

Copthorne Neighbourhood Development Plan 2021-2031

**A report to Mid Sussex District Council on the
Copthorne Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Mid Sussex District Council in March 2021 to carry out the independent examination of the Copthorne Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 19 April 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its local character. In this context it includes a series of design and environmental policies based on the identification of Character Areas. It proposes the designation of a package of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Copthorne Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
10 June 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Copthorne Neighbourhood Development Plan 2021-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Mid Sussex District Council (MSDC) by Worth Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on safeguarding the local environment and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by MSDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both MSDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the Submission Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Heritage and Characterisation Study;
- the Assessment of Local Heritage Assets;
- the Local Green Spaces Assessment;
- the Review of Parking Requirements
- the representations made to the Plan;
- the Parish Council's responses to my Clarification Note;
- the adopted Horsham District Planning Framework 2015;
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259;
- the National Planning Policy Framework (2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 19 April 2021. I looked at its overall character and appearance and at those areas affected by the Plan in particular. I maintained the social distancing requirements that were in place at that time. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised MSDC this decision once I had received the responses to the Clarification Note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms that were used to engage the community and statutory bodies in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to November 2020).
- 4.3 The Statement is particularly helpful in the way in which it captures the key issues in a proportionate way and which is then underpinned by more detailed appendices. Sections 3 and 4 of the Statement are particularly effective in the way in which they identify the main issues which were raised and assessed during the initial stages of the Plan's preparation.
- 4.4 The Statement sets out details about the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the Copthorne Magazine survey & early engagement (March 2012);
 - the Copthorne Carnival display & questionnaire (June 2012);
 - the early engagement feedback (August 2012);
 - the call for sites & sites consultation (from February 2013);
 - the St. Modwens plc consultation (July 2013);
 - the Hurst House landowner consultation (November 2013);
 - the consultation on Draft Plan (23 November 2013);
 - the Housing Needs Survey (February 2014);
 - the first Regulation 14 consultation (6 March - 28 April 2017); and
 - the Copthorne Village Survey (July/August 2019).
- 4.5 I am satisfied that the engagement process was both proportionate and robust. It sought to engage with local residents, statutory bodies, local businesses and potential developers in a balanced way.
- 4.6 Appendix 18 of the Statement provides a summary of the comments received on the pre-submission version of the Plan and the Parish Council's responses to the comments. This helps to identify the principal changes that worked their way through into the submission version of the Plan.
- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. MSDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.9 Consultation on the submitted plan was undertaken by MSDC that ended on 24 March 2021. This exercise generated comments from a range of organisations as follows:

- Sport England
- Gatwick Airport Limited
- Tandridge District Council
- St Modwen Developments
- Thames Water
- South East Water
- High Weald AONB Unit
- National Grid
- Option 2 Development Limited
- Highways England
- West Sussex County Council
- Mid Sussex District Council
- Surrey County Council
- Historic England

- 4.10 I have taken account of all the representations received. Where it is appropriate to do so, I refer to particular representations in my assessment of the policies in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the Copthorne and Worth administrative wards of Worth Parish. It has an irregular shape and is based around the built form of Copthorne Village. It was designated as a neighbourhood area in July 2012.
- 5.2 Copthorne is situated in the north-eastern corner of West Sussex and at the northern extent of Mid Sussex District. The northern boundary of the built-up area of Copthorne abuts the green belt of Surrey. The village lies three miles east of Crawley, four miles west of East Grinstead and four miles to the south east of Gatwick Airport. The built-up area of the village is at the most northerly part of the ward. The areas to the south of the built-up area are mainly woodland and within the High Weald Area of Outstanding Natural Beauty.
- 5.3 The neighbourhood area is one of significant contrasts and which reflect its geographic location as described above. The contrasts are neatly captured in the defined Character Areas of the Plan.

The Development Plan

- 5.4 The development plan covering the neighbourhood area is comprehensive. It consists of the adopted Mid Sussex District Plan. The neighbourhood plan is in the fortunate place that the District Plan is relatively recently-adopted and includes a comprehensive range of policies. Policies DP1 Sustainable Economic Development, DP4 Housing and DP6 Settlement Hierarchy of the Plan provide key elements of the strategic approach for the District. New growth is largely based around the well-defined settlement hierarchy in the district. Burgess Hill, East Grinstead and Haywards Heath are identified as category 1 settlements.
- 5.5 Copthorne is one of a series of larger villages (acting as Local Service Centres) identified as category 2 settlements. Larger villages provide key services in the rural area of Mid Sussex. In this context of the settlement hierarchy these settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.
- 5.6 In addition the following policies in the District Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

