

# TISPLAN MODIFICATION STATEMENT

## January 2024

# Tisbury and West Tisbury Neighbourhood Plan Summary Statement of Proposed Modifications to TisPlan “Made” November (2019)

1. INTRODUCTION

2. BACKGROUND

3. SUMMARY OF THE PROPOSED MODIFICATIONS

4. REVISED STRATEGIC ENVIRONMENTAL ASSESSMENT (2024)

5. CONCLUSIONS & RECOMMENDATIONS

## 1 INTRODUCTION

1.1 Tisbury and West Tisbury Parish Councils (the Qualifying Body) propose to modify the Tisbury and West Tisbury Neighbourhood Development Plan (TisPlan, Made 2019). This statement is published as part of the Reg 14 submission documentation of the draft proposed modified Neighbourhood Development Plan (the "Modified Plan"). The final version of the Modified Plan, together with updated Basic Conditions and Consultation Statements will be published following appropriate periods of consultation.

1.2 The Modification Proposals and a draft version of this statement were consulted on in July to September 2022, as a pre-screening by Wiltshire Council. As an outcome of the pre-screening and on the recommendations of the County Ecologist, changes have been made to twelve proposed policies, thereby strengthening the Modified Plan's support for the Habitats Regulations relating to the River Avon SAC, the Chilmark Quarries SAC and the River Avon SSSI.

1.3 The Qualifying Body considers that these proposals represent material modifications to the Made TisPlan (2019), but they are not considered so significant or substantial as to change the nature of the Made TisPlan. The material modifications are updates; the provision of additional evidence and explanations; and changes to the running order, all of which may be made without a referendum, in accordance with the Neighbourhood Plan (General) and Development Management Procedure (Amendment) Regulations 2017/1243. Regulation 15(1)(f) of the amended 2012 Regulations (as amended by Regulation 5(7) of the 2017 Regulations) requires:

*"in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".*

1.4 The aim of this Statement is to ensure compliance with the above regulations and, in addition, to enable compliance with the following requirements in the Planning Practice Guidance (PPG):

*"The qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.*

*the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner.*

*the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan."*

1.5 In accordance with the requirements of the PPG, as stated above, this document sets out the background rationale to these modifications, explains what the modifications are and summarises the reasons why the Qualifying Body believes that the modifications of the plan are not so significant or substantial as to change the nature of the Made TisPlan.

## 2 BACKGROUND

2.1 TisPlan (2019) covers the period 2019–2036. The designated neighbourhood area covers the same area as the two parish councils of Tisbury and West Tisbury. On 29<sup>th</sup> November 2019, Wiltshire Council agreed to 'make' TisPlan, following independent examination and a positive (93.6% of those who voted) result in favour at the referendum which took place on Thursday 28<sup>th</sup> November 2019.

2.2 The parish councils have continued to monitor the effectiveness of the policies of the Made Plan. TisPlan has been helpful in informing development and a number of its proposals have either already been implemented or are in progress. In particular, TisPlan's Vision for the site of the former Sports Centre in Tisbury village, resulted in submission of a planning application for a community-led development of 13 homes, supported by Wiltshire Council, and receiving high levels of local support.

2.3 There are however some elements of TisPlan which need to be strengthened or brought up to date. A recent designation of the Cranborne Chase National Landscape (formerly CCWD Area of Outstanding Natural Beauty) as an International Dark Skies Reserve necessitates review of TisPlan's policies governing how much artificial light can be emitted from new development; and, most importantly, policies relating to flooding and flood risk need to be strengthened in the light of severe flooding from the River Nadder in Tisbury in October 2021, 2022 and again in 2023. The policies need to further emphasise the importance of the ecology in this sensitive landscape area. Therefore, the Neighbourhood Plan Steering Group was reconvened and has taken on the task of drafting modifications to the Neighbourhood Plan.

2.4 The parish councils are also acutely aware that Wiltshire Council's current spatial development strategy is over 5 years old and that the planning authority does not fully meet government-set housing land supply targets. Whilst these matters are being addressed, and the emerging Local Plan is under development, there is a risk in the interim that significant unplanned development may be granted planning permission, if the weight of the relevant development plan is weakened by time. The Qualifying Body, therefore, has recommended that regular reviews of TisPlan may be necessary to ensure that the full weight of TisPlan's policies is maintained in accordance with paragraph 14 of the National Planning Policy Framework, especially whilst the emerging Wiltshire Local Plan has yet to be determined. The modification route created by the 2017 Regulations is appropriate for this purpose<sup>1</sup>.

