



TWYFORD NEIGHBOURHOOD PLAN 2018-2033
BASIC CONDITIONS STATEMENT, SUBMISSION DECEMBER 2020

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TWYFORD NEIGHBOURHOOD PLAN 2018-2033. BASIC CONDITIONS STATEMENT.

Published by Twyford Parish Council under the Neighbourhood Planning (General) Regulations 2012

Date: November 2020

Introduction

1.1 This Basic Conditions Statement has been prepared by Twyford Parish Council (“the Parish Council”) to accompany the submission version of the Twyford Neighbourhood Plan (“the Neighbourhood Plan”) under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012.

1.2 The Neighbourhood Plan has been prepared by Twyford Parish Council, (TPC) a qualifying body, for the Neighbourhood Area covering the whole of the Parish, as designated by SDNPA Planning Committee on 13 November 2014. It complies with these requirements:

- a) The Neighbourhood Plan is to have effect from its point of being made in 2021 for a period of 12 years to 2033,
- b) it does not include provision about development that is excluded development, and
- c) it only relates to the neighbourhood area of Twyford Parish.

1.3 This statement sets out how the Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

DCLG Planning Practice Guidance expands and explains what is required.

2. Background

2.1 The Parish Council commenced preparation of the Neighbourhood Plan in 2015. The key drivers of that decision were:

- the encouragement of South Downs National Park Authority to towns and parishes in the National Park to prepare Neighbourhood Plans.
- to set out a vision and objectives for the future of Twyford for the next 15 years
- to influence the allocation of housing to meet the needs of the local community.

2.2 A Steering Group was formed comprising local residents and parish councillors and it was asked by Twyford Parish Council to

- Identify key issues of concern to parishioners
- to Commission the necessary studies
- to work closely with SDNPA
- to draft the Neighbourhood Plan
- to consult widely and as required by Regulation throughout the process
- to report regularly to the Parish Council.

As the qualifying body, the Parish Council itself approved the publication of:

- the Pre-Submission Neighbourhood Plan, a Draft Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)
- the Submission Neighbourhood Plan, including the updated SEA and HRA
- the documentation prepared to support the TNP.

2.3 The NP contains 37 policies which address local issues from design to surface water management. The plan sets the local detailed approach for housing development in the area. Policy HN2 allocates one site for housing which would provide 20 new homes; to comply with HN3 this includes a number of affordable homes. The TNP also allocates a site for an extension to the parish hall car park (policy MA2).

3. Conformity with National Planning Policy

3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework 2019 (NPPF) and has considered National Planning Practice Guidance (NPPG) in respect of formulating neighbourhood plans and plan-making more generally.

- 3.2 When the TNP was being prepared the NPPF in force was that of 2012. Initial preparation and consultation took place on the basis of that version. The Pre-Submission version of the TNP was sent for its Sustainability appraisal in September 2017 but the report was not completed until August 2019. Accordingly the pre-Submission plan published for consultation remained based on the 2012 NPPF.
- 3.4 The changes to NPPF of the 2018 and 2019 versions have been fully taken into account in the amendments which have been made to the TNP following the completion of the Pre-Submission publicity and responses. The SA and the HRA are also being updated to take account of the revisions. This report on conformity is based on the NPPF of February 2019. The corresponding paragraphs of the 2012 version are also shown.
- 3.5 Compliance with the key objectives of the NPPF ensures that the Neighbourhood Plan promotes Sustainable Development. It should also be borne in mind that, in following the Statutory Development plans, the TNP has been guided by the South Downs Local Plan, which has itself been found to be in compliance with NPPF.
- 3.6 In overall terms, there are four NPPF paragraphs that provide general guidance on Neighbourhood Planning, to which the Neighbourhood Plan has directly responded:
- NPPF 2019 Para 13 and 28-30, [See also 2012 NPPF Para 183, Para 184, Para 185]
- 3.7 Set out in Chart A (Appendix A) is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs. As the NPPF itself states, the document is to be read as a whole.
- 3.8 In addition Twyford Parish Council as a relevant authority within the South Downs National Park is also bound to comply with legislation relating to National Parks and in particular the provisions of the Countryside Act 1995 sec 61 and 62. These state that:
- 61. (1) The provisions of this Part of this Act shall have effect for the purpose—*
- (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and*
- (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.*
- 62: It also required any relevant authority, including parish councils, to “*seek to foster the economic and social well-being of local communities within the National Park*” (section 62. (1)).
- 3.9 These obligations are met by the TNP in the following policies in particular:
- Conserve and enhance natural beauty (LHE, DE)
 - Promote opportunities for understanding and enjoyment (ST)
 - Foster economic well being (BN)