- DP12 Protection and Enhancement of the Countryside
- DP13 Preventing Coalescence
- DP14 Sustainable Rural Development and the Rural Economy
- DP15 New Homes in the Countryside
- DP24 Leisure and Cultural Facilities and Activities
- DP25 Community Facilities and Local Services
- DP26 Character and Design
- DP29 Noise, Air and Light Pollution

DP31 Affordable Housing
 DP35 Conservation Areas

- 5.7 In July 2020 MSDC has published the submission draft (Regulation 19) of its Sites Allocations Development Plan Document. Its role is to identify additional sites throughout the District to accommodate its residual housing requirement. It also sets out additional strategic policies and identifies additional employment sites. This document proposes the allocation of 2.7 hectares of land to the north of the A264 at junction 10 of the M23 (SA4) for employment use.
- 5.8 The submitted Plan has been prepared correctly and properly within this current adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is also clear that the submitted Plan adds value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 19 April 2021. I maintained the social distancing measures in force at that time. I drove into the neighbourhood area along the A264 from the M23. This gave me an initial impression of its setting and character in general terms. It also highlighted its connection to the strategic road system and to Crawley to the west
- 5.10 I looked initially at the Heathy Wood development. I saw its accessibility to the strategic road network and the way in which it was incorporated into the wider landscape.
- 5.11 I then looked at the centre of the village based around Copthorne Bank. I saw the variety of retail and commercial facilities and the way in which they were spread out along the road.
- 5.12 I then looked at Borers Arms Road. I saw the scale and significance of the Francis Court Care Home and the spacious nature of the houses and their plots in this part of the village. I then looked at the Church, the School and the village green. I saw the attractive way in which the Parish Hub building had been incorporated into the wider church grounds and provided an important community hub and central meeting point.
- 5.13 I then walked along Newtown to Copthorne Common Road. I saw the scale and significance of the Common and Golf Course and the way in which they marked a very clear distinction between the built part of the neighbourhood area and the areas to the south.
- 5.14 Thereafter I drove to the parts of the neighbourhood area to the south of Copthorne. I looked at the Crawley Garden Centre off the A2220 and the associated airport car parking.

- 5.15 Thereafter I drove to Crabbet Park and Rowfant. I saw the sensitivity of this part of the neighbourhood area and its proximity and access to Crawley to the immediate west of the M23. At various points I saw the attractive and well-used Worth Way.
- 5.16 I finished my visit by driving to Crawley Down and Turners Hill. This helped to understand the way in which the neighbourhood area related to the wider landscape to the south and the east and to adjacent communities.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, comprehensive and informative document. The wider Statement is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Copthorne Neighbourhood Plan:

- a plan-led system– in this case the relationship between the neighbourhood plan and the adopted District Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a

golden thread running through the planning system. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the neighbourhood area. In particular, it includes a series of policies to safeguard and enhance its character and appearance. In addition, it proposes the designation of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for employment development and residential infill development (Policies CNP 2 and 14). In the social role, it includes policies on homes for older people (Policy CNP 3), a range of policies on community facilities (Policies CNP 4-6) and proposing the designation of local green spaces (Policy CNP7). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on heritage assets (Policy CNP 8), character areas (Policies CNP 9-13) and on sustainable transport (Policy CNP15). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Mid Sussex District in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations - Sustainability Appraisal/SEA

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement MSDC undertook a screening exercise (July 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

European Legislation and Habitat Regulations - Habitats Regulations Assessment

- 6.16 In February 2021 MSDC prepared a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of European sites which were assessed as part of the preparation of the District Plan. In particular it assesses the extent to which the policies in the submitted Plan would have any direct or indirect impacts on the Ashdown Forest SAC. The report also looked at the mitigation effects captured in the HRA of the District Plan. That process considered that some housing allocations in the District would be through neighbourhood plans. The expected level of development was taken into account and as such, it is considered that the District Plan HRA can be used as background information for the HRAs of neighbourhood plans.
- 6.18 The Assessment advises that all planning applications proposing a net increase in residential dwellings within the 7km zone around the Ashdown Forest SPA will be required to mitigate their effects of increased recreational pressure in the form of providing two separate financial contributions towards SANG and SAMM measures. The East Court and Ashplats Wood SANG Strategy has been agreed by the District Council and a Joint SAMM Strategy has been approved by Natural England.