2.5 In 2021, the Parish Councils commenced their modification process by resolving to reconvene the Steering Group to carry out a review of existing policies. New working groups were set up; meetings were held to discuss and propose potential revised priorities and a community-wide consultation by questionnaire was carried out between 25<sup>th</sup> April and 12<sup>th</sup> May 2022 to gauge public support and opinion. The consultation demonstrated overwhelming support among local people for renewing TisPlan in line with the priorities proposed by the Steering Group (95%) and 298 suggestions relating to flooding, dark skies and local green spaces were received. The consultation also demonstrated continuing approval of TisPlan's Vision which received an approval rating of 94%. In addition to showing support for the proposed renewal process, the consultation generated useful evidence which is reflected in revised policies and additional supporting text which clarifies and strengthens the existing plan.

---

<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan> Paragraph: 106 Reference ID: 41-106-20190509 Revision date: 09 05 2019

2.6 The Steering Group received general advice and support from Wiltshire Council, plus financial support from Locality which enabled them to engage an independent professional planning consultant to advise on how best to strengthen TisPlan, whilst retaining its fundamental aims and objectives. On her advice, policies have been updated and supporting ones introduced. Themes have been revised and existing policies re-grouped within those themes. The running order of the Plan has been changed, achieving greater coherence and clarity, but without affecting the overall vision, which remains as previously stated.

2.7 It should be noted that in November 2020, Wiltshire Council agreed a number of very minor modifications to TisPlan, which corrected typographical errors; resolved issues with spacing and layout and removed some duplicated paragraph numbering. Those early non-material modifications were simply a “tidying” exercise which did not change the nature of the Plan.

2.8 In addition to modifications proposed for 2022–2024, work is being carried out in consultation with Wiltshire Council who are producing a new Design Code for the county as a whole. The Steering Group is participating in the county-wide pilot study which will inform the Wiltshire Design Code and they will use the outcome of this process to inform a bespoke Village Design Code to supplement the Neighbourhood Plan. Publication is anticipated around the same time of the emerging Local Plan, (2020–2038). The Design Code, however, is a substantial and separate piece of work which will require extensive consultation with the community and therefore will be the subject of a separate review.

2.9 For this review, the proposed modifications result from a comprehensive review of the Vision, its aims and objectives, and the policies of the Made Plan. The Qualifying Body is of the opinion that whilst this is a material review, nevertheless it is not so significant or substantial as to change the fundamental nature of the Plan. In particular, no new development sites have been allocated. The Qualifying Body, therefore, believes that another referendum should not be necessary.

2.10 The extent of all additions, deletions and amendments are summarised in the Modification Summary table in the next section, which provides an overview of the proposed modifications.

### 3 SUMMARY OF PROPOSED POLICY MODIFICATIONS

Section / Revised Policy Titles	Narrative ( <i>and previous policy titles, where applicable</i> )
THEME 1 – Natural Environment and Climate Change	A revised theme heading and additional text to highlight the importance to the community of this group of strengthened and revised policies, NE1-9
Policy NE1 The Cranborne Chase National Landscape	TisPlan's objectives to conserve the National Landscape have been formalised by the addition of this new policy.
Policy NE2 The River Avon Special Area of Conservation.	This policy strengthens TisPlan's commitment to the importance of the diverse ecology in the TisPlan neighbourhood area, including a reminder that the Habitats Regulations must be given due consideration.
Policy NE3 Green and Blue Infrastructure  A) Conservation and enhancement B) Design	Previously Policy HNA.1 This policy has been expanded to strengthen the importance of the local blue and green infrastructure. It is a further reminder of the importance of conserving the local ecology.
Policy NE4 Nature Conservation, Habitats and Biodiversity A) Conservation B) Habitats and Biodiversity	Incorporating the aims of previous Policies HNA.1 and HNA.3  This policy has been strengthened by the addition of supporting text and a reminder that a HRA may be required in some circumstances.
Policy NE5 Trees	This policy strengthens TisPlan's objectives, and the provisions already present in existing Policy HNA.1 to protect existing trees and encourage the planting of trees, given their important role in combating climate change and enhancing biodiversity.
Policy NE6 Landscaping	This policy brings together various provisions on landscaping contained in previous Policies HNA.1 and LCW.3, and objectives set out in TisPlan's commentary, into a single, clear, policy covering the whole Plan area in the setting of the Cranborne Chase National Landscape.
Policy NE7 Managing Flood Risk,  A) Managing Drainage B) Zone 3b Functional Flood Plain	Previously Policy HNA.3, This Policy has been strengthened in the light of the serious flooding which occurred in Tisbury in 2021, 2022 and 2023 to reflect the updated approach set out in the Wiltshire Strategic Flood

