden DC had other parties interested in purchasing it and the decision was made in November 2020 to purchase it for £1,400 as it represented excellent value for money.



**Business Unit/Service** : Environmental Health

**Head of Service** : Tom Clark

**Project Manager:** Yvonne Leddy

**Cabinet Members** : Cllr Norman Webster

**Ward Members** : N/A

**This project contributes to achieving the Corporate Plan in the following ways :**

The Environmental Health Service Delivery Plan 2020-21 includes an objective to install an air quality station (below is the relevant section of the plan). This work has been delayed due to the Covid 19 pandemic

Service Developments	SMART milestone	Milestone date	Support required from other Business Units	Additional Capital/ Revenue cost	Link to priority / outcomes
Identify a site to install an air quality real time monitor which will measure additional pollutants.	<ul style="list-style-type: none"><li>Identify a suitable site</li><li>Identify a supplier</li><li>Legal agreement with landowner</li><li>Secure capital funding</li></ul>	May 2020 June 2020 October 2020 October 2020	Corporate Estates & Facilities Business Unit Legal	£15K with an additional maintenance budget of £5K per year	Public Protection

**Summary of discussions with Cabinet Member:**

Cabinet Member for Community is supportive of our statutory duty to monitor and assess air quality as part of our local air quality management function and agrees with our recommendation to progress the project to install an air quality monitoring station on the kerbside at 170 London Road East Grinstead.

On 24<sup>th</sup> November 2020, the East Grinstead Town Councillors and Mid Sussex District Councillors for the East Grinstead area were invited to a briefing session to explain the Environmental Protection Team's role in managing air quality in general and the issue we are exploring in East Grinstead in particular.

**Previous Consideration at Scrutiny Committee:**

On the 3<sup>rd</sup> February 2021 the Scrutiny Committee for Community, Customer Services and Service Delivery discussed and endorsed a report on our Annual Status Report on air quality and highlight the air quality programme across the District. The Committee endorsed the Environmental Health's approach on air quality management which included this project

**Risk Analysis:**

None identified. Running costs of the equipment have been estimated to take into account potential price increases.

## Project justification details

### Burgess Hill Place and Connectivity Programme

#### **Purpose of project:**

The Burgess Hill Place and Connectivity Programme is a co-ordinated package of investment in public realm and sustainable transport infrastructure improvements. The Programme is part of and integral to the sustainable delivery of the Burgess Hill Growth Programme.

The strategic need for the Place and Connectivity Programme (PCP) is reflected by the approval of a full business case and award of £10.92m of Government Local Growth Fund (LGF) grant funding by the Coast to Capital Local Enterprise Partnership (LEP) in December 2018 (with a 50% match funding requirement). The total value of the funding package is £21.8m.

The Place and Connectivity Programme fulfils a requirement within the Growth Programme to address highway constraints and provide network capacity by improving connectivity between key transport hubs, employment, retail and leisure areas by ensuring that new development is sustainable, accessible and is supported by a high quality environment to ensure sustainable travel is attractive and convenient. Without these, there is a high risk that the existing Burgess Hill road network will experience increased congestion with deterioration of journey times and road safety conditions, resulting in proposed developments within the Growth Programme not being supported and therefore not progressing.

MSDC and WSCC are working in partnership to deliver the Programme following the completion of the Mid Sussex Growth Deal, signed by the Leaders of the District and County Councils in February 2017 to ensure the efficient delivery of projects. This is supported by a signed PCP Partnership Agreement and Financing Arrangement that sets out the parameters for project delivery and funding and confirms PCP governance arrangements, aligning it to the Growth Deal.

#### **Programme Total Amount:**

The LEP has approved £10.92m of Local Growth (grant) Fund (LGF) funding to support the Burgess Hill Place and Connectivity Programme. This includes a commitment of 50% match funding comprising £10.92m from private sector direct delivery and S106 financial contributions.

WSCC is the lead Delivery Body for the Place and Connectivity Programme and is responsible for the relationship with the LEP. An executed Funding Agreement between WSCC and the LEP sets out the obligations for overall delivery and financial management of the Programme.

The terms of the LGF grant required all the funding to be spent by March 2021. However, the LEP has provided flexibility given progress on project delivery. From start of financial year 2021/22, the remaining unspent LGF grant capital is held by WSCC and is ringfenced in full for the delivery of MSDC and WSCC schemes in the Place and Connectivity Programme. The overall implementation date for LGF funded projects remains unchanged at March 2025.

Where projects utilise LGF grant funding, for projects which they are contractual lead, MSDC will forward fund the cost of the works. MSDC will provide the evidence required by WSCC to support a quarterly claim process, to WSCC, to reimburse these costs in accordance with an agreed Financing Arrangement.

MSDC are contractual lead for projects within the PCP totalling up to £6.839m. In July 2019, Cabinet agreed to delegate responsibility to procure civil and associated works via the Scape Procure Civil Engineering Framework up to this value.

MSDC has signed a Main Delivery Agreement for the package of MSDC projects with contractors Balfour Beatty, via the SCAPE Civils Framework, under NEC Option C Target Cost approach up to the value of £5.87m. Individual projects are only proceeded with once individual project target costs are agreed through Project Delivery Agreements. This process has full Growth Programme governance oversight throughout.

Project delivery outside of the Scape Procure Civil Engineering Framework is procured accordingly with Growth Programme governance oversight and in accordance with the MSDC Procurement Code.

The MSDC contractual led projects within the Place and Connectivity Programme will deliver a total spend of up to £6.893m with the indicative costs of each element as summarised in the table below.

<b>Project</b>	<b>MSDC contractual lead</b>
Improvements at Burgess Hill and Wivelsfield Rail Stations	£1.64m
Town Centre Access and Public Realm	£0.86m
Northern Arc links	£2.486m
Town-wide Links to Key Destinations	£0.373m
Burgess Hill to Haywards Heath Cycle Links	£1.48m
<b>Total cost</b>	<b>£6.839m</b>

Project delivery will be flexible and there is flexibility in the Funding Agreement to move funds between each of the MSDC projects, and between projects where MSDC or WSCC is the contractual lead.

The base funding position for schemes where MSDC is the contractual lead is as per the executed Funding Agreement at 50% LGF grant and 50% s106 developer contributions/ direct developer delivery. Works to date and for 2021/22 are 100% funded from LGF grant.

Forecast programme spend 2021/22 <sup>1</sup>	£2,092,000
2020/21 underspend carried over to 2021/22	£407,574
<b>Additional capital requirement 2021/22</b>	<b>£1,684,426</b>

<sup>1</sup> Includes delivery of a mobility corridor by MSDC, including forward funding, on behalf of Homes England to the value of £122,000, agreed for inclusion in the Capital Works Programme 15/04/2021

Arrangements are in place to ensure that any on-going/ revenue costs are assessed, and funding identified prior to schemes progressing.

#### **Value For Money Assessment:**

An assessment of the package has been considered through a Gross Value Added (GVA) assessment undertaken by WSCC which presents a compelling case for public sector investment into the Growth Programme.

The Growth Programme is expected to significantly increase GVA across the local area. The Programme will create over 5,000 new jobs (15,000 new jobs including construction jobs) including high value jobs in technology-led industries within new business parks and a Science and Technology Park, upgrade infrastructure (road improvements, sustainable transport improvements including electric vehicle infrastructure and digital gigabit connectivity) as well as 5,000 new homes and education provision.

A total of £999.3m in private sector investment is anticipated against public sector investment of £64.6m, representing a private:public funding ratio of 15:1.

The increased number of high value jobs relating to planned commercial floorspace, including the Science and Technology Park, totals over 5,000 across Burgess Hill. The current package of measures would principally support connectivity with the town centre and train stations, The Hub and the Northern Arc employment area, which together will deliver up to 113,000sqm of commercial floor space and 3,184 jobs, and provide the supporting network to potentially support a further 100,000sqm of commercial floor space at the Science and Technology Park that will require an additional and bespoke package of measures. In addition, the Programme will improve conditions and connectivity to and within the existing Victoria Business Park.