- 6.19 In summary the wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.20 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

European Legislation and Habitat Regulations – Human Rights

- 6.21 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.22 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-3)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction provides helpful information about the context of the Plan. It identifies the Plan period and when the neighbourhood area was designated. It provides an introduction to the basic conditions and the local planning policy context. Whilst this part of the Plan properly describes the neighbourhood area it does not provide a map showing the area concerned. I recommend that this matter is remedied by the inclusion of a map in this part of the Plan to identify the boundaries of the neighbourhood area

Include a map to show the boundaries of the neighbourhood area

At the end of paragraph 1.3 add: 'The neighbourhood area is shown on Map [insert number]'

- 7.10 Section 2 comments about the Plan's Vision and Objectives. It is well-constructed. The Vision is supported by five distinctive objectives and which feed directly into the Plan's policies.

- 7.11 Section 3 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. In particular it comments about the relationship between the neighbourhood area and Gatwick Airport. It also comments about the recent residential growth which has taken place and how it can be incorporated into the established community
- 7.12 Thereafter the remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy CNP1 General Development Requirements

- 7.13 This is a general policy which sets out development requirements throughout the neighbourhood area. It sets out a series of criteria which include the identified character areas, biodiversity, access and amenity matters.
- 7.14 It is a well-designed policy. I recommend detailed modifications to the wording of the policy so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions

In Policy CNP1.2 replace ‘unreasonable’ with ‘unacceptable’

In Policy CNP1.3 replace ‘possible’ with ‘practicable’

Replace Policy CNP1.5 with: ‘Development proposals should be designed and arranged to maintain the separation between Copthorne Village and other surrounding settlements’

In Policy CNP1.6 replace ‘permitted’ with ‘supported’

Policy CNP2 Redevelopment and Infill Development within the Defined Built-up area

- 7.15 This policy addresses development proposals within the defined built-up area. Its positive approach is in general conformity with the strategic policies in the development plan. This matter is addressed comprehensively in the supporting text.
- 7.16 I recommend detailed modifications to the opening element of the policy and to the second and third criterion. In their different ways they will bring the clarity required by the NPPF without affecting the intended approach in the submitted policy.

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:’

In b replace ‘detriment’ with ‘causing unacceptable harm’

In c replace ‘Does not cause unreasonable harm’ with ‘The new development will not cause unacceptable harm’

Policy CNP3 Homes for Older People

- 7.17 This wider policy comments about the requirement for homes for older people. The Plan comments about the trend for single storey properties (such as bungalows) that provide suitable accommodation for the elderly to be extended by having a second floor added. This turns smaller single-level properties into larger family homes. This has led to a reduction in suitable accommodation for the older people.
- 7.18 Policy CNP3.1 comments about the loss of single storey houses. It meets the basic conditions subject to a detailed modification to the wording used.
- 7.19 The second and third parts of the policy go beyond national and local policy in terms of the size of homes (CNP3.2) and in terms of levels of internal accessibility (CNP3.3). In particular Policy CNP3.3 includes a requirement to meet the optional M4(2) standard of the nationally approved building regulations.
- 7.20 MSDC contends that the second and third parts of the policy are not evidence-based and fail to take account of the findings of the Inspector's report on the District Plan. In its response to the clarification note the Parish Council commented that:
- 'This matter is considered on page 18 of the submitted Consultation Statement. The 2020 MHCLG consultation "Raising accessibility standards for new homes" 1 confirms that the estimated cost per dwelling would be in the region of £1,400 per dwelling. With average property prices in Mid Sussex standing at £400,293, against the national average of £268,291 in February 2021 this figure would easily be accommodated within the cost of a new build dwelling. Viability of a project is therefore unlikely to be impacted. The Parish Council accepts however that an in-depth viability appraisal has not been undertaken to demonstrate this and for this reason the policy wording includes the ability to not meet the requirement if it would render the scheme unviable'*
- 7.21 This information is very helpful. Nevertheless, I am not satisfied that these elements of the wider policy have assessed the implications on commercial viability of such developments in a bespoke fashion within the neighbourhood area. Similarly, the general applicability of the types of sites which are likely to come forward within the Plan period has not been assessed. In these circumstances I recommend that the two policy elements are recast so that they offer support to such development types coming forward rather than requiring it to be the case. In any event the wider matter has the ability to be refreshed and updated as the building regulations are reviewed.

