

**Agenda Item 11
Report PCI9/20-43**

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| Report to | Planning Committee |
| Date | 13 February 2020 |
| By | Director of Planning |
| Title of Report | South Downs National Park Authority's (SDNPA) response to the Pre-Submission (Regulation 14) Consultation on the Twyford Neighbourhood Development Plan (TNP) |
| Purpose of Report | To agree the content of the SDNPA response to the pre-submission consultation on the TNP |

Recommendation: The Committee is recommended to agree the Table of Comments as set out in Appendix 2 of the report which will form the SDNPA representation to the Twyford Neighbourhood Development Plan (TNP) pre-submission consultation.

1. Introduction and Summary

1.1 The SDNPA actively promotes and supports community led plans and upon adoption, NDPs form part of the Development Plan for the neighbourhood area. Twyford Parish Council (TPC) is the 'qualifying body' with responsibility for preparing the TNP. A minimum of six weeks formal consultation is required on all draft NDPs prior to submission to the local planning authority. The pre submission TNP can be found at Appendix 1 and the SDNPA response to this consultation at Appendix 2. Following the Pre Submission consultation, TPC will amend the plan where necessary and submit the amended TNP to the SDNPA for submission consultation (Regulation 16) and examination. If the TNP successfully passes examination the TNP will be subject to community referendum prior to being made by the SDNPA.

2. Background

2.1 The progression of the TNP to pre-submission stage is to be welcomed and is a result of a considerable amount of hard work by the Parish Council and volunteers. This is an example of a Neighbourhood Plan almost entirely prepared by local volunteers and Parish Councillors. Professional support has been sought by the group to gather evidence to support the policies and land allocations within the plan. It should also be recognised that preparing the TNP has been a challenge against the backdrop of the requirement to be in general conformity with the Winchester Joint Core Strategy, whilst taking account of policies in the emerging South Downs Local Plan (SDLP). As the TNP has progressed the SDLP has been adopted and the TNP amended to reflect the status of the SDLP.

2.2 Following the preparation of a draft TNP, TPC requested a screening opinion for a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA). The SDNPA concluded that a SEA and HRA would be required for the TNP and these documents would need to inform the preparation of the Pre-Submission Plan. TNP contracted a consultant to prepare the SEA and HRA and consider their findings in the preparation of the Pre-Submission TNP. Given the sensitive nature of the parish and proximity of the River Itchen which is designated as a Special Area of Conservation (SAC) this was a complex process

which took a considerable amount of volunteer time and expense.

The following stages in the preparation of the TNP have been completed. Links to all relevant documents are included below and more detailed information on each stage completed so far, including public consultation is on the Twyford Parish Council website at <https://www.twyfordneighbourhoodplan.com/>

| Stage | Detail |
|--|----------------------------------|
| Designated the Neighbourhood Area | 12 January 2015 |
| Pre-submission consultation on the plan (Reg 14) | Commenced on the 13 January 2020 |
| Submitted to SDNPA and published for consultation (Reg 16) | To follow |
| Independent Examination | To follow |

- 2.3 TPC have carried out extensive public consultation throughout the preparation of the TNP. Initially the group held a public exhibition in February 2015 to gather local opinions. The group have carried out consultation on housing site options, following a local housing needs survey to establish the level of local housing need. A community open day was held in September 2016 to present the first draft of the TNP, and the views collected have informed the preparation of the Pre Submission draft. Some of the delays in the plan preparation have been as a result of there being a need for a Sustainability Appraisal / Strategic Environmental Assessment and a Habitats Regulation Assessment. The recommendations of this work have been incorporated into the plan.
- 2.4 The Neighbourhood Planning Regulations require all qualifying bodies (TPC in this instance) to carry out pre-submission consultation on a draft of the NDP prior to submission to the local planning authority. The consultation must be for a minimum of six weeks and includes consulting statutory bodies. The TNP consultation draft was published on 13 January 2020 and ran for six weeks. The pre-submission consultation has also included two drop-in events at the Social Club, offering local people an opportunity to seek clarification on the TNP proposals.
- 2.5 Once a NDP comes into legal force after a successful referendum it will form part of the statutory development plan.
- 2.6 The pre-Submission plan is accompanied by a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA), links to the documents are available in Background Documents below.
- 2.7 The screening opinion for HRA concluded that there were likely significant effects in relation to water quality, due to the proximity of the River Itchen SAC. The HRA Appropriate Assessment proposed additional policy wording for flooding policies and the housing allocation policy to mitigate the likely significant effects.
- 2.8 The SEA concludes that the TNP is unlikely to have any significant negative cumulative effects, however there was potential for some minor negative effects. The levels and location of proposed development could have some negative effects on water quality, but these effects could be mitigated through appropriate flood mitigation works, as proposed in the TNP. The SEA concludes that the level of development proposed by the TNP was likely to have significant effects on the landscape. The SEA concludes that the policies in the plan generally balance the social and economic needs for housing with the strong environmental constraints of the area.
- 3. Twyford Neighbourhood Development Plan – SDNPA response**
- 3.1 The Neighbourhood Planning Regulations state that a NDP must be in general conformity with the strategic policies contained in the Development Plan for the area. Therefore, it is a requirement that the TNP is in general conformity with the South Downs Local Plan.
- 3.2 Twyford is included in the list of settlements in SD25 of the South Downs Local Plan where the principle of development will be supported and where there should be a defined settlement boundary. Policy SD26 sets out a proposed housing provision of 20 for the settlement.