- Foster social well being (CN; WE; PO)

4. Contribution to Sustainable Development

4.1 The following sections outline how the TNP contributes to the achievement of sustainable development within the Neighbourhood Plan area as defined by the NPPF. The TNP has been subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment. As an iterative process the SA has ensured that the principles of sustainable development have been considered throughout the plan-making process. The Regulation 16 Submission Draft Twyford Neighbourhood Plan Sustainability Appraisal which provides further detail on how the TNP contributes to the achievement of sustainable development, is publicised in full on the TNP website

4.2 The outcomes of the SA/SEA show that the key principles and policies would not have significant cumulative negative environmental effects. The SA report makes a number of recommendations to ensure that the potential for negative impacts (albeit not significant) are minimised through additional policy wording and additional technical work to secure mitigation.

4.3 Mitigation measures are recommended as follows:

TPC Action

(a) DB1 – the allocation site: <ul style="list-style-type: none"> • Views from within conservation area 	Criteria included in TNP Policy for DB1
<ul style="list-style-type: none"> • Landscape impact of edge of settlement by assessment and planting 	As above plus land secured for offsite planting as identified in preliminary study
Flood risk: <ul style="list-style-type: none"> • Avoid localised areas • Secure partnership funding for mitigation • Site specific assessment • Apply SUDS techniques 	Spindrift design shows feasibility of avoiding areas at risk TPC appoints Consulting Engineers Flood Mitigation scheme prepared and agreed with HCC. FRA to be prepared prior to planning application to include needs for SUDS.
HRA impact: <ul style="list-style-type: none"> • Environmental Management Plan prepared and implemented 	Criteria included in DB1.

(b) IDC1 – Identify assets in need of enhancement	TNP amended to include infrastructure in need of enhancement.
(c) HN5 – potential landscape impact	Secured by SDLP SD 29 on which HN5 is based.
(d) HN6 – increased flood risk from infill, etc.	Secured by SD 49.
(e) MA2 – New parking to be permeable.	Existing infrastructure sized for flood already but caveat to be included.
(f) WE1 & 2 – Ensure protection of water quality in groundwater protection zones.	TNP relies on SDLP for policy, groundwater protection.

4.4 In conclusion the TNP seeks to address the main social, economic and environmental issues that are facing the parish. The SA has shown that it will make a positive contribution to a range of issues facing the village without having a significant impact on the high-quality environment of the area. In particular, it allocates a housing site to deliver homes to provide for defined housing needs and combines this allocation with improvements to the basic infrastructure of the village, as part of a planned development.

4.5 The TNP has been subject to a Habitats Regulation Assessment (HRA) in which the River Itchen SAC was the key environmental asset. The HRA examines the various contributory elements of the water system (Water quality, water flow) the key elements which could affect this (pollution, excessive use of water) and the 13 policies which could contribute to this. The HRA identifies flood control and sewage pollution as the principal risks and in both cases proposes further wording in the respective policies to ensure safeguards. A drainage plan is to be required utilizing either mains drainage or a small package system. It is this for which safeguards against contaminants leaching into the River Itchen are to be put in place.

4.6 On that basis the HRA concludes that:

“no adverse effect would occur on the integrity of the River Itchen SAC.”

4.7 The full HRA can be read on the TNP website.

5. General conformity with the Development Plan

5.1 When the TNP was first commenced in 2015 the Development plan comprised the Joint Core Strategy of the SDNPA and Winchester City Council plus the saved policies of the Winchester Local Plan of 2005. Accordingly, the TNP was based on that.

5.2 However, the SDNPA commenced their own plan for the whole of the National park covering three counties, multiple Districts and a City council. It was clear that the new Local plan would differ both in style and content from the Joint Core Strategy. Consequently, TNP was recast to anticipate the eventual adoption of the SDLP. Some of the SDLP draft policies were however contested (including by Twyford PC) so it was not clear in what form the SDLP policies would be adopted.