In Policy CNP 3.1 replace 'be refused' with 'not be supported'

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'

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'

Policy CNP4 Important Community Facilities

- 7.22 The policy recognises the importance of the various community facilities to the well-being of the neighbourhood area.
- 7.23 In this context it identifies a series of ‘Important Community Facilities’ which should be retained other than in identified circumstances. In doing so it has regard to viability considerations and the possibility that the facilities may be relocated (either in their own right or as part of a wider development proposal). In this regard it sets out guidance for the location/accessibility of any replacement facilities.
- 7.24 The policy takes a positive approach to this matter. I am satisfied that the identified important community facilities are appropriate in terms of their significance to be identified in the Plan. Nevertheless, I recommend that the Prince Albert P.H. is deleted from the list. This is not to diminish its obvious importance to the community but to acknowledge that it has its own separate policy (CNP5). Otherwise, there would be a risk that planning applications affecting the public house would be affected by two similar but not identical policies.
- 7.25 I recommend detailed modifications to the wording of the second and third parts of the policy to bring the clarity required by the NPPF. Otherwise, the wider approach meets the basic conditions. The policy will play a significant role in delivering the social dimension of sustainable development in the neighbourhood area.

In Policy CNP4.1 delete the Prince Albert P.H. (j)

In Policy CNP 4.2 replace ‘should be refused’ with ‘will not be supported’

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’

Policy CNP5 Conversion of Public Houses

- 7.26 This policy follows on from the previous policy. In this case it has a very specific focus on the Prince Albert P.H. As the Plan comments it is the only public house in the neighbourhood area. I recommend detailed modifications to the wording used. Otherwise, it meets the basic conditions. The policy will play a significant role in delivering the social dimension of sustainable development in the neighbourhood area.
- 7.27 The second part of the policy sets out a cascade approach whereby any proposals which would involve the conversion of the P.H. to other uses should first consider other community uses. Whilst I am satisfied that the approach is appropriate, I recommend that its wording is modified so that it brings the clarity required by the NPPF. In doing so I recommend that the supporting text in the policy is positioned elsewhere in the Plan.

In Policy CNP 5.1 replace ‘permitted with supported’ and add ‘commercially’ before ‘viable’

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’

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 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’

Policy CNP6 Assets of Community Value

- 7.28 This policy concludes the wider approach on community facilities. In this case it has a focus on Assets of Community Value (ACV). In its response to the clarification note the Parish Council advised that the Prince Albert P.H. is currently designated as an ACV. It also commented that it is reviewing its approach to ACVs and may wish to propose additional facilities either in the short-term or more generally within the Plan period. The policy comments that development proposals affecting an ACV will be supported where it can be demonstrated that the development will not adversely affect the benefits that the asset provides to the local community or the reasons why the land was nominated to be of community value.
- 7.29 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.
- 7.30 In the circumstances I recommend that the policy is deleted. In the event that additional ACVs are designated a policy of a similar nature could be proposed for inclusion in any review of the Plan.

Delete the policy

Delete paragraphs 5.7 to 5.11

Policy CNP7 Local Green Space

- 7.31 The policy proposes a package of Local Green Spaces (LGSs). It is an excellent local response to the approach in the NPPF on the designation of LGSs. In particular it is underpinned by the detailed Assessment paper (August 2020).
- 7.32 I looked at the proposed LGSs carefully during the visit. I saw that they ranged from traditional open spaces in residential estates to the more extensive areas such as Copthorne Common.

- 7.33 Taking account of all the available information I am satisfied that the proposed LGSs meet the criteria in paragraph 100 of the NPPF. In particular they are in close proximity to the communities that they serve and are local in character. On the latter point the information provided by the Parish Council on the size of three of the proposed LGS was very helpful.
- 7.34 In addition, I am satisfied that their proposed designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. Their designation does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are established elements of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the LGSs would not endure beyond the end of the Plan period.
- 7.35 The policy itself identifies and designates the proposed LGSs. It then applies the restrictive policy approach as set out in the NPPF. However, it then seeks to identify the very special circumstances which may apply to warrant a departure from this restrictive approach. Whilst this approach is helpful it goes beyond the matter-of-fact approach included in the NPPF. On this basis I recommend that this aspect of the policy is replaced by more general wording. Very special circumstances can be considered by MSDC on a case-by-case basis rather than through a policy approach trying to anticipate future circumstances. Nevertheless, I recommend that the deleted element of the policy is repositioned into the supporting text. Otherwise, it meets the basic conditions.

Replace Policy CNP7.2 with:

‘Proposals for development on a Local Green Space will not be supported except in very special circumstances.’

At the end of paragraph 9.3.9 add: ‘Policy CNP7 applies the restrictive policy approach towards development proposals on designated local green spaces. 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’

Policy CNP8 Parish Heritage Assets

- 7.36 The Plan incorporates an assessment of the non-designated heritage assets (Local Heritage Assets 2020) to identify those structures considered to be locally valuable and important for their historic value. This policy designates the most significant non-

designated assets as 'Parish Heritage Assets'. The second part of the policy sets out the policy implications of this course of action.