3.3 The SDNPA formal representation to the TNP pre submission consultation is set out in **Appendix 2**. The following key points are raised in the representation:

- A number of the TNP policies refer to policies within the South Downs Local Plan (SDLP), for example many TNP policies include policy requirements to comply with a specific policy of the SDLP. If the TNP successfully passes Examination and Referendum it will form part of the Development Plan, therefore there it is not necessary to make reference to SDLP policies. These policy references should be deleted. Where appropriate links to the relevant SDLP policies could be included in the supporting text, as the approach taken in Policy LHE4 for example.
- SDNPA recommend the deletion of a number of TNP policies as they will duplicate policies which already exist in the Development Plan, namely in the South Downs Local Plan. Planning Practice Guidance is clear that Neighbourhood Development Plan policies should be clearly written, concise and precise serving a clear purpose and avoiding unnecessary duplication.
- The SDNPA recommend the deletion of a number of policies which are not considered land use policies, or could not be applied in the determination of planning applications. The TPC may want to consider presenting these policies as community aims, rather than removing them from the TNP completely, but it is important that only land use policies are presented as policy in the TNP
- Policy HN6 sets out policy requirements for new development proposals within the settlement boundary. As currently drafted the policy does not provide the necessary concise and precise language which provides a clear purpose for the policy as required by the National Planning Practice Guidance. The SDNPA recommend that this policy is reviewed, with the support of SDNPA officers to achieve the intended purpose
- Policy DB1 sets out a development brief for the housing allocation described at HN3. The development brief is welcomed as it sets out clearly the community's aspirations in relation to the site. However, the detail of the development of the site will emerge as more information is available through the development management process. Therefore the SDNPA request that the term indicative is used in reference to the proposed site layout

4. Planning Committee

4.1 This is the first occasion that the TNP has been presented to Planning Committee. It is being considered at this stage as this offers the SDNPA the best opportunity to influence the contents and approach set out in the TNP.

5. Next steps

5.1 If agreed the response will be sent to TPC for them to consider alongside the other representations they receive. They will then amend the plan and submit it to the SDNPA for examination.

6. Other Implications

| Implication | Yes/No |
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| Will further decisions be required by another committee/full authority? | Yes – It is anticipated that Planning Committee will be asked to agree the SDNPA response to the TNP at all significant stages. The next occasion will be the SDNPA representation on the submitted plan. |
| Does the proposal raise any Resource implications? | Yes - The SDNPA has invested staff resources in supporting the development of the TNP by regularly attending steering group meetings and providing comprehensive feedback and comments on early drafts of the TNP. The cost of Neighbourhood Planning to the SDNPA is currently covered by the grants received from MHCLG. However there are signs that these are going to start to reduce as Neighbourhood Planning increasingly becomes part of the mainstream. Currently within the National Park the cost of producing a plan ranges from |

| Implication | Yes/No |
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| | <p>around £8,000 (including the Examination and referendum) to £50,000</p> <p>Once a NDP is made, a Parish Council is entitled to 25% of Community Infrastructure Levy (CIL) collected from development within the neighbourhood area, as opposed to the capped 15% share where there is no NDP. The Parish Council can choose how it wishes to spend these funds on a wide range of things which support the development of the area.</p> |
| Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010? | <p>Due regard will be taken of the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. Twyford Parish Council who have the responsibility for preparing the neighbourhood plan will be required to prepare a Consultation Statement to support the submission version of the TNP setting out how all sections of the local community (people who live, work or carry out business in the neighbourhood area) including hard to reach groups, have been engaged in the plan's production</p> |
| Are there any Human Rights implications arising from the proposal? | None |
| Are there any Crime & Disorder implications arising from the proposal? | None |
| Are there any Health & Safety implications arising from the proposal? | None |
| Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: | <p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>It was concluded that an environmental assessment of the Twyford Neighbourhood Plan is required due to the sensitive nature of the parish and proximity of international designations.</p> <p>Twyford Parish Council has undertaken a SEA/SA in support of their NDP.</p> <p>Twyford Parish Council has undertaken a HRA in support of their NDP.</p> |

7. Risks Associated with the Proposed Decision

| Risk | Likelihood | Impact | Mitigation |
|---|------------|--------|---|
| Twyford Parish Council does not take account of the recommendations proposed in the SDNPA representation, and the TNP may not meet all the basic conditions for NDPs or the aspirations of the SDNPA. | Low | Low | There is no requirement for the Parish Council to agree to all proposed amendments so the risk cannot be fully mitigated. However, at this stage it is anticipated that the TNP is likely to meet the basic conditions, albeit an Examiner may make recommendations to ensure the TNP meets the Basic Conditions. |

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| <p>There is a reputational risk for the SDNPA associated with raising areas of concern about the TNP. Communities are sometimes frustrated by the perception that their hard work and effort in producing such plans is not fully appreciated and taken into account. However, to not highlight the views of the Authority at this stage in the plan preparation would be failing in our duty to support such groups and potentially result in a plan that does not deliver outcomes that meet the needs of both the community and the SDNPA.</p> | <p>Low</p> | <p>Medium</p> | <p>SDNPA planning officers have been contributing to the preparation of the emerging TNP and will continue to do so as it progresses.</p> |
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- Appendices
1. Twyford Pre-submission Neighbourhood Plan 2019 - 2033
 2. SDNPA Response to the Pre-submission Draft Twyford Neighbourhood Plan

SDNPA Consultees Director of Planning, Legal Services. Consultation with statutory bodies has been undertaken by TPC.

Background Documents [Twyford Neighbourhood Plan Strategic Environmental Assessment](#)
[Twyford Neighbourhood Plan Habitats Regulation Assessment](#)
[Screening Opinion](#)
[Twyford Neighbourhood Plan Habitats Regulation Assessment](#)