However the adoption of the SDLP in July of 2018 removed these uncertainties and TNP was able to revise its own policies to bring them into general conformity with the Strategic policies of the newly adopted SDFLP.

Further clarification of some of the policies has been provided by supplementary planning guidance issued by the SDNPA, some relating to strategic policies and some not.

5.3 Chart B (see Appendix B) sets out all the TNP policies included in Plan demonstrating how they are in general conformity with the strategic policies of the South Downs National Park Local Plan. The format adopted follows that recommended by NPPG additional guidance (para 074 ID. 41-674-20140306).

6 Compatibility with EU legislation

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act.

6.2 The principal EU obligations affecting the neighbourhood development plan are requirements under Directive 2001/42/EC relating to Strategic Environment Assessments (SEA), translated into national law by the Environment Assessment of Plans and Programmes Regulations 2004, and under Council Directive 92/43/EEC relating to Habitats Regulations Assessment (HRA) translated into national law by the Conservation of Habitats and Species Regulations 2010.

6.3 The requirement for these documents to be prepared is dependent on circumstances. The South Downs National Park Authority published screening opinions on the need for the SEA and the HRA for the Twyford Neighbourhood Development Plan on 11 March 2016. These concluded there was a need for both assessments to be undertaken, partly reflecting the sensitivity of development within a National Park, but particularly the presence of the European environmental designation of the River Itchen SAC which is, in part, within the Neighbourhood Plan designated area. A HRA was prepared by Aecom and published alongside the Pre-Submission consultation on the TNP. A Sustainability Appraisal incorporating a Strategic Environmental Assessment, was prepared by Horsham District Council and published with the pre-submission draft of the TNP.

6.4 The Environmental Report for the SEA assessed individual policies against a number of sustainability objectives. The report also tested a number of reasonable alternatives to several policies of which the proposed allocation was examined with greatest care. In the course of the preparatory work a number of issues had been identified; as a result the site and its development were analysed. The potential impacts are on the views at the entrance to the village from Hazeley Road and surrounding rights of way, flooding at one of the sites and on heritage assets. There are measures that can be taken to ensure that these effects would be mitigated. The allocated site was found not to cause significant impacts on the high-quality environment of the area, provided certain mitigation measures are put in place. These measures are as set out in para 4.3 above.

7. Compliance Statement

Prescribed conditions are met and prescribed matters have been complied with in relation to the proposal for the Neighbourhood Development Plan.

Section 38A Compliance

1. Twyford Neighbourhood Plan sets out policies in relation to “the development and use of land” within the designated Neighbourhood Area
 - 1a) The period is 12 years.
 - 1b) The TNP does not make any provisions for excluded development as defined by the Act.
 - 1c) The TNP does not relate to more than one Neighbourhood Area. It is submitted for the whole Parish of Twyford which was designated by South Downs National Park Authority on 5 March 2015 (a copy of the decision notice can be found at Appendix 1).
2. There are no other Neighbourhood Plans submitted for or in place within the designated Area to which the TNP relates.
3. This paragraph is not relevant to this statement.
4. This paragraph refers to Regulations that may be made by the Secretary of State, namely the Neighbourhood Planning (General) Regulations 2012.

This statement can confirm that these provisions were followed including the pre submission six week consultation (including relevant statutory consultees) as documented in the TNP Consultation Statement [Yet to be completed at 14th Nov 2020].

8. Conclusion

8.1 The Basic Conditions as set out in NPPF are met.

Appendix A Chart A Summary of policy conformity to the NPPF

Neighbourhood Plan		NPPF para		How TNP is based on NPPF
Policy No.	Title	2012	2018	
SB1	Settlement policy boundary	53;58;109;115	16d;170;172	16d: settlement boundary identified to give clarity for decision makers Also identifies central area of settlement and community; protects National Park landscape
SB2	Development outside the settlement boundary	28;50;55;109	83	Provides clear guidance for decision makers while meeting need for housing and supporting rural economy. See also under the policies referred to.
HN1	Local housing needs & housing mix	50	61	Delivers housing mix for those in most need based on Housing Needs Survey.
HN2	Housing provision and allocation of land	30;47;55;109	65; 67-69;77-78	Increases housing supply to meet housing needs located where it sustains vitality of community and minimise journey lengths, compatible with landscape.
HN3	Affordable provision on allocated & windfall sites	50	61-64	Provides for affordable in area of need.
HN4	Rural exception sites	50;55	61-64	As above; increases supply and increases flexibility to meet emerging needs
HN5	Housing within the settlement boundary	50;53	61; 124-132	Provides clarity for decision makers; establishes basis for good design within National Park village.
HN6	Housing outside the settlement boundary	50;55	61-64;71;83	Provides clarity for decision makers; supports rural economy and housing needs.
HN7	Orchard Close	50;109;126	77;172;185	Identifies special circumstances and high quality landscape in providing clarity for decision makers on change of use.
BE1	Employment & business provision	21;22;113;115	80-84	Supports rural economy by providing clarity for decision makers while protecting key site and allowing for changes and sustainable expansion within National Park.