- 7.37 I am satisfied that the identified Parish Heritage Assets are appropriately-defined. They reflect the character and the heritage of the neighbourhood area. The second part of the policy is rather matter-of-fact in requiring that the significance of that asset will not be adversely impacted by development proposals. This will often be the case. Nevertheless paragraph 197 of the NPPF sets out a more nuanced approach where the scale of any harm is balanced against the significance of the affected asset. I recommend a modification to ensure that the policy has regard to national policy.

In Policy CNP8.1 replace 'possible' with 'practicable'

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'

Character Area Assessment Policies

- 7.38 Policies CNP9 to CNP13 provide bespoke policy approaches to the five identified Character Areas in the Plan. The policies and the Character Assessment work are a central part of the Plan. In addition, they are an excellent local response to the localism agenda.
- 7.39 Each policy includes standard commentary about the balancing act which will inevitably take place in the determination of planning applications. In its response to the clarification note the Parish Council commented that it has tried to take a pragmatic approach, acknowledging that some proposals may cause minor harm to the positive aspects identified in each character area. Accordingly, the text at the end of the first part of each policy seeks to confirm that minor harm may be acceptable where compensatory improvements to other aspects are included as part of proposals.
- 7.40 I recommend that this element of each policy is incorporated into the initial preamble of Chapter 7 of the Plan rather than within each of the policies. This will reflect that it is effectively supporting text (to explain how the policies will be interpreted) rather than a direct policy. MSDC will be able to reach a balanced decision on planning applications in the various Character Areas based on the interplay between the policy concerned, the Heritage and Character Assessment and the wider supporting text. I recommend modifications to the detailed Character Area policies in turn in the following sections of the report. To avoid repetition, I will not include this explanation on a policy-by-policy basis.

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'

- 7.41 The policies themselves are partly descriptive in nature. This reduces their effectiveness to the decision-maker. MSDC raise a similar comment in its representation. I recommend modifications to the wording to each policy to remedy this matter. The effect of the modifications will be to offer support for development proposals which take account of the findings of the Heritage and Character Assessment in general, and the positive aspects and the sensitivity to change matters identified in the Assessment for each Character Area in particular. In this context I also recommend that the supporting text includes key elements from the relevant section of the Assessment.
- 7.42 I also recommend that the modifications reflect that the character area policies will need to be applied proportionately based on the scale and nature of the proposal concerned. Plainly larger proposals will have a greater ability to impact on the 'sensitivity to change' elements of the relevant Character Area. I recommend modifications to the wording to each policy to address this matter. To avoid repetition, I will not include this explanation on a policy-by-policy basis.
- 7.43 After the initial general element each policy then includes a bespoke series of components which relate to the character area concerned. Where necessary I recommended modifications to these policies to ensure that they meet the basic conditions. In some cases, I do so by replacing certain words within the policy. In other cases, it is more straightforward to recommend a replacement policy. In both cases the effect is to refine and clarify the approach taken in the submitted Plan.

Policy CNP9 The High Weald AONB Character Area

- 7.44 This policy addresses the High Weald AONB Character Area. As the Plan describes it is defined by a gently undulating landform and limited development consisting of occasional farmsteads. The area includes a range of forestry tracks and footpaths.
- 7.45 I recommend modifications to address the comments in paragraph 7.40 and 7.42 of this report.
- 7.46 In CNP9.2 (on Worth Hall) I recommend that the explanatory information is deleted from the policy and repositioned into the supporting text. Otherwise, it meets the basic conditions.
- 7.47 I recommend detailed modifications to the wording of CNP9.3 to bring the clarity required by the NPPF. Otherwise, it offers a positive response to the longer-term protection and use of rural buildings and farmsteads which are an important element of the distinctiveness of the defined Character Area.
- 7.48 The fourth part of the policy comments about the overlaps with the High Weald AONB Management Plan. I recommend detailed modifications to the policy itself so that it has the clarity required by the NPPF. I also recommend that the supporting text directly addresses this matter to provide a context to the policy. Otherwise, the approach meets

the basic conditions. In particular it will ensure that the Plan and the AONB Management Plan are applied in a complementary fashion.

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)’

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’

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’

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’

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’

At the end of paragraph 7.7 add:

‘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.

The positive aspects are as follows: [List the bullet points from paragraph 4.2.1 of the Assessment]

The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.2.3 of the Assessment]’

The policy has been designed to be complementary to the High Weald AONB Management Plan. This matter is addressed in Policy CNP 9.4’

Policy CNP10 The Agricultural Belt Character Area

- 7.49 This policy addresses the Agricultural Belt Character Area. As the Plan describes it is defined by historic farmsteads which are scattered across an agricultural and wooded

landscape. There is a sense of tranquillity due to the limited road network and sparse development.