Assuming that current average outputs per worker per annum (£52,573 as identified in the Mid Sussex Economic Profile 2018) are sustained (and an increase could reasonably be anticipated), this represents an increased economic output of approximately £167.4m per annum (3,184 x £52,573).

**Business Unit/Service:** Planning Policy and Economy

**Head of Service:** Judy Holmes

**Project Manager:**

MSDC have appointed a Strategic Development Project Manager to ensure the Programme is co-ordinated within MSDC and with partners. The person in post has obtained the MSDC corporately sponsored industry recognised APM Project Fundamentals Qualification.

**Cabinet Members:** Cllr Robert Salisbury (Housing and Planning) and Cllr Stephen Hillier (Economic Growth)

**Ward Members :** N/A

**This project contributes to achieving the Corporate Plan in the following ways :**

The Place and Connectivity Programme contributes to achieving the Corporate Plan Council Priorities, in particular sustainable economic growth and strong and resilient communities by delivering a key Council's flagship activity which is the successful delivery of the Burgess Hill Growth Programme. Delivery of the Place and Connectivity Programme is in the Planning and Economy Service Plan.

**Summary of discussions with Cabinet Member :**

Cabinet agreed on 8 July 2019 to procure civil and associated works via the Scape Procure Civil Engineering Framework, up to the value of £6.839m and to add the Mid Sussex led Place and Connectivity Programme projects to the Council's Capital Programme.

**Previous Consideration at Scrutiny Committee :** N/A

**Risk Analysis :**

A detailed risks and issues log is maintained and managed via Burgess Hill Growth Programme governance. In terms of an overview of key risks:

Ineffective governance caused by complications associated with the involvement of several project delivery partners:- This risk is mitigated by robust governance via well-established Growth Programme governance and ensuring clarity from early stages of programme development to delivery; and aligning the Programme with the Mid Sussex Growth Deal.

Delay/ overspend in PCP delivery with negative impact on funding profile e.g. the District Council (and partner organisations) cannot deliver the programme on time and within budget:- This risk is mitigated by procuring MSDC projects via the Scape Procure Civil Engineering Framework that significantly reduces this risk by ensuring that an efficient and effective means of procurement is adopted by the Council; robust Programme Governance and the use of a Quantity Surveyor to manage scheme costs.

**Capital Project Justification Form - revised**

**Rural Connectivity Project (Fibre): Programme & Contract Management Services  
Part 1 - Summary of project**

**Purpose of project:**

The Council has been successful in securing £3,181,890 from the Coast to Capital LEP for the delivery of a Rural Connectivity Fibre network project (RCP). The project is aimed at supporting digital infrastructure and full fibre roll-out within Mid Sussex building on projects already underway such as the LFFN and CFCP projects.

The Government has classified telecommunications as critical infrastructure and are therefore seeking to both ensure delivery of projects, and where possible, accelerate and/or expand delivery.

The Mid Sussex Rural Connectivity Project (RCP) consists of several projects intended to stimulate economic development through the delivery of open access fibre spines. The project deploys several approaches to deliver duct and fibre:

- Dig Once –duct for full fibre is installed as groundwork is underway on developments and other infrastructure improvements, for example roads. This means duct installation costs are reduced and therefore the cost of fibre roll-out is also reduced;
- Construction of duct and fibre some 30km, that cannot be built with Dig Once. This will bring the network within 300m of at least 6,000 business that will be able to benefit from full fibre connectivity;
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- Construction of chambers and cabinets to facilitate fibre to the premise.

The Council has previously agreed this programme to accelerate the deployment of full fibre across the District and it is a Corporate Priority Project. This project will help us achieve our socio-economic objectives via the social value delivered through:

- the procurement route which requires the civils work to be substantively delivered by local firms, with some 85% of local SME spend;
- 9 additional jobs created and over 384 jobs directly safeguarded;
- Over 600 local businesses benefitting from additional productivity;
- Open access commercialisation model delivered through the Cooperative National Infrastructure (CNI) which enables local Alternative Network Providers to commercialise the asset in a state aid neutral way;
- Commercialisation that offers a range of services and technologies to meet business and public sector needs; and
- Open access dark fibre offers for business and public sector to innovate and capture more of the value chain.

The project is overseen within the governance of council's Growth Programme and Digital Connectivity Programme Board, with linked projects (Converged Fibre Connectivity Project or North South link) within the governance of the West Sussex Full Fibre Programme Board.

The programme is now moving into its delivery phase and Balfour Beatty Civil Engineering has been appointed through the SCAPE Civil Engineering Construction Framework (GEN2) to undertake the works. This contractor has also been appointed to undertake works on the delivery of a related fibre implementation, the Converged Fibre Connectivity Project, which is funded through the Business Rates Retention Scheme, and walking and cycling projects which are part of the Place & Connectivity Programme.

There is a good alignment in the projects in terms of the nature of the works and the selected contractor. This project is commencing in the March 2021 and works are expected to complete 2022.

Since the contractor has been appointed using the SCAPE NEC4 framework, there is an expectation that the client will have in place a suitably qualified and resourced team to manage the programme and contract management. Having a joint approach to this management arrangement would enable schemes to be better coordinated, objectives and outcomes to be better aligned and better value for money to be achieved, as has been demonstrated on the current projects that are being delivered under this framework.

Both WSCC and MSDC have limited available capacity or skills to undertake this activity. Nor is it likely that such skills could be appointed in the timescales necessary for the work to progress according to timetables agreed with funding bodies.

Given the Council's lack of skills, experience and capacity to manage a contract of this complexity and scale, it is proposed to commission the services from an external provider. The cost has been estimated based on soft market testing received from suppliers. This approach to the programme management arrangements for a SCAPE framework contract of this kind is regarded as expected practice and has been discussed with the Business Unit Leader for Corporate Estates, who supports this method of supervising SCAPE works contracts. The council will therefore continue to procure CJ Founds Associates Ltd as specialist project and programme managers who are delivering the other fibre projects. They will undertake the programme and contract management function for this work, as well as facilitating and managing the collaboration across the team, including design and technical partners, sub-contractors and stakeholders. This will enable:

- Strong and consistent management of the contractor which meets best practice standards;
- Expert advice in SCAPE programme management;
- Efficiency in delivery, supporting the Dig Once approach, enabling overall savings; and
- Speedy mobilisation and delivery management to timetable.

The key resources required are Programme Manager, NEC Project Manager /Supervisor, Cost Manager and Project Controls Engineer. Additionally, this team will also integrate statutory functions required from within the Council such as Legal, Estates and Public Realm.

The expected cost of such support is approximately £150,000 and is qualifying capital expenditure under the Grant Funding provided by the LEP. Additional design and management support will be provided for the construction activities directly by Balfour Beatty under the SCAPE Framework.

The expected Capital build cost will be c£2.9M and will be subject to review and refinement under each stage of the SCAPE Framework – with a delivery agreement only signed once cost plans have been agreed within budget.

As part of the overall digital infrastructure programme the Council will also provide services to Brighton and Hove City Council (BHCC) to enable them to deliver their Research and Innovation Fibre Ring (RIFR). BHCC's project is complementary to and multiplies the impact of existing digital infrastructure work in Mid Sussex including the LFFN Burgess Hill Fibre and the Rural Connectivity project. Additionally Mid Sussex can provide these services as it is already underway with fibre projects and its contractor is in place under the SCAPE framework.

An Inter Authority Agreement (IAA) has been agreed with BHCC. The £612k proposed project spend in providing services for BHCC will be financed from income/contributions from BHCC under this IAA through BHCC's own grant funding.

The Council's work with BHCC forms a component of the wider ambition to extend and multiply the benefits of digital-tech innovation clusters in the region. This supports a new level of collaboration between tech and engineering clusters (eg, Haywards Heath, Burgess Hill and Brighton), and stimulate growth of clusters. The combined projects help to create a single innovation zone. This will leverage the benefits of collaboration between research institutions

(universities in Brighton), large employers engaged in R&D (American Express in Burgess Hill), research facilities (Digital Catapult for SMEs), along with SME communities in towns and rural Mid Sussex.

