

Report to	<b>Planning Committee</b>
Date	<b>10 February 2022</b>
By	<b>Director of Planning</b>
Title of Report	<b>Making of the Twyford Neighbourhood Development Plan</b>
Purpose of Report	<b>To make the Twyford Neighbourhood Development Plan part of the South Downs National Park Authority's (SDNPA) statutory Development Plan</b>

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**Recommendation: The Committee is recommended to:**

- 1) Note the outcome of the Twyford Neighbourhood Development Plan Referendum;**
  - 2) Agree to make the Twyford Neighbourhood Development Plan part of the SDNPA's Development Plan for the Parish of Twyford**
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**Executive Summary**

- This report presents the results for the recent Twyford Neighbourhood Plan (TNP) community referendum and sets out the decision to Make the TNP part of the SDNPA's Development Plan for the parish of Twyford
- The Parish of Twyford was designated as a Neighbourhood Area in January 2015. The preparation of the TNP has been complex due to the sensitive local environment and having to consider the sensitivity of internationally designated sites. This needed to be balanced with the community's aspirations for development to meet locally identified housing need.
- The Neighbourhood Plan received overwhelming support at the Community Referendum with 83% of the total votes supporting the TNP.
- The TNP will be the fortieth Neighbourhood Plan to be adopted by the SDNPA. Twyford is the last settlement given a housing provision figure in the South Downs Local Plan to finish its neighbourhood plan. All the settlements listed in policy SD26 of the South Downs Local Plan have housing allocations to meet that housing provision.
- The TNP automatically becomes part of the Development Plan following a successful referendum. However, the Local Planning Authority (LPA) has a statutory duty to 'make' a neighbourhood plan, within eight weeks of a referendum.

**I. Introduction**

- I.1 Twyford Parish Council is the 'qualifying body' with the responsibility for preparing the TNP.
- I.2 The Twyford Neighbourhood Area was designated by the South Downs National Park Authority (SDNPA) on 12 January 2015. The neighbourhood area is wholly within the National Park, therefore the SDNPA is the lead Local Planning Authority for the neighbourhood plan. A map of the designation area is attached as Appendix I to this report.

- 1.3 Following independent Examination and subsequent modifications the TNP has been subject to community Referendum on 13 January 2022 with 83% of those that voted, voting yes.
- 1.4 The TNP is now part of the Development Plan and the SDNPA are required to take a decision to formally ‘Make’ the Neighbourhood Plan within eight weeks of a successful Referendum, unless to do so would breach, or would otherwise be incompatible with any EU obligation or any of the Conventions Rights (within the meaning of the Human Rights Act 1998).

## 2. Twyford Neighbourhood Plan 2019 - 2033

- 2.1 The TNP covers the parish of Twyford. The parish is located at the western end of the National Park approximately 3.5km south of Winchester. The Parish of Twyford is entirely within the SDNP. The Parish falls within three broad landscape character areas: East Winchester Open Downs, South Winchester Downland Mosaic and the Itchen Valley.
- 2.2 The TNP covers, but is not limited to policies on housing, business and employment, landscape, heritage and ecology and sustainable tourism. The TNP allocates one site for 20 new homes. Detailed SDNPA comments have been made throughout the preparation of the TNP and have been supportive of the Parish’s approach to address local housing needs and prepare locally distinctive policies on design, views and open spaces, amongst other matters. The TNP has been presented to Planning Committee on a number of occasions details of which can be seen in Table I below.

**Table I:** Consultation, Examination and Referendum dates

Stage	Detail
Designated a Neighbourhood Area	12 January 2015,
Pre-submission consultation on the plan (Reg 14)	The <a href="#">SDNPA response</a> to the Pre Submission consultation was agreed by Planning Committee on February 13 2020.
Submitted to SDNPA and published for consultation (Reg 16)	The <a href="#">SDNPA response</a> to the Submission consultation was agreed by Planning Committee on 11 March 2021.
Independent Examination	Undertaken by Mr Andrew Ashcroft in April – July 2021. The Examiner’s <a href="#">Report</a> was issued on 9 August 2021.
Decision Statement	The <a href="#">TNP Decision Statement</a> was agreed by Planning Committee on 14 October 2021