- 7.50 I recommend modifications to address the comments in paragraph 7.40 and 7.42 of this report.
- 7.51 Policy CNP10.2 comments about development proposals which may affect the existing clusters of commercial properties in the character area. The first part of that policy meets the basic conditions. I recommend modifications to the second part of the policy to bring the clarity required by the NPPF
- 7.52 Policy CNP10.3 comments about proposals for new tree planting adjacent to the M23. I recommend modifications to its wording so that it specifically refers to tree planting. As submitted, it could be interpreted as supporting otherwise unacceptable development which included planting along the M23. I also recommend that the policy recognises that tree planting works are likely to benefit from permitted development rights.

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)’

Replace the second sentence of Policy CNP10.2 with: ‘Development proposals for new clusters of commercial development will not be supported’

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’

At the end of paragraph 7.9 add:

‘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.

The positive aspects are as follows: [List the bullet points from paragraph 4.5 of the Assessment]

The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.5.2 of the Assessment]

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’

Policy CNP11 The Copthorne Common and Woodland Character Area

- 7.53 This policy addresses the Copthorne Common and Woodland Character Area. As the Plan describes it is primarily a wooded landscape interspersed by irregularly shaped agricultural fields and common land. It is an area that is often referred to as Copthorne's 'Green Ring'. It benefits from plentiful public access afforded by Copthorne Common, Pot Common and the footpath network providing accessible recreational resources.
- 7.54 I recommend modifications to address the comments in paragraph 7.40 and 7.42 of this report.
- 7.55 I recommend modifications to Policy CNP11.2 to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.
- 7.56 Policy CNP11.3 comments about the potential for development proposals to reduce the severance caused by main roads in this part of the neighbourhood area. I recommend that the policy is modified so that it reflects that this outcome may not always be practicable. Otherwise, it meets the basic conditions.
- 7.57 Policy CNP 11.4 comments that the Newlands Park development should not be seen as characteristic of the character area. I agree that this is the case. However, it is supporting text rather than policy and I recommend accordingly.
- 7.58 I recommend detailed modifications to Policy CNP11.5 to ensure that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions.
- 7.59 The representation from St. Modwen Developments comments about the ongoing development of Heathy Wood in the western part of the character area, and to the immediate east of the M23. It has outline planning permission, multiple detailed reserved matters approvals and is currently in the process of being developed. It includes an associated commercial element (St Modwen Park, Gatwick). The development provides a site for a new primary school, contributes to secondary school and sixth form provision, provides 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.
- 7.60 The representation also comments that MSDC's emerging Site Allocations DPD is accompanied by an update to the Policies Map that shows the urban area boundary of Copthorne extended to encompass the new development on the land west of Copthorne. In addition, the emerging DPD includes a site for employment use (SA4). The company contends that the development of Heathy Park is a significant material consideration that affects the growth of Copthorne and should be taken into account in the Plan if it is to represent the current conditions and context around the village. It suggests that the on-going construction of the land west of Copthorne (and potentially the allocation of SA4) should be acknowledged within a sixth character area. It suggests that the latest built-up area boundary for Copthorne as recently published by MSDC will assist in creating a new character area for this part of Copthorne.

7.61 I have considered this matter carefully. In doing so I have taken account of the Parish Council's response to the St Modwen representation in the clarification note. Plainly the development of the site largely post-dates the work on the Heritage and Character Assessment leading up to its publication in May 2019. In these circumstances I recommend that the supporting text is expanded to address this issue. I also recommend that the text comments about the potential need to review the boundaries of the Character Area as this site is further built out. This could practically be achieved as part of a wider review of the neighbourhood plan. I address this matter more widely in paragraphs 7.87 and 7.88 of this report. Plainly the absence of a specific character area for Heathy Wood does not otherwise prevent the implementation of the various consents which exist on the site.

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)'

Replace Policy CNP11.2 with: 'Proposals for commercial uses on the A2220 and A264 Copthorne Common Road will not be supported'

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'

Delete Policy CNP11.4

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'

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.

The positive aspects are as follows: [List the bullet points from paragraph 4.7.1 of the Assessment]

The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.7.3 of the Assessment]

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.