**Total Amount of Grant:** £3.2m

**Capitalised Salaries included in the project total:** N/A

**Other sources of funding:** N/A

**Revenue Implications:** None as commercialised via CNI post build

**Value For Money Assessment:** As above, the funding will enable the provision of programme and contract management arrangements which are good practice in the operation of SCAPE NEC4 construction contracts and likely to result in better value and minimise the risk of the LEP grant not being spent. The above approach will assure delivery in a timely and efficient manner. The industry benchmark is 6% - 10% of the build costs and this been market tested at 4.5% of project budget.

**Business Unit/Service:** Digital Services

**Head of Service (SRO):** Simon Hughes

**Programme Manager:** Marius Kynaston (MSDC Capital Programmes Manager)

**Project Manager:** Chris Founds (CJFA - Programme and Projects Manager)

**Cabinet Members:** Cllr Ruth de Mierre

**Ward Members:** Not Applicable

**This project contributes to achieving the Corporate Plan in the following ways:**

The Rural Fibre Project supports the Council's priorities of sustainable economic growth and resilient communities. The roll-out of full fibre will help to support existing business and encourage new economic activity.

**Summary of discussions with Cabinet Member:**

The proposal is supported by the cabinet member.

Access to full fibre broadband will advance equality of opportunity through better and faster access to public services, support services, information, cheaper goods and services, learning opportunities, means of communication and job opportunities.

Full fibre connectivity can encourage people who share a relevant protected characteristic to participate in public life or in any other activity in which participation of people with protected characteristics is disproportionately low. For example, for children, access to learning opportunities to support them in their education. For the elderly, access to alternative means of communication, such as video conferencing, to keep in better contact with friends and family, tackling issues of rural isolation. For people suffering with a serious illness, or for people wishing to live independently for as long as possible fibre broadband could offer access to supportive technologies such as telehealth and telemedicine. Another positive impact is likely to be reduced need to travel, reducing car and van usage both locally and across the national network, reducing risk of road traffic collisions and reducing air pollution.

**Risk Analysis:**

Risk for the project is managed through the programme arrangements for the overall fibre programme as documented above.

The proposal is prepared to mitigate the risk of ineffective management of suppliers delivering technical services with which we have little experience. There is a risk that the contracted provider will fail to deliver this service effectively and this will be mitigated by the governance specifically to be established for this work alongside the existing governance within the Growth Programme; the work will be subject to routine periodic review in the life of the contract.

The workstream leads (Legal, Procurement, Technical) are responsible for providing input to the project plan – updating their elements of the plan but with an awareness of the impact of any changes within their workstream on other workstreams. If any changes to the plan result in the overall project tolerance being exceeded (defined parameters such as time and cost), then the workstream leads meet with the Programme Manager to mitigate the effects on the project as a whole and if necessary, feed into an exception report to be delivered to the Programme Board.

A cost tracker is being used to monitor the costs of carrying out the project and this will be reported to the Project Managers Group on a monthly basis. Any potential deviation from the budget will result in an exception report being presented to the Project Board.

A risks and issues log is maintained throughout the duration of the project and a specific log is linked to procurement. Major risks and issues are elevated on a monthly basis.



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

REPORT OF: Divisional Leader for Planning and Economy  
Contact Officer: Estelle Maisonnial  
Email: [estelle.maisonnial@midsussex.gov.uk](mailto:estelle.maisonnial@midsussex.gov.uk)  
Tel: 01444 477068  
Wards Affected: Copthorne and Worth  
Key Decision: Yes  
Report to: Cabinet 26<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 polices which reflect local distinctiveness.
12. The Neighbourhood Plan was published by the District Council for Regulation 16 public consultation from 9<sup>th</sup> February until 24<sup>th</sup> 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 10<sup>th</sup> 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 1<sup>st</sup> 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 16<sup>th</sup> 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/>

## **Appendix 1 - Copthorne Neighbourhood Plan Decision Statement – 26<sup>th</sup> July 2021**

### **1. Introduction**

- 1.1. Under the Town and Country Planning Act 1990 (as amended), Mid Sussex District Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2. This statement confirms that the modifications proposed by the Examiner's report have been accepted, the draft Copthorne Neighbourhood Development Plan will be altered as a result of it; and that this plan can proceed to referendum.

### **2. Background**

- 2.1. The Copthorne Neighbourhood Development Plan relates to the area that was designated by Mid Sussex District Council as a neighbourhood area in July 2012. This area corresponds with the Copthorne and Worth ward boundary that lies within Mid Sussex District.
- 2.2. Following the submission of the Copthorne Neighbourhood Development Plan to the District Council, the plan was publicised and representations were invited. The formal publicity period ended on Wednesday 24<sup>th</sup> March 2021.
- 2.3. Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed by Mid Sussex District Council with the support of Worth Parish Council, to undertake the examination of the Copthorne Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4. The Examiner's report concludes that subject to making the recommended modifications recommended, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

### **3. Decision**

- 3.1. The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2. Having considered each of the recommendations made by the Examiner's report, and the reasons for them, Mid Sussex District Council in consultation with Worth Parish Council have decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations. The reasons set out have in some cases been paraphrased from the Examiners report for conciseness. This statement should be read alongside the Examiner's Report.
- 3.3. If a Local Planning Authority is satisfied that, subject to the modifications being made, the Neighbourhood Plan meets the legal requirements and basic conditions then it can proceed to Referendum.

Table 1 Examiner's recommended modifications for the Copthorne Neighbourhood Plan and the Council's decision

Examiner's Recommended Modifications	Justification	Decision
<b>1. Introduction</b>		
<p>Include a map to show the boundaries of the neighbourhood area</p> <p>At the end of paragraph 1.3 add: 'The neighbourhood area is shown on Map [insert number]'</p>	To clearly identify the boundaries of the neighbourhood area.	Accepted
<b>Monitoring and Review of the Plan</b>		
<p>Add a new paragraph (1.15) to the Plan to read:</p> <p>'The Parish Council will put measures in place to monitor the effectiveness of the policies in this Plan up to 2031. This process will underpin any decisions on the need or otherwise for the Plan to be reviewed and/or updated. The adoption of the emerging Site Allocations DPD will be an important milestone in the formulation of the wider development plan. In this context the Parish Council will assess the need for any review or update of a made neighbourhood plan within twelve months of the adoption of the DPD'</p>	For clarity purposes.	Accepted
<b>Policy CNP1 General Development Requirements</b>		
<p>In Policy CNP1.2 replace 'unreasonable' with 'unacceptable'</p> <p>In Policy CNP1.3 replace 'possible' with 'practicable'</p> <p>Replace Policy CNP1.5 with: 'Development proposals should be designed and arranged to maintain the separation between Copthorne Village and other surrounding settlements'</p> <p>In Policy CNP1.6 replace 'permitted' with 'supported'</p> <p>The amended part of the policy will read as follows:</p> <p>CNP1.2 Proposals for new development should not cause <del>unreasonable</del> unacceptable harm to the amenity (including general activity, access,</p>	For clarity purposes.	Accepted