- 2.3 A Referendum took place on Thursday 13 January 2021 with the following results:  
Turnout 419 (33%)
- Yes 349 (83%)
  - No 70 (17%)

## 3. Making of the Twyford Neighbourhood Development Plan

- 3.1 The enactment of the Neighbourhood Planning Act 2017 now means that a Neighbourhood Plan automatically becomes part of the Development Plan following a successful referendum. However, the Local Planning Authority (LPA) has a statutory duty to ‘make’ a neighbourhood plan, within eight weeks of a referendum, if more than half of those voting have voted in favour of the plan. The LPA is not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998)

- 3.2 The Examiner concluded that the TNP with modifications met these legislative obligations/rights. No information has subsequently arisen to suggest the making of the TNP would be in breach with or incompatible with the legislation.
- 3.3 The TNP is now part of the Development Plan for the Twyford Neighbourhood Area along with the South Downs Local Plan and relevant minerals and waste plans. The TNP is consistent with the South Downs Local Plan

#### 4. Next Steps

- 4.1 The Neighbourhood Planning Regulations 2012 (as amended) require LPAs to publish a statement setting out their decision to make an NDP and reasons for making that decision. This statement should be published as soon as practical after the decision is taken to make the NDP. This report forms the SDNPA Regulation 19 'Decision Statements' for the TNP.
- 4.2 Following the 'making' of the TNP, a copy of the Neighbourhood Plan will be made available to the Development Management teams at the South Downs National Park Authority and Winchester City Council. The policies maps will also be entered onto the relevant electronic mapping systems.

#### 5. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	To date, SDNPA has spent £6,093.60 on the Examination. The Referendum costs are yet to be received from Winchester City Council. Having published a Decision Statement for the NDP, the SDNPA has been able to claim £20,000 under New Burdens Funding.  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 matters, which support the development of the area.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, the qualifying body prepared 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.
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

Implication	Yes/No
<p>Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:</p> <ol style="list-style-type: none"> <li>1. Living within environmental limits</li> <li>2. Ensuring a strong healthy and just society</li> <li>3. Achieving a sustainable economy</li> <li>4. Promoting good governance</li> <li>5. Using sound science responsibly</li> </ol>	<p>The qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. The Examiner considered that it met the requirements if a number of modifications were made. 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><b>Strategic Environmental Assessment (SEA)</b></p> <p>The TNP has been subject to Habitats Regulations Assessment (HRA), which triggers the requirement for SEA. This looked at the implications of the range of possible housing numbers, the scope for development a range of possible sites, including an appraisal of the key environmental constraints on each of the sites and evaluated the extent to which the plan as a whole would have positive and negative effects on the plan area. The SEA concludes, given the scale of the proposals within the NDP, the likely negative effects will not be significant. A copy of the SEA can be found <a href="#">here</a></p> <p><b>Habitats Regulations Assessment (HRA)</b></p> <p>The TNDP has been subject to a HRA due to the close proximity of the River Itchen SAC, Solent and Southampton Water SPA / Ramsar and the Solent Maritime SAC. The HRA concludes that the plan will not have any adverse effects on any protected European sites as adequate safeguards exist within the neighbourhood plan and the Local Plan. A number of policy modifications have been made to the TNDP as recommended through the HRA process. A copy of the Habitats Regulation Assessment can be found <a href="#">here</a></p>

## 6. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
<p>A legal challenge to a NDP can be launched by way of judicial review within six weeks of the LPA publishing a decision to make the NDP.</p>	<p>Low</p>	<p>Medium</p>	<p>Officers at SDNPA are satisfied the Twyford Neighbourhood Plan meets the legal requirements. Given that they have been through the correct statutory process, including Examination and Referendum, the Authority is obliged to “make” the plan unless making the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998)</p>

**TIM SLANEY**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Chris Paterson  
Tel: 01730 819286  
Email: [chris.paterson@southdowns.gov.uk](mailto:chris.paterson@southdowns.gov.uk)  
Appendices I. Twyford Neighbourhood Area  
SDNPA Consultees: Legal Services; Chief Finance Officer; Director of Planning  
External Consultees: None  
Background Documents: [Twyford Neighbourhood Plan \(Referendum Version\)](#)  
[Twyford Neighbourhood Plan Decision Statement](#)

Appendix I - Twyford Neighbourhood Area