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 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'

Policy CNP12 The Historic Core Character Area

- 7.62 This policy addresses the Historic Core Character Area. As the Plan comments it is primarily a residential area with clusters of commercial activity along Copthorne Bank, Borers Arm Road and Church Road. It is interspersed with a number of historic buildings contributing to a rich sense of place.
- 7.63 I recommend modifications to address the comments in paragraph 7.40 and 7.42 of this report.
- 7.64 Policy CNP12.2 comments about the impact of existing shopfronts in Copthorne Bank and Church Road and how any planning applications for replacement shopfronts should be considered. I recommend that the policy is modified so that it makes a clear distinction between the underlying approach (in the supporting text) and the policy itself.
- 7.65 Policy CNP12.3 comments about the use of traditional materials. I recommend that the policy is modified so that it makes a clear distinction between the underlying approach (in the supporting text) and the policy itself.
- 7.66 Policy CNP12.4 comments that development proposals should take great care to avoid increasing street clutter (such as overhead power / phone cables) and the urbanisation of the Character Areas (such as front gardens being converted to driveways). This approach is understandable. However, in many cases the examples identified are either permitted development or controlled by other legislation. In these circumstances I recommend that the policy is deleted. However, I recommend that its approach is captured with modifications in the supporting text.

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)'

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'

Replace Policy CNP 12.3 with 'Development proposals which utilise traditional tile-hanging will be supported'

Delete Policy CNP12.4.

At the end of paragraph 7.14 add:

'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.

The positive aspects are as follows: [List the bullet points from paragraph 4.9.1 of the Assessment]

The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.9.3 of the Assessment]'

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

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.

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)'

Policy CNP13 The Post-War Copthorne Character Area.

- 7.67 This policy addresses the Post-War Copthorne Character Area. As the Plan describes it contains the post-war primarily residential expansion of Copthorne. It consists mainly of two storey, post-war housing with a suburban density of built form. It has a regular structure to the residential developments of a singular loop of residential streets with many short cul-de-sacs.

- 7.68 I recommend modifications to address the comments in paragraph 7.40 and 7.42 of this report.
- 7.69 I recommend a detailed modification to Policy CNP13.2 to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

Replace Policy CNP13.1 with: ‘As appropriate to their scale and nature development proposals within the defined Character Area 5 - The Post War Cophthorne 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 Cophthorne Heritage and Character Assessment (May 2019)’

In Policy CNP13.2 replace ‘aesthetic’ with ‘design and approach’

At the end of paragraph 7.17 add:

‘Policy CNP13 sets out a policy approach for the Post War Cophthorne 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.

The positive aspects are as follows: [List the bullet points from paragraph 4.11.1 of the Assessment]

The identified sensitivity to change matters are as follows: [List the bullet points from paragraph 4.11.3 of the Assessment]’

Policy CNP14 Our Economy

- 7.70 The policy comments about various elements of the economy in the neighbourhood area. In particular it addresses retail premises (in Policy CNP14.1), employment floorspace (in Policy CNP14.2), telecommunications infrastructure (in Policy CNP14.3) and broadband connections (in Policy CNP14.4).
- 7.71 Policy CNP 14.1 comments about proposals which would involve the loss of existing retail floorspace. In its response to the clarification note the Parish Council clarified its intentions with regards to the exceptional circumstances as set out in the footnote to the policy. I recommend modifications to the policy to address this matter. I also recommended that the supporting text is expanded to provide a context to the wider issue. In both cases they draw attention to the wider benefits of a development proposal which may outweigh the loss of the retail floorspace concerned. The policy and the text also draw attention to the implications of the introduction of the new Use Class E into the Use Classes Order in September 2020 which provides greater flexibility for business premises to be used for a wide range of retail and commercial uses.

- 7.72 Subject to detailed modifications to bring the clarity required by the NPPF Policies CNP14.2, 14.3 and 14.4 meet the basic conditions.

At the beginning of Policy CNP 14.1 add: ‘Insofar as planning permission is required’

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’

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’

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’

Replace Policy CNP14.4 with: ‘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’

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’

Policy CNP15 Sustainable Transport

- 7.73 This policy offers support to measures which include sustainable transport. Its first part has general effect. The second part offers support to new footpaths and other forms of non-motorised transport. The third part comments about electric vehicle charging. The fourth part comments about new and replacement car parking for Gatwick Airport.
- 7.74 I recommend that the first part of the policy draws attention to the need for proposals to relate to the wider development plan. I also recommend that the initial criterion in this part of the policy is modified to take account of the suggested changes highlighted by the Parish Council in its response to the clarification note. The recommended

modification relates this policy in a clearer way to the Important Community Facilities highlighted in Policy CNP4 of the Plan. As such I am satisfied that it is not a new policy.

- 7.75 The third criterion in the first part of the policy comments about the need or otherwise for transport assessment work. However, it is explanatory text rather than policy and I recommend accordingly. Nevertheless, I recommend that the matter is captured in a slightly modified way in the supporting text.