<p>noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby.</p> <p>CNP1.3 Proposals should retain features such as shaws, hedgerows, ponds and brooks, and enhance them, where <del>possible</del> <u>practicable</u>.</p> <p>CNP1.5 <del>Development proposals should be laid out to maintain the perception of separation between Copthorne Village and other surrounding settlements.</del> <u>Development proposals should be designed and arranged to maintain the separation between Copthorne Village and other surrounding settlements.</u></p> <p>CNP 1.6 Extensions to existing buildings will be <del>permitted</del> <u>supported</u> provided they adhere to other policies in the development plan and:          (a) Are no higher than the existing building.          (b) Do not conflict with traditional boundary treatment of an area.          (c) Use materials which are compatible with materials of existing/surrounding buildings.</p>		
<b>CNP2 redevelopment and Infill Development within the Defined Built-up area</b>		
<p>Replace the opening part of the policy with: 'Proposals for redevelopment and infill development within the defined built-up area will be supported subject to the following criteria:'</p> <p>In b replace 'detriment' with 'causing unacceptable harm'</p> <p>In c replace 'Does not cause unreasonable harm' with 'The new development will not cause unacceptable harm'</p> <p>The policy as amended will read as follows:</p> <p>CNP2.1 <del>Redevelopment and infill development is supported within the defined built up area subject to meeting the following criteria:</del> <u>Proposals for redevelopment and infill development within the built-up area will be supported subject to the following criteria:</u></p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>(a) The new development will not appear incongruous with the existing character and/or street scene, ensuring the proposed materials, plot size, boundary treatment, built form, building line and gaps between buildings is like those around it.</p> <p>(b) Suitable access and on-site parking are provided without <del>detriment</del> <u>causing unacceptable harm</u> to neighbouring properties, pavements, pathways, footpaths, cycle paths, bridleways, established tracks, twittens, and other Rights of Way.</p> <p>(c) <del>Does not cause unreasonable harm</del> <u>The new development will not cause unacceptable harm</u> to the amenity of existing and future occupants, both on site and nearby by way of general activity, access, noise, privacy, dominance, daylight, and sunlight.</p>		
<p><b>Policy CNP3 Homes for Older People</b></p>		
<p>In Policy CNP 3.1 replace 'be refused' with 'not be supported'</p> <p>Replace Policy CNP 3.2 with: 'Residential developments which incorporate smaller and accessible homes that meet the needs of older people will be particularly supported'</p> <p>Replace Policy CNP 3.3 with: 'Residential developments which achieve a minimum of M4(2) of the optional requirements in the Building Regulations will be particularly supported'</p> <p>The policy as amended will read as follows:</p> <p>Development proposals that would result in the net loss of single storey residential floorspace will <del>be refused</del> <u>not be supported</u>.</p> <p><del>Major development incorporating residential dwellings must include smaller and accessible homes that meet the needs of older people.</del> <u>Residential developments which incorporate smaller and accessible homes that meet the needs of older people will be particularly supported.</u></p> <p>In addition to the requirements of Policy DP28 in the Mid Sussex Local Plan, all new dwellings (regardless of size, type or tenure) should achieve a</p>	<p>To offer support to development types coming forward rather than placing requirement without the appropriate assessment of the implications of the requirement on commercial viability.</p>	<p>Accepted</p>



<p><del>minimum of M4(2) of the optional requirements in the Building Regulations, unless it can be demonstrated that to do so would make the proposal unviable. Residential developments which achieve a minimum of M4(2) of the optional requirements in the Building Regulations will be particularly supported</del></p>		
<p><b>Policy CNP4 Important Community Facilities</b></p>		
<p>In Policy CNP4.1 delete the Prince Albert P.H. (j)</p> <p>In Policy CNP 4.2 replace 'should be refused' with 'will not be supported'</p> <p>Replace Policy CNP4.3 with: 'Proposals that would involve the relocation of an Important Community Facility elsewhere within the neighbourhood area will be supported where the new location is easily and safely accessible to the local community by foot or cycle'</p> <p>The policy as amended will read as follows:</p> <p>CNP4.1 The following facilities, as identified on the Policies Map, are designated as Important Community Facilities:</p> <ul style="list-style-type: none"> <li>(a) Copthorne Surgery</li> <li>(b) Copthorne C of E Junior School</li> <li>(c) Fairway Infant School</li> <li>(d) Copthorne Village Hall</li> <li>(e) Delmar Morgan Centre</li> <li>(f) Copthorne Parish Hub</li> <li>(g) St John the Evangelist C of E Church</li> <li>(h) Copthorne Post Office</li> <li>(i) Copthorne Social Club</li> <li>(j) <del>The Prince Albert Public House</del></li> <li>(k) Copthorne Scout &amp; Guide Centre</li> </ul> <p>CNP4.2 Development proposals that would result in the loss of an Important Community Facility (whether that be the actual facility/building or the use of the facility/building), <del>should be refused</del> <u>will not be supported</u> unless it can be demonstrated that the use and building is no longer required.</p>	<p>To avoid the public house being affected by two similar but not identical policies.</p> <p>For clarity purposes.</p>	<p>Accepted</p>

<p>CNP4.3 <del>Proposals that would involve the Important Community Facility being relocated to elsewhere within the Plan Area may be considered acceptable where the new location is easily and safely accessible by foot or cycle.</del> <u>Proposals that would involve the relocation of an Important Community Facility elsewhere within the neighbourhood area will be supported where the new location is easily and safely accessible to the local community by foot or cycle</u></p>		
<p><b>Policy CNP5 Conversion of Public Houses</b></p>		
<p>In Policy CNP 5.1 replace 'permitted with supported' and add 'commercially' before 'viable'</p> <p>Replace Policy CNP 5.2 with: 'If it can be demonstrated that the existing use is not commercially viable development proposals should demonstrate that the site has been fully considered for another community use and that such uses are also not commercially viable'</p> <p>The policy as amended will read as follows:</p> <p>CNP5.1 Proposals which would result in the loss of a public house will not be <del>permitted</del> <u>supported</u> unless it can be demonstrated that the existing use is no longer <u>commercially</u> viable.</p> <p>CNP5.2 <del>If it can be demonstrated that the existing use is not viable the applicant must demonstrate that the applicant has sought to use the site for another community use before considering other uses (such as residential). Other community uses could include combining the public house function with that of a shop, post office, bed and breakfast or self-catering facility.</del> <u>If it can be demonstrated that the existing use is not commercially viable development proposals should demonstrate that the site has been fully considered for another community use and that such uses are also not commercially viable</u></p>	<p>For clarity purposes.</p>	<p>Accepted</p>
<p><b>Policy CNP5 Conversion of Public Houses – Supporting text</b></p>		
<p>At the end of paragraph 5.6 add: 'Policy CNP5.2 addresses this important matter. It requires that other community facilities are fully assessed before</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>considering the acceptability of non-community uses (such as residential). Other community uses could include combining the public house function with that of a shop, post office, bed and breakfast or self-catering facility'</p>		
<p><b>Policy CNP6 Assets of Community Value</b></p>		
<p>Delete the policy</p> <p>Delete paragraphs 5.7 to 5.11</p>	<p>The policy is appropriate in general terms. However, its approach is confusing for two reasons. The first is that its approach towards the existing ACV (the PH) is dissimilar to that in the policy which specifically comments about the P.H (CNP5). The second is that there are no other ACVs to which the policy would also apply.</p>	<p>Accepted</p>
<p><b>Policy CNP7 Local Green Space</b></p>		
<p>Replace Policy CNP7.2 with: 'Proposals for development on a Local Green Space will not be supported except in very special circumstances.'</p> <p>The amended part of the policy will read as follows:</p> <p>CNP7.2 <del>There will be a presumption against all development on Local Green Space except in very special circumstances. Such circumstances could include:</del></p> <p style="padding-left: 40px;"><del>(a) The proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space; or</del></p> <p style="padding-left: 40px;"><del>(b) The proposal would result in the development of local community infrastructure and be of an appropriate and limited nature, so as not to prevent the use, role and function of the local green space.</del></p> <p><u>Proposals for development on a Local Green Space will not be supported except in very special circumstances.</u></p>	<p>For consistency with the NPPF.</p>	<p>Accepted</p>
<p><b>Policy CNP7 Local Green Space – Supporting text</b></p>		
<p>At the end of paragraph 9.3.9 add: 'Policy CNP7 applies the restrictive policy approach towards development proposals on designated local green spaces.'</p>	<p>For information.</p>	<p>Accepted</p>

