

MAKING OF THE COPTHORNE NEIGHBOURHOOD PLAN

REPORT OF: Judy Holmes, Assistant Chief Executive
Contact Officer: Sally Blomfield – Divisional Leader for Planning and Economy
Wards Affected: Copthorne and Worth
Key Decision: N/A
Report to: Council
Date of meeting: 29th September 2021

Purpose of Report

1. The purpose of this report is to recommend that the Council formally 'make' the Copthorne Neighbourhood Plan. The Neighbourhood Plan will then sit alongside the District Plan as part of the Development Plan for Mid Sussex and be used in the determination of planning applications in the Copthorne and Worth ward.

Summary

2. 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. There is one remaining Neighbourhood Plan being prepared, Horsted Keynes.
3. The Copthorne Neighbourhood Plan has been through independent examination and received the support of the community in a Referendum. Mid Sussex District Council is required to formally 'make' the Copthorne Neighbourhood Plan following a successful Referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

Recommendations

4. **It is recommended that Council:**
 - **Notes the outcome of the Copthorne Neighbourhood Plan Referendum; and**
 - **Formally 'makes' the Copthorne Neighbourhood Plan part of the Development Plan for the Copthorne and Worth ward.**

Background

5. Worth Parish Council is the 'qualifying body' with responsibility for preparing the Copthorne Neighbourhood Plan. The 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.
6. 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.
7. The Plan sets out a vision and objectives for the ward and, in line with paragraph 28 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.

8. The Neighbourhood Plan was published by the District Council for Regulation 16 public consultation from 9th February until 24th March 2021.
9. 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. The Examiner concluded that, subject to some modifications to the Plan, it met the Basic Conditions and should go forward to Referendum. These modifications were approved by Cabinet on 26th July 2021.
10. The Copthorne Neighbourhood Plan Referendum was held on 16th September 2021. The result was 446 (87.1%) persons in favour and 64 (12.5%) against. The overall turnout at the Referendum was 12.9 %. The declaration of result is attached as Appendix 1 to this report.

Making of the Neighbourhood Plan

11. The Neighbourhood Planning Act 2017 provides that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful Referendum, holding full weight in relation to the determination of planning applications. However, the Local Planning Authority (LPA) also has a statutory duty to 'make' a Neighbourhood Plan, following a successful Referendum, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
12. The Examiner concluded that the Copthorne Neighbourhood Plan, with modifications, met these legislative obligations. No information has subsequently arisen to suggest the making of the Copthorne Neighbourhood Plan would be in breach with or incompatible with the legislation.

Policy Context

13. 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.

Other Options Considered

14. There are no other options as the LPA has a statutory duty to 'make' a neighbourhood plan, following a successful Referendum, and it meets statutory requirements.

Financial Implications

15. The cost of the Examination was £4,000 and the Referendum cost £6,821. These costs will be met from Government grant now the Plan has achieved a successful Referendum.

Risk Management Implications

16. If the Neighbourhood Plan is not 'made', the Council could be at risk of legal challenge on the basis it has not met the legal requirements for Neighbourhood Development Plans.

Equality and Customer Service Implications

17. 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.

Other Material Implications

18. There are no other material considerations.

Appendices

1. The Declaration of Result of Poll

Background Papers

- The Copthorne Referendum Neighbourhood Plan can be viewed at: <https://www.midsussex.gov.uk/planning-building/neighbourhood-plans>