BE2	Northfields Farm & Hazeley Enterprise Park	212;22;28;113 115;123	80-84;111	Identifies key business site and provides for sustainable expansion with clarity for decision makers; identifies local circumstances and community issues.
BE3	Twyford Preparatory School	32;70;	94;111	Provides for education on site with high landscape and conservation value and community impact
ST1	Visitor and tourism facilities	115	83	Provides for visitors and tourism in National Park with local circumstances taken into account.
CP1	Open spaces	70;73;74	96;97	Identifies and protects local open spaces for community use.
CP2	Community assets	70;74	91;92	Identifies and protects community assets.
CP3	St Mary's Primary School	30;70;115	94	Provides for education within community.
LHE1	Protected gaps	109;115	170-172	Conserves key feature of landscape in National Park and identity of historic village.
LHE2	Landscape and views	109;119	170-172	as above
LHE3	The historic environment, buildings & archaeology	126-141	184-188	Identifies buildings sites and areas of historic interest throughout parish supported by evidence base.
LHE4	Twyford Conservation Area	126-141	185;200-202	Identifies boundaries and policies of adopted Conservation Area while supporting additional development where appropriate.
LHE5	Green infrastructure	109;114;117	170-173; 174	Identifies key area of green infrastructure with clear boundary linking to wider areas.
LHE6	Local biodiversity, trees and woodlands	114;118	174-176	Identifies protected areas within the Parish.
WE1	Flood Risk Management	93-104;122	117-119; 150;	Identifies flood risk and proposes management measures.

			155-165	
WE2	Foul Sewer Surcharging	120-122	180	Identifies deficient infrastructure and potential pollution and proposes solution.
MA1	Walking & cycling	29-41	98	Identifies proposals so improvement and key rights of way and roots.
MA2	Parking	39	105-106	Proposes additional provision to support village centre facilities.
MA3	Minor traffic management improvements	35	102-104	Proposes improvements to existing transport infrastructure to accommodate changing needs.
MA4	Northfields Farm / Hazeley Enterprise Park	32		as above
MA5	Transport in the Parish	32	102-104	as above
MA6	Historic rural roads	129	104	Identifies key feature of parish and National Park landscape.
SS1	Micro generation and renewable energy	17; 93-97	151	Supports provision related to local considerations and landscape.
PO	Pollution and contaminated land	17;120-124	180-182	Identifies local sources of pollution for monitoring and action.
DE1	Design	56-66	124-132	Identifies local design character as basis for future decisions.
IDC1	Infrastructure	17;99	20;150	Identifies infrastructure in need of upgrading.
DB1	Land adjacent to the Parish Hall (Site 26)	9;14;16;58;100; 109;121;122	108-111; 117-119 122-123	Allocates land for mixed development including housing in sustainable location with clear design guidelines.
DB2	Housing allocation: Stacey's Garage	121;122		Identifies site in conservation area in need of redevelopment and change of use.

Appendix B Chart B The Neighbourhood Plan policies demonstrating conformity with the strategic policies of the SDNPLP