<p>Very special circumstances can be considered by the District Council on a case-by-case basis. Such circumstances could include two specific matters. The first is where the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space. The second is where the proposal would result in the development of local community infrastructure and be of an appropriate and limited nature, so as not to prevent the use, role and function of the local green space concerned'</p>		
<p><b>Policy CNP8 Parish Heritage Assets</b></p>		
<p>In Policy CNP8.1 replace 'possible' with 'practicable'</p> <p>Replace CNP8.2 with: 'The effect of a development proposal on the significance of a Parish Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect a Parish Heritage Asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Asset concerned'</p> <p>The policy as amended will read as follows:</p> <p>CNP8.1 Development proposals will be supported where they protect and, where <del>possible</del> <u>practicable</u>, enhance Parish Heritage Assets as identified on the Neighbourhood Plan Policies Map. The Parish Heritage Assets are:</p> <ul style="list-style-type: none"> <li>(a) Rowfant Station</li> <li>(b) Rose Cottage (formerly Rowfant Station House)</li> <li>(c) The Prince Albert Public House</li> <li>(d) Church of St John the Evangelist</li> <li>(e) Lych Gate</li> <li>(f) Copthorne CE Junior School</li> <li>(g) Claremont (former butcher's shop)</li> <li>(h) The Old Bakery</li> </ul> <p><del>CNP8.2 All proposals that directly impact Parish Heritage Assets, or the setting thereof, must describe the impact of the development on the</del></p>	<p>To ensure that the policy has regard to national policy.</p>	<p>Accepted</p>

<p><del>significance of the heritage asset, demonstrating that the significance of that asset will not be adversely impacted. The effect of a development proposal on the significance of a Parish Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect a Parish Heritage Asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the Asset concerned</del></p>		
<p><b>7. Character Areas</b></p>		
<p>At the end of paragraph 7.4 add: 'Certain types of development may alter one or more positive aspects that make up the Character Area. This will be acceptable if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation, and where possible, enhancement. For example, this may involve the strengthening of other positive aspects of the area's character or general enhancement to the area through increased biodiversity, green links and other mitigation measures. Clearly this approach will reflect the scale and nature of development proposals and the Character Area in which they are located'</p>	<p>For clarity purposes.</p>	<p>Accepted</p>
<p><b>Policy CNP9 CA1: The High Weald AONB</b></p>		
<p>Replace Policy CNP9.1 with: 'As appropriate to their scale and nature development proposals within the defined Character Area 1 - The High Weald AONB (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.1 and 4.2 of the Copthorne Heritage and Character Assessment (May 2019)'</p> <p>Replace Policy CNP9.2 with: 'Proposals for additional buildings at Worth Hall should incorporate appropriate vegetation/screening to respect its wider rural setting and character'</p> <p>In Policy CNP9.3 replace 'should be avoided as these can degrade the overall rural character' with 'which would detract unacceptably from the rural character of their immediate location will not be supported'</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>Replace Policy CNP9.4 with: 'Development proposals should have regard to the objectives of the High Weald AONB Management Plan 2019-24 and demonstrate that they meet the relevant elements of these objectives for this nationally important landscape'</p> <p>The policy as amended will read as follows:</p> <p><del>CNP9.1 Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of CA1 (as shown on the Policies Map. The positive aspects are:</del></p> <ul style="list-style-type: none"> <li><del>(a) That buildings are dispersed and generally rural in character.</del></li> <li><del>(b) A good network of PRoWs including bridleways;</del></li> <li><del>(c) Predominantly rural land uses absent of urbanised areas;</del></li> <li><del>(d) A variety of habitats including scrub, woodland, ponds and streams, with mature specimen trees in agricultural fields;</del></li> <li><del>(e) Dense woodland lining the M23 that acts as a buffer, protecting the wider CA from visual and noise effects or the motorway and Crawley to the west.</del></li> </ul> <p><del>Certain types of development may alter one or more positive aspects that make up the Character Area. This is acceptable if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation, and where possible, enhancement. For example, this may be the strengthening of other positive aspects of the area's character or general enhancement to the area through increased biodiversity, green links and other mitigation measures.</del></p> <p><u>As appropriate to their scale and nature development proposals within the defined Character Area 1 - The High Weald AONB (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.1 and 4.2 of the Copthorne Heritage and Character Assessment (May 2019)</u></p>		
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<p>CNP9.2 <del>The cluster of commercial operations at Worth Hall is incongruous with the overarching rural character of the area. Proposals for additional built form should incorporate appropriate vegetation/screening to enhance the wider rural character.</del>  <u>Proposals for additional buildings at Worth Hall should incorporate appropriate vegetation/screening to respect its wider rural setting and character.</u></p> <p>CNP9.3 <del>Proposals that would result in the loss of or change of use of rural buildings or farmsteads to commercial or light industrial ventures should be avoided as these can degrade the overall rural character which would detract unacceptably from the rural character of their immediate location will not be supported.</del></p> <p>CNP9.4 <del>Proposals must have regard to the objectives of the High Weald AONB Management Plan 2019-24. Development must demonstrate that it meets relevant elements of these objectives for this nationally important landscape. Development proposals should have regard to the objectives of the High Weald AONB Management Plan 2019-24 and demonstrate that they meet the relevant elements of these objectives for this nationally important landscape.</del></p>		
<b>Policy CNP9 CA1: The High Weald AONB – Supporting text</b>		
<p>At the end of paragraph 7.5 add: ‘The cluster of commercial operations at Worth Hall is incongruous with the overarching rural character of the area. Policy CNP9.2 seeks to mitigate the effects of any new development at this location’</p> <p>At the end of paragraph 7.7 add:</p> <p>‘Policy CNP9 sets out a policy approach for the High Weald AONB Character Area. It draws on the findings of the Heritage and Character Appraisal. It requires that development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters.</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>The positive aspects are as follows: [List the bullet points from paragraph 4.2.1 of the Assessment]</p> <p>The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.2.3 of the Assessment]’</p> <p>The policy has been designed to be complementary to the High Weald AONB Management Plan. This matter is addressed in Policy CNP 9.4’</p>		
<p><b>Policy CNP10 CA2: Agricultural Belt</b></p>		
<p>Replace Policy CNP10.1 with: ‘As appropriate to their scale and nature development proposals within the defined Character Area 2 - The Agricultural Belt (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.3, 4.4 and 4.5 of the Copthorne Heritage and Character Assessment (May 2019)’</p> <p>Replace the second sentence of Policy CNP10.2 with: ‘Development proposals for new clusters of commercial development will not be supported’</p> <p>Replace Policy CNP10.3 with: ‘Insofar as planning permission is required proposals for new woodland or the reinforcement of existing woodland along the M23 will be supported’</p> <p>The policy as amended will read as follows:</p> <p>CNP10.1 <del>Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of CA2 (as shown on the Policies Map). The positive aspects are:</del></p> <ul style="list-style-type: none"> <li><del>(a) The remnants of the former estate associated with Rowfant House.</del></li> <li><del>(b) Network of PRowS across the CA which includes the Worth Way / Sussex Border Path;</del></li> </ul>	<p>For clarity purposes.</p>	<p>Accepted</p>