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:’

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’

Delete Policy CNP15. 1 c).

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’

Policy CNP16 Car Parking

- 7.76 This policy addresses car parking issues. It is underpinned by a very detailed background paper (Review of Parking Requirements – December 2020). It has three related parts as follows:
- the retention of off-street parking spaces (Policy CNP16.1);
 - the conversion of garage space to residential accommodation (Policy CNP16.2); and
 - the application of local parking standards (Policy CNP16.3).
- 7.77 Subject to detailed modifications to its wording the first part of the policy meets the basic conditions.
- 7.78 The second part of the policy comments that where an existing parking space within a garage will be lost (for example by its conversion to habitable rooms or demolition) replacement parking provision must be made in accordance with Policy CNP16.3. The approach of the policy is self-evident. However, 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 I recommend that the policy is modified to acknowledge this matter and that additional supporting text is introduced into the Plan to provide a context.

- 7.79 The third part proposes higher parking standards than the county-based standards of West Sussex County Council. It has resulted in representations from MSDC and St Modwen Developments. The former comments about the potential unintended consequences of such an approach. The latter suggests that the policy should allow scope to allow for the lower level of off-street parking where it can be justified, with reference to sustainable transport opportunities and local conditions.
- 7.80 In general terms I am satisfied that the policy approach is both evidence-based and distinctive to the neighbourhood area. In particular the policy recognises that it cannot resolve a pre-existing matter and as such has a clear focus on ensuring that new development proposals do not exacerbate the existing issues.
- 7.81 Nevertheless in a wider context a matter-of-fact interpretation of the policy may result in unintended consequences and/or fail to address the underpinning nature of the policy approach which is to address the on-street parking levels in the neighbourhood area. The application of the policy raises two important matters. 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). The second is that developments arranged to the higher parking standards may result in the quality and integrity of their overall layout and format being too dominated by this one factor. This may have particular impacts in the Historic Core Character Area.
- 7.82 In this context I recommend that the third part of the policy addresses these matters. I also recommend modifications to the supporting text.

In Policy CNP 16.1 replace ‘propose to remove’ with ‘which would involve the loss of’ and ‘permitted’ with ‘supported’

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’

In Policy CNP 16.3 replace ‘must’ with ‘should’

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’

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’

In paragraph 9.15 replace 'bad' with 'important'

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 impacts in the Historic Core Character Area. This matter is addressed in the final part of Policy CNP16.3'

Policy CNP17 New Parking Areas

- 7.83 Policy CNP17.1 offers support to proposals to create new parking areas to respond to existing on-street parking issues. It is a criteria-based policy and the criteria are both distinctive to the neighbourhood area and relevant to the nature of the policy. It meets the basic conditions.
- 7.84 Policy CNP17.2 comments about the surfacing arrangements for such areas. It has a complicated format as it anticipates a tarmac surface and then comments about more sustainable alternatives. I recommend a modification to remedy this matter. Otherwise, it meets the basic conditions.

Replace Policy CNP17.2 with: 'The resulting parking areas should use permeable surfacing or sustainable drainage solutions wherever practicable'

Other matters – General

- 7.85 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However, other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for MSDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.86 I have recommended additional sections of supporting text to the Character Area policies. MSDC and the Parish Council should number the revised paragraphs as they see fit.

Modification of general text and paragraph numbers (where necessary) to achieve consistency with the modified policies.

Monitoring and Review of the Plan

- 7.87 Paragraph 1.14 of the Plan comments about the development plan context within which the submitted Plan has been prepared. In doing so it draws attention to the emerging Site Allocations Development Plan Document (DPD) (see paragraph 5.7 of this report). The emerging DPD has also been highlighted in some of the representations.
- 7.88 The Plan does not specifically comment how it would be monitored and reviewed in the event that it is made. Such tasks are important elements of the wider development plan of which the submitted Plan would become a part. I recommend that an additional paragraph is incorporated into the Plan to address this matter in general terms, and to draw particular attention to the need for the Parish Council to assess whether any review of a 'made' neighbourhood plan is needed once the emerging Site Allocations DPD has been adopted.

Add a new paragraph (1.15) to the Plan to read:

'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'

8 Summary and Conclusions

Summary

- 8.1 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.
- 8.2 Following the independent examination of the Plan I have concluded that the Copthorne Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Mid Sussex District Council that, subject to the incorporation of the modifications set out in this report, the Copthorne Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Mid Sussex District Council in July 2012.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in an efficient manner. The Parish Council's response to the clarification note was particularly comprehensive and helpful.

Andrew Ashcroft
Independent Examiner
10 June 2021