C) Site Flood Risk Assessments	Risk Assessment 2019 and more recent feedback received from the Environment Agency in respect of the Nadder Valley, in which Tisbury is situated.
Policy NE8 Energy Conservation	Previously (part) Policy BL.5 This Policy sets out, with greater clarity, the provisions of previous Policy BL.5 regarding energy conservation.
Policy NE9 Renewable Energy	Previously (part) Policy BL.5 This Policy strengthens the provisions of previous Policy BL.5 on the use of renewable energy, providing more clarity on the key criteria relating to renewable energy in the TisPlan area.
THEME 2 – Design, Heritage and the Built Environment	A revised theme heading for this group of policies, which have been re-ordered.
Policy DB1 High Quality Design and Landscaping	Previously Policy BL.4 and HNA.2 This Policy expands on the principles, aims and objectives set out in previous Policy BL.4, and HNA.2, setting out more clearly how new development should deliver high quality design in both function and form.
Policy DB2 Protecting the International Dark Skies Reserve	Previously Policy BL.4 This Policy strengthens and updates the criteria relating to dark skies set out in previous Policy BL.4 in support of the most recent guidance on good practice from the Cranborne Chase National Landscape (AONB).
Policy DB3 Brownfield Sites	Previously Policy BL.3 renamed and repositioned with minor changes to the text, so that the policy is more succinct.
Policy DB4 Conservation and Character A) Tisbury's Character Areas B) Tisbury Conservation Area C) Heritage Assets D) Important Local Views E) Residential Density	Previously Policies HNA.2 and BL.5 This policy brings together policies on conservation and heritage assets drawn from previous Policies HNA.2 and BL.5, giving additional clarity regarding non-designated heritage assets which have been identified as having particular importance or significance; plus additional supporting text defining important local views and green spaces which merit particular consideration.  The introduction of the Character Area Statement helps to formalise the objectives first identified in TisPlan 2019.
Policy DB5 Infrastructure Provision A) Telecommunication and Utility Infrastructure B) Enabling infrastructure	Previous Policy BL.6 Policy repositioned in the text; strengthened with greater emphasis on the importance of the enabling infrastructure and consideration of the capacity of local services.

Policy DB6 Place-Shaping	This supplementary policy sets out enabling criteria in support of the Character Area Statement
THEME 3 Homes	A revised Theme heading for this group of policies, which have been re-ordered.
Policy HS1 Affordable Housing A) Local Need B) Affordable Housing Levels C) Tenure Blind Development D) Rural Exception Sites E) Interpretation	Previous Policies BL.1 and BL.2 This Policy strengthens and expands on the provisions of previous Policies BL.1 and BL.2, not least in the light of evidence from the updated Housing Needs Assessment and Community Consultations in 2021 and 2022. It sets out how development should deliver a broad mix of homes which meet the needs both of older people and those seeking affordable homes.
Policy HS2 Promoting Independence A) Accessibility and Location B) Specialist Accommodation C) Interpretation	This supplementary policy develops and strengthens aims and objectives of TisPlan (2019) as proposed by previous policy BL.1
Policy HS3 Employment and Out-Commuting	Supplementary to and strengthening previous policy BL.1 in TisPlan (2019)
Site Allocations	
Policy HS4 Site Allocation: Station Works, Tisbury SP3 6QU A) Principle B) Design C) Phasing D) Access E) Affordable Housing F) Flood Risk G) Decontamination H) Transport I) Parking	Previously Policy BL.7  The original content remains with additions and amendments providing further evidence and more detailed explanation. The policy has been sub-divided for greater clarity of presentation. The site is allocated for mixed development, including 68 dwellings, commercial units and land set aside for future development of the railway station.  The policy now includes reminders of the significance of this site to the local community, demonstrating the importance of a masterplan.
Policy HS5 Site Allocation: Site of the former Sports Centre, Tisbury SP3 6HJ	Previously Policy BL.8 as originally drafted and updated to reflect the recent progress made to bring this site forward. The site is allocated for 13 dwellings. A planning application is awaiting final confirmation of the approval of the S106 Agreement.
THEME 4 Sustainable Transport	The running order of this group of policies has been amended with minor amendments to the text.
Policy ST1 Traffic Impact and Road Safety	Previously Policy TR.3 This policy extends and strengthens the provisions of previous policy TR.3