<p>(c) <del>Few public roads, agricultural land uses and blocks of woodland creating a tranquil and rural character.</del></p> <p>(d) <del>The series of millponds located along watercourses, and the suite recreational activities these provide (such as fisheries).</del></p> <p>(e) <del>Consistent low density, high boundary treatments and large front gardens of built form.</del></p> <p>(f) <del>Historic sunken lanes, such as Old Hollow.</del></p> <p>(g) <del>Characteristically rural views from PRowS from within the CA including typical features such as mill ponds, woodland and agricultural land.</del></p> <p><del>Certain types of development may alter one or more positive aspects that make up the Character Area. This is acceptable if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation, and where possible, enhancement. For example, this may be the strengthening of other positive aspects of the area's character or general enhancement to the area through increased biodiversity, green links and other mitigation measures.</del></p> <p><u>As appropriate to their scale and nature development proposals within the defined Character Area 2 - The Agricultural Belt (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.3, 4.4 and 4.5 of the Copthorne Heritage and Character Assessment (May 2019).</u></p> <p>CNP10.2 Development proposals associated with existing clusters of commercial development should incorporate appropriate vegetation/screening to enhance the wider agricultural character. <del>Proposals that would create new clusters of commercial development should be refused</del> <u>Development proposals for new clusters of commercial development will not be supported.</u></p>		
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<p>CNP10.3 <del>Proposals which create or reinforce woodland along the M23 will be supported as they will improve the tranquillity and rural character of the area</del> <u>Insofar as planning permission is required proposals for new woodland or the reinforcement of existing woodland along the M23 will be supported.</u></p>		
<p><b>Policy CNP10 CA2: Agricultural Belt – Supporting text</b></p>		
<p>At the end of paragraph 7.9 add:</p> <p>‘Policy CNP10 sets out a policy approach for the Agricultural Belt Character Area. It draws on the findings of the Heritage and Character Appraisal. It requires that development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters.</p> <p>The positive aspects are as follows: [List the bullet points from paragraph 4.5 of the Assessment]</p> <p>The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.5.2 of the Assessment]</p> <p>Policy CNP 10.3 offers support for new or consolidated woodland areas adjacent to the M23. Development of this type will improve the tranquillity and rural character of the area’</p>	<p>For clarity purposes.</p>	<p>Accepted</p>
<p><b>Policy CNP11 CA3: Copthorne Common and Woodland</b></p>		
<p>Replace Policy CNP11.1 with: ‘As appropriate to their scale and nature development proposals within the defined Character Area 3 - The Copthorne Common and Woodland Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.6 and 4.7 of the Copthorne Heritage and Character Assessment (May 2019)’</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>Replace Policy CNP11.2 with: 'Proposals for commercial uses on the A2220 and A264 Copthorne Common Road will not be supported'</p> <p>Replace Policy CNP11.3 with 'Where it is practicable to do so development proposals should reduce the severance caused by the primary roads (including the M23, A2220 and A264) by providing improved pedestrian accessibility'</p> <p>Delete Policy CNP11.4</p> <p>Replace CNP 11.5 with: 'Development proposals should be designed to minimise the extent and significance of manmade features in views of agricultural landscapes, such as pylons, agricultural vehicles or caravans'</p> <p>The policy as amended will read as follows:</p> <p><del>CNP11.1 Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of CA3 (as shown on the Policies Map). The positive aspects are:</del></p> <ul style="list-style-type: none"> <li><del>(a) The large number of mainly 19th century cottages attests to the area's recent past and adds character to the area. The majority are kept in good condition and while amendments have been made the worst excesses of late 20th century home improvement have been avoided. The larger properties have also been well kept which adds to the area's character.</del></li> <li><del>(b) The extensive network of paths including the long distance Sussex Border Path;</del></li> <li><del>(c) The roundabout on Copthorne Common Road (A2220) acts as a node and a gateway to the settlement of Copthorne;</del></li> <li><del>(d) Large areas of woodland which have a high degree of connectivity stretching across the CA west to east and have a rural character and provide a sense of enclosure and tranquillity;</del></li> <li><del>(e) Large areas of common land within the CA well connected to the PRoWs and easily accessed from the surrounding settlements and feature areas important for biodiversity;</del></li> </ul>		
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<p>(f) Views typically are of rural landscapes; either of woodland or agricultural landscapes;</p> <p>(g) Copthorne Common and rural areas surrounding Copthorne provide a verdant backdrop for the settlement; and</p> <p>(h) The area of Copthorne Common within the settlement envelope of Copthorne north of Copthorne Common Road bringing green infrastructure into the settlement</p> <p>Certain types of development may alter one or more positive aspects that make up the Character Area. This is acceptable if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation, and where possible, enhancement. For example, this may be the strengthening of other positive aspects of the area's character or general enhancement to the area through increased biodiversity, green links and other mitigation measures.</p> <p><u>As appropriate to their scale and nature development proposals within the defined Character Area 3 - The Copthorne Common and Woodland Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.6 and 4.7 of the Copthorne Heritage and Character Assessment (May 2019)</u></p> <p>CNP11.2 <del>Proposals for commercial uses on the A2220 and A264 Copthorne Common Road or uses that serve the nearby urban areas are incongruous with the otherwise rural setting and should be refused.</del> <u>Proposals for commercial uses on the A2220 and A264 Copthorne Common Road will not be supported.</u></p> <p>CNP11.3 <del>Development proposals should actively seek to reduce the severance caused by the primary roads (including the M23, A2220 and A264) by providing improved pedestrian accessibility. Where it is practicable to do so development proposals should reduce the</del></p>		
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<p><u>severance caused by the primary roads (including the M23, A2220 and A264) by providing improved pedestrian accessibility.</u></p> <p><del>CNP11.4 The suburban development on Newlands Park is not characteristic of this area and should not be considered a suitable design/style/layout cue for further development within this character area.</del></p> <p><del>CNP11.5 Development that would increase the presence of manmade features in views of agricultural landscapes, such as pylons, agricultural vehicles or caravans should be avoided. <u>Development proposals should be designed to minimise the extent and significance of manmade features in views of agricultural landscapes, such as pylons, agricultural vehicles or caravans.</u></del></p>		
<p><b>Policy CNP11 CA3: Copthorne Common and Woodland – Supporting text</b></p>		
<p>At the end of paragraph 7.12 add:          ‘Policy CNP11 sets out a policy approach for the Copthorne Common and Woodland Character Area. It draws on the findings of the Heritage and Character Appraisal. It requires that development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters.</p> <p>The positive aspects are as follows: [List the bullet points from paragraph 4.7.1 of the Assessment]</p> <p>The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.7.3 of the Assessment]</p> <p>The suburban development on Newlands Park is not characteristic of this area and should not be considered a suitable design/style/layout cue for further development within this character area.</p> <p>The Character Area includes the recent development of land to the west of Copthorne. It has outline planning permission, multiple detailed reserved matters approvals and is currently in the process of being developed. The residential part of the site is now known as Heathy Wood, and the commercial</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>part as St Modwen Park, Gatwick. The development provides a site for a new primary school, contributes to secondary school and sixth form provision, a site for a GP surgery and contributions to bus services and improved sports provision for the village. It will also provide highway improvements, new allotments, a community park and accessible open spaces. As the site continues to be built out it may become a Character Area in its own right. The Parish Council will assess the need or otherwise for a redrawing of the Character Area boundaries when its reviews the neighbourhood plan in due course'</p>		
<p><b>Policy CNP12 CA4: Historic Core</b></p>		
<p>Replace Policy CNP12.1 with: 'As appropriate to their scale and nature development proposals within the defined Character Area 4 - The Historic Core (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.8 and 4.9 of the Copthorne Heritage and Character Assessment (May 2019)'</p> <p>Replace Policy CNP12.2 with 'Proposals for replacement shopfronts on retail properties in Copthorne Bank and Church Road should be designed in a traditional fashion taking account of the wider form, proportions and massing of the overall building'</p> <p>Replace Policy CNP 12.3 with 'Development proposals which utilise traditional tile-hanging will be supported'</p> <p>Delete Policy CNP12.4.</p> <p>The policy as amended will read as follows:</p> <p><del>CNP12.1 Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of GA4 (as shown on the Policies Map). The positive aspects are:</del></p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>(a) <del>The large number of non-designated built heritage assets, mainly well maintained, which contribute to the character of the village.</del></p> <p>(b) <del>Sensitive modern infill with the widespread use of red brick achieving a blend of old and new.</del></p> <p>(c) <del>The 'village feel' resulting from the main urban area only being slightly suburbanised by modern buildings. This 'village feel' is particularly highlighted by the setting of the church within its churchyard.</del></p> <p>(d) <del>The boundary walls of historic large houses and their grounds.</del></p> <p>(e) <del>Copthorne Brook is visible at the bottom of the village green.</del></p> <p>(f) <del>PRoWs which provide easy pedestrian access through the settlement and the residential streets and further public rights of way which link to a wider network outside the CA.</del></p> <p>(g) <del>A number of heritage assets are clustered along the primary roads of the CA.</del></p> <p>(h) <del>Community features are focused around the village green creating a social hub to the settlement.</del></p> <p>(i) <del>Wide residential roads with an established rhythm and spacing of consistently sized dwellings, vegetated front gardens and or front boundary treatments.</del></p> <p><del>Certain types of development may alter one or more positive aspects that make up the Character Area. This is acceptable if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation, and where possible, enhancement. For example, this may be the strengthening of other positive aspects of the area's character or general enhancement to the area through increased biodiversity, green links and other mitigation measures.</del></p> <p><u>As appropriate to their scale and nature development proposals within the defined Character Area 4 - The Historic Core (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the</u></p>		
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<p><u>identified sensitivity to change matters included in sections 4.8 and 4.9 of the Copthorne Heritage and Character Assessment (May 2019).</u></p> <p>CNP12.2 <del>Shopfronts on Copthorne Bank and on Church Road are dominant in the streetscape and detract from the character of the CA and setting of undesignated heritage assets. Shops should therefore adopt traditional shop fronts when they are altered/replaced. Proposals for replacement shopfronts on retail properties in Copthorne Bank and Church Road should be designed in a traditional fashion taking account of the wider form, proportions and massing of the overall building.</del></p> <p>CNP12.3 <del>To maintain the character of the area, proposals should utilise traditional tile hanging rather than timber (or faux) weatherboarding. Development proposals which utilise traditional tile-hanging will be supported.</del></p> <p>CNP12.4 <del>All proposals for new development should take great care to avoid increasing street clutter (such as overhead power / phone cables) and the urbanisation of the CA (such as front gardens being converted to driveways).</del></p>		
<p><b>Policy CNP12 CA4: Historic Core – Supporting text</b></p>		
<p>At the end of paragraph 7.14 add:</p> <p>'Policy CNP12 sets out a policy approach for the Historic Core Character Area. It draws on the findings of the Heritage and Character Appraisal. It requires that development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters.</p> <p>The positive aspects are as follows: [List the bullet points from paragraph 4.9.1 of the Assessment]</p>	<p>For clarity purposes.</p>	<p>Accepted</p>