TNP		SDLP		Tests of Conformity			Reasons for Neighbourhood plan approach	Evidence base
Policy no	Title	Policy no	Title	Support ?	Conflict	Extra detail?		
SB1	Settlement policy boundary	25	Development Strategy	✓	0	✓	Sets Settlement Boundary	Yes
SB2	Development outside the settlement boundary	25.2 12 22 34 42 49	Development Strategy Historic Environment Parking Provision Sustaining Local Economy Infrastructure Flood Risk Management				Identifies local areas to use for development outside the Settlement Boundary. See individual policies for detail.	
HN1	Local housing needs & housing mix	27	Mix of homes for Elderly etc.	✓	0	✓	Identifies local circumstances and proposes more detailed policy.	Yes
HN2	Housing provision and allocation of land	26	Supply of homes	✓	0	✓	Delivers 20 houses	Yes
HN3	Affordable provision on allocated & windfall sites	28	Affordable Homes	✓	0	✓	Delivers SD 25 & 26 and specifies criteria (non-strategic)	Yes
HN4	Rural exception sites	29	Rural exception sites	✓	0	✓	As above	
HN5	Housing within the settlement	5 15	Design Development in	✓ ✓	0 0	✓ ✓	Identifies parameters for additional housing in SB to increase supply, meet housing need, avoid harm to the	Yes

	boundary	25	Conservation Areas	✓	0	✓	environment, and secure improvements.	
		26	Development Strategy	✓	0	✓		
		27	Supply of homes Mix of homes for elderly etc	✓	0	✓		
HN6	Housing outside the settlement boundary	28	Development Strategy	✓	0	✓	Adds detail related to local circumstances for development outside the Settlement Boundary	
HN7	Orchard Close	25.2	Development Strategy	✓	0	✓	Identifies sensitive site where change of use likely. Sets parameters.	Yes
BE1	Employment & business provision	35	Employment Land	✓	Small	✓	On the basis of local detail and risk to the landscape and sustainability, adds additional safeguards to SDLP	Yes
		34	Sustaining Local Economy					
BE2	Northfields Farm & Hazeley Enterprise Park	35	Employment Land	✓	small	✓	Identifies key employment site and proposes framework for future development while reconciling strategic objectives.	Yes
		34	Sustaining Local Economy					
		25.3	Development Strategy					
		1	Sustainable Development					
		19	Transport & Accessibility					
BE3	Twyford Preparatory School	25.2	Development Strategy	✓	0	✓	Sets framework for the school to expand and change sustainably while protecting the landscape, historic fabric and avoiding local impact.	

ST1	Visitor and tourism facilities	23	Sustainable Tourism	✓	Small	✓	Responds to local circumstances by listing: (a) new visitor attractions if no local justification (b) isolated visitor accommodation.	
LHE1	Protected gaps	4.3	Landscape Character	✓	0	✓	Identifies key feature protecting identity of settlement on boundary of Neighbourhood Plan.	
LHE2	Landscape and views	4 6	Landscape Character Safeguarding Views	✓	0	✓	Identifies key views within the Parish.	Yes
LHE3	The historic environment, buildings & archaeology	12	Historic Environment	✓	0	✓	Adds significant further detail and identifies individual buildings and sites.	Yes
LHE5	Green infrastructure	45 2 4 9 10 12 17 49	Green Infrastructure Eco System Landscape character Biodiversity & Geodiversity International Sites Historic Environ. Water Environ. Flood Risk	✓	0	✓	Identifies key area of conservation and landscape value with multiple designations linking to networks inside and outside the Neighbourhood Plan.	Yes
LHE6	Local biodiversity, trees and woodlands	9	Biodiversity & Geodiversity	✓	0	✓	Identifies designated areas and sites	
WE1	Flood Risk Management	17 49	Water environ. Flood Risk Management	✓	0	✓	Identifies local flood risk and proposes mitigation	Yes

MA1	Walking & cycling	20 (4, 5 & 6)	Walking, Cycling & Equestrian Routes	✓	0	✓	Identifies road and cycleway improvements	Yes
MA5	Transport in the Parish	19	Transport & Accessibility				Identifies local conditions and improvements to existing infrastructure	
MA6	Historic rural roads	4	Landscape Character				Identifies key landscape features	
DE1	Design	4 5	Landscape Character Design	✓	0	✓	Identifies key characteristics of village as basis for decision making.	Yes
IDC1	Infrastructure	42	Infrastructure	✓	0	✓	Identifies key infrastructure deficiencies in the Parish	
DB1	Land adjacent to the Parish Hall (Site 26)	27 28	Mix of homes Affordable homes	✓	0	✓	Delivers SDLP allocation while also addressing multiple SDLP policies and ensuring compliance by detailed criteria.	
DB2	Housing allocation: Stacey's Garage	5 12	Design Historic Environment	✓	0	✓	Preserves and enhances historic fabric and villagescape delivers housing.	