Policy ST2 Parking Provision	Previously Policy TR.1 Retained and redrafted for greater clarity.
Policy ST3 A Safe and Walkable Village A) Walking and Cycling Routes B) Air Quality C) Location of Essential Services	Previously Policy TR.4 As originally drafted but with an amended running order and further strengthening to propose how the careful location of services can contribute to walkability.
Policy ST4 Tisbury Railway Station A) Regeneration B) Co-ordination	Previously Policy TR.2 retained as previously drafted, with further strengthening to emphasise the need for co-operation between the stakeholders.
THEME 5 Promoting Business and Employment	
Policy EB1 Economic Regeneration A) Protection of Employment Sites B) Mixed Use C) Protection of Tisbury High St	Previously Policy EB.1 retained as previously drafted, with further strengthening to emphasise the need for protection of existing business sites and the village high street.
THEME 6 Leisure, Community and Well-Being	The running order of this group of policies has been amended, and with some amendments to the text
Policy LC1 Local Green Spaces	Previously Policy LCW.1 Revised narrative and an additional green space added to the schedule, following the community consultation performed in April/May 2022.
Policy LC2 Sports and Recreation Spaces	Previously Policy LCW.2 strengthens previous Policy LCW.2. Parts of previous Policy LCW.3 are moved to Policy NE.6 Landscaping
Policy LC3 Retaining Community Facilities	Previously Policy LCW.2 strengthened, with existing text retained. Where appropriate, supports the provision of "new for old" community facilities.
Policy LC4 Public Open Space	Supplementary new policy to strengthen the narrative from TisPlan (2019)

The Steering Group considers that the modifications outlined in the above table are either minor, or are material, but in a way which strengthens TisPlan's existing policies. Greater emphasis on the Habitats Regulations has been introduced on the recommendations of Wiltshire Council's Ecologist. There are new themes, and the running order of the policies is different, but the modifications are not so significant or substantial as to change the nature of the made Plan (2019).

## 4 STRATEGIC ENVIRONMENTAL ASSESSMENT

4.1 A Strategic Environmental Assessment was carried out by AECOM on behalf of the Qualifying Body in 2017 (updated in 2019 ahead of the final TisPlan Reg 16 submission). In the opinion of the Qualifying Body, the Amended Plan does not include any new policies which would have an adverse impact on the existing Assessment and does not include the allocation of any new sites, or the re-use of currently allocated sites in a way which extends beyond TisPlan's existing allocations. As previously, neither of the two allocated sites are in a Flood Zone.

4.2 Wiltshire Council pre-screened the proposed modifications and concluded that a new Strategic Environmental Assessment (SEA) would be required under EU Directive 2001/42 and the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). Wiltshire Council consulted with the statutory bodies on its draft opinion, and they confirmed their agreement as part of the formal Regulation 14 consultation. The Qualifying Body therefore requested Technical Support from AECOM for an updated Strategic Environmental Assessment to be carried out. AECOM published their revised and updated SEA in January 2024.

4.3 The summary conclusion of the revised SEA (published January 2024) is as follows:

*Overall, the appraisal has concluded that the revised Neighbourhood Plan would not have any additional significant effects to those presented in the previous SEA findings.*

## CONCLUSION AND RECOMMENDATIONS

5.1 In summary, the proposed modifications to TisPlan are both necessary and timely. The modifications will help to ensure the continued deliverability of the plan as intended and bring further clarity and consistency to aid decision making. The modifications are in conformity with the spirit of the Made (2019) plan and remain entirely consistent with the original Vision and Objectives of TisPlan.

In line with Reg 15 para 4(v) of the regulations (2012, as amended) the Qualifying Body considers that the modifications contained in the modification proposals are material, but not so substantial as to change the nature of the neighbourhood development plan. The Vision of TisPlan 2 is unchanged from TisPlan 1 and no new development sites have been allocated.

5.2 Therefore, the Qualifying Body wishes to recommend that TisPlan (2019) should be modified in line with the proposals, but that another community referendum will not be necessary.