<p>The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.9.3 of the Assessment]'</p> <p>Shopfronts on Copthorne Bank and on Church Road are dominant features in the streetscape and detract from the character of the conservation area and setting of undesignated heritage assets. Policy CNP12.2 comments about the opportunities to remedy this issue by way of replacement shopfronts</p> <p>The character of the historic core relates in part to the use of traditional building materials. The use of non-traditional materials has the ability to detract from this character. In order to maintain the character of the area, proposals should utilise traditional tile hanging rather than timber (or faux) weatherboarding.</p> <p>Insofar as planning permission is required development proposals should be designed to avoid increasing street clutter (such as overhead power / phone cables) and the urbanisation of the character area (such as front gardens being converted to driveways)'</p>		
<b>Policy CNP13 CA5: Post War Copthorne</b>		
<p>Replace Policy CNP13.1 with: 'As appropriate to their scale and nature development proposals within the defined Character Area 5 - The Post War Copthorne Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.10 and 4.11 of the Copthorne Heritage and Character Assessment (May 2019)'</p> <p>In Policy CNP13.2 replace 'aesthetic' with 'design and approach'</p> <p>The policy as amended will read as follows:</p> <p><del>CNP13.1 Development proposals must sustain or reinforce the positive aspects that make up the individual character and distinctiveness of CA5 (as shown on the Policies Map). The positive aspects are:</del></p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>(a) <del>The larger properties, many of them built on former farmland sold as building plots in the late 19th century indicate the popularity of the area in the decades after the railway was built. Built in differing styles they give a prosperous feel to the village.</del></p> <p>(b) <del>Roads with pavements and connecting footways providing good pedestrian accessibility and many intersecting PRow's providing great permeability through the area.</del></p> <p>(c) <del>Green verges lining our roads and streets.</del></p> <p>(d) <del>Screening vegetation along most of Copthorne Common Road (A264).</del></p> <p>(e) <del>Open nature of residential streets.</del></p> <p>(f) <del>Pockets of pre-war developments and</del></p> <p>(g) <del>Areas of mature vegetation such as the river corridor and the informal path between Calluna Drive and Bridgelands.</del></p> <p><del>Certain types of development may alter one or more positive aspects that make up the Character Area. This is acceptable if its overall character and role is not compromised and measures are taken to limit any impacts through mitigation, and where possible, enhancement. For example, this may be the strengthening of other positive aspects of the area's character or general enhancement to the area through increased biodiversity, green links and other mitigation measures.</del></p> <p><u>As appropriate to their scale and nature development proposals within the defined Character Area 5 - The Post War Copthorne Character Area (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.10 and 4.11 of the Copthorne Heritage and Character Assessment (May 2019).</u></p> <p>CNP13.2 Proposals should seek to minimise negative impacts resulting from additional traffic. In particular, green verges should be protected from vehicles and inappropriate parking. Where measures are put in</p>		
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<p>place to prevent parking on green verges, they should adopt a consistent <u>aesthetic design and approach</u>.</p>		
<p><b>Policy CNP13 CA5: Post War Copthorne – Supporting text</b></p>		
<p>At the end of paragraph 7.17 add:</p> <p>'Policy CNP13 sets out a policy approach for the Post War Copthorne Character Area. It draws on the findings of the Heritage and Character Appraisal. It requires that development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters.</p> <p>The positive aspects are as follows: [List the bullet points from paragraph 4.11.1 of the Assessment]</p> <p>The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.11.3 of the Assessment]'</p>	<p>For clarity purposes.</p>	<p>Accepted</p>
<p><b>Policy CNP14 Our Economy</b></p>		
<p>At the beginning of Policy CNP 14.1 add: 'Insofar as planning permission is required'</p> <p>In Policy CNP 14.1 replace 'are not supported and will only be permitted in exceptional circumstances' with 'will not be supported unless the wider benefits of the proposal outweigh the loss of the retail floorspace concerned'</p> <p>Replace Policy CNP 14.2 with: 'Development proposals that would result in the loss of employment floorspace/land will not be supported unless it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer commercially-viable'</p> <p>Replace Policy CNP14.3 with: 'Development proposals for the provision of improved telecommunication infrastructure will be supported where they do not have an unacceptable impact on residential amenity'</p> <p>Replace Policy CNP14.4 with: 'Development proposals for new employment and commercial development over 100sqm, residential development of one</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>unit or more, replacement residential development, and buildings undergoing significant refurbishment should install Fibre to the Premises broadband connection unless it can be demonstrated that it would not be commercially-viable to do so'</p> <p>The policy as amended will read as follows:</p> <p>CNP14.1 <u>Insofar as planning permission is required,</u> development proposals that would result in the loss of our shops and retail premises within the built-up area boundary (as defined by Mid Sussex District Council), <del>are not supported and will only be permitted in exceptional circumstances</del> <u>will not be supported unless the wider benefits of the proposal outweigh the loss of the retail floorspace concerned.</u></p> <p>CNP14.2 <del>Development proposals that would result in the loss of employment floorspace/land will not be permitted unless; it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer viable.</del> <u>Development proposals that would result in the loss of employment floorspace/land will not be supported unless it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer commercially-viable.</u></p> <p>CNP14.3 <del>Proposals for the provision of improved telecommunication infrastructure are actively encouraged and will be approved where they do not have an unacceptable impact on residential amenity.</del> <u>Development proposals for the provision of improved telecommunication infrastructure will be supported where they do not have an unacceptable impact on residential amenity.</u></p> <p>CNP14.4 <del>All new employment and commercial development over 100sqm, residential development of one unit or more, replacement residential development, and buildings undergoing significant refurbishment, must install Fibre to the Premises (FTTP) broadband connection unless it can be demonstrated that it is not viable to do so.</del></p>		
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<p><u>Development proposals for new employment and commercial development over 100sqm, residential development of one unit or more, replacement residential development, and buildings undergoing significant refurbishment should install Fibre to the Premises broadband connection unless it can be demonstrated that it would not be commercially- viable to do so.</u></p>		
<p><b>Policy CNP14 Our Economy – Supporting text</b></p>		
<p>At the end of paragraph 8.6 add: 'In this context Policy CNP14.1 addresses this important issue. It does so within the wider context of the increased flexibility for retail and commercial uses available within Class E of the Use Classes Order. In general terms the policy would not support a change of use from a retail premises unless the wider benefits of the proposal outweigh the loss of the retail space concerned. Plainly this will involve the District Council making a judgement on a case-by-case basis. However, such exceptional circumstances may exist where the proposal includes the development of a replacement or relocated retail facility or where it can be demonstrated that the retail use is no longer commercially viable and where a replacement community or commercial use would have wider benefits to the community'</p>	<p>For clarity purposes.</p>	<p>Accepted</p>
<p><b>Policy CNP15 Sustainable Transport</b></p>		
<p>Replace the opening element of Policy CNP15.1 with: 'Development proposals will be supported where they otherwise taken account of other policies in the development plan and promote sustainable transport within the Plan Area by:'</p> <p>Replace CNP 15.1 a) with: 'Demonstrating that adequate sustainable transport links already exist, or new sustainable transport links will be provided as part of the development, to Important Community Facilities (set out in Policy CNP4) and open spaces'</p> <p>Delete Policy CNP15. 1 c).</p> <p>The amended part of the policy will read as follows:</p> <p>CNP15.1 <del>Development will be supported providing it promotes sustainable transport within the Plan Area by:</del> <u>Development proposals will be supported where they otherwise taken account of other policies in</u></p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p><u>the development plan and promote sustainable transport within the Plan Area by:</u></p> <p>(a) <del>Demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, retail facilities, GPs' Surgery, recreation open space and other transport links already exist or will be provided as part of the development.</del> <u>Demonstrating that adequate sustainable transport links already exist, or new sustainable transport links will be provided as part of the development, to Important Community Facilities (set out in Policy CNP4) and open spaces.</u></p> <p>(b) Identifying and undertaking appropriate measures, such as highway improvements prior to new development being occupied, to address transport infrastructure inadequacies that the development would have caused.</p> <p>(c) <del>Where a Transport Assessment or Transport Statement is not required, major developments must include analysis of its impact on the highway network and include proposals to mitigate any harmful impacts. This could include, but not be limited to, physical works, financial contributions towards local transport schemes, and the introduction of speed management systems.</del></p> <p>(d) enhancing the existing public footpaths, rights of way, bridle paths, cycle ways and twittens.</p>		
<p><b>Policy CNP15 Sustainable Transport – Supporting text</b></p>		
<p>At the end of paragraph 9.6 add: 'Where a Transport Assessment or Transport Statement is not required major developments should include analysis of its impact on the highway network and include proposals to mitigate any harmful impacts. This could include, but not be limited to, physical works, financial contributions towards local transport schemes, and the introduction of speed management systems'</p>	<p>For clarity purposes.</p>	<p>Accepted</p>
<p><b>Policy CNP16 Car Parking</b></p>		
<p>In Policy CNP 16.1 replace 'propose to remove' with 'which would involve the loss of' and 'permitted' with 'supported'</p>	<p>For clarity purposes.</p>	<p>Accepted</p>

<p>Replace Policy CNP 16.2 with: 'Insofar as planning permission is required development proposals which would result in the loss of parking spaces within an existing garage should provide replacement parking provision in accordance with Policy CNP16.3'</p> <p>In Policy CNP 16.3 replace 'must' with 'should'</p> <p>At the end of Policy CNP 16.3 (as a separate paragraph) add: 'Where it can be demonstrated that the application of the higher standards would have a detrimental impact on the proposed development in general, and in the Historic Core character area in particular, the application of the WSCC standards and which respect the details of the site would be supported'</p> <p>The policy as amended will read as follows:</p> <p>CNP16.1 Developments within the defined Built up Area Boundary which <del>propose to remove</del> <u>which would involve the loss of</u> off-road parking spaces on a site will only be <del>permitted</del> <u>supported</u> where alternative provision is made in accordance with CNP16.3.</p> <p>CNP16.2 <del>Where an existing parking space within a garage will be lost (for example by its conversion to habitable rooms or demolition) parking provision must be made in accordance with CNP16.3. Insofar as</del> <u>planning permission is required development proposals which would result in the loss of parking spaces within an existing garage should provide replacement parking provision in accordance with Policy CNP16.3.</u></p> <p>CNP16.3 New development <del>must</del> <u>should</u> include car parking spaces in accordance with the greater of: The latest WSCC guidance<sup>15</sup> at the time the application is submitted. OR For residential units, provision of on-plot / offstreet car parking spaces in accordance with the following table:</p> <table border="1" data-bbox="338 1310 1229 1378"> <thead> <tr> <th data-bbox="338 1310 786 1350">Number of bedrooms</th> <th data-bbox="786 1310 1229 1350">Number of parking spaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="338 1350 786 1378">1</td> <td data-bbox="786 1350 1229 1378">2</td> </tr> </tbody> </table>	Number of bedrooms	Number of parking spaces	1	2	<p>To acknowledge the fact that in some cases, planning permission is not required for the development concerned.</p> <p>For clarity purposes.</p> <p>To recognise the ability of street parking to generate safety and traffic flow issues in some areas of the neighbourhood areas and to avoid higher parking standards to result in the quality and integrity of overall development layout and format being too dominated by this one factor.</p>	
Number of bedrooms	Number of parking spaces					
1	2					

<table border="1"> <tr> <td>2</td> <td>2</td> </tr> <tr> <td>3</td> <td>3</td> </tr> <tr> <td>4+</td> <td>4</td> </tr> </table>	2	2	3	3	4+	4			
2	2								
3	3								
4+	4								
<p><u>CNP16.4 Where it can be demonstrated that the application of the higher standards would have a detrimental impact on the proposed development in general, and in the Historic Core character area in particular, the application of the WSCC standards and which respect the details of the site would be supported.</u></p>									
<p><b>Policy CNP16 Car Parking – Supporting text</b></p>									
<p>At the end of paragraph 9.12 add: ‘Policy CNP16.2 comments about circumstances where an existing parking space within a garage will be lost (for example by its conversion to habitable rooms or demolition) as a result of proposed development whether to the house concerned or more generally. In some cases, planning permission will not be required for the development concerned (such as the incorporation of an integral garage into the house). In these circumstances the policy acknowledges this matter’</p> <p>In paragraph 9.15 replace ‘bad’ with ‘important’</p> <p>At the end of paragraph 9.15 add: ‘In this context Policy CNP16.3 address the underpinning nature of the policy approach which is to address the on-street parking in the neighbourhood area. There are two important factors at play in the neighbourhood area which will require a nuanced application of the policy approach. The first is that on-street parking in some areas (such as in Copthorne Bank) has a greater ability to generate safety and traffic flow issues than in other areas (such as might exist in residential streets well away from through traffic and commercial/community facilities). In this context applications for new development which can demonstrate that their impact on overall off-street car parking levels is minimal may wish to submit information to demonstrate that they can comfortably be accommodated within the West Sussex County Council standards. The second is that development to higher parking standards may result in the quality and integrity of its overall layout and format being too dominated by this one factor. This may have particular</p>	<p>For clarity purposes.</p>	<p>Accepted</p>							



<p>impacts in the Historic Core Character Area. This matter is addressed in the final part of Policy CNP16.3'</p>		
<p><b>Policy CNP17 New Parking Areas</b></p>		
<p>Replace Policy CNP17.2 with: 'The resulting parking areas should use permeable surfacing or sustainable drainage solutions wherever practicable'</p> <p>The amended part of the policy will read as follows:</p> <p>CNP17.2 <del>Whilst parking areas will often be surfaced with tarmac, the applicant should seek to use permeable surfacing or sustainable drainage solutions wherever possible.</del> <u>The resulting parking areas should use permeable surfacing or sustainable drainage solutions wherever practicable.</u></p>	<p>For consistency purposes.</p>	<p>Accepted</p>

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