

Wiltshire Council Response to the 'Tisbury and West Tisbury Neighbourhood Development Plan 2017-2036, December 2018'

Regulation 16 Consultation

April 2019

Context

Officers of Wiltshire Council have been advising the Tisbury and West Tisbury Neighbourhood Plan ('TisPlan') Steering Group about the neighbourhood planning process and the requirements to ensure the neighbourhood development plan meets the basic conditions.

The Tisbury and West Tisbury Neighbourhood Area was designated on 27 July 2015 in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. The reasons for this decision are set out in the <http://www.wiltshire.gov.uk/sppnp-tisbury-area-designation-report.pdf>.

TisPlan was formally consulted upon in accordance with regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) between 10th July and 8th September 2017. A detailed summary of TisPlan's community consultation from 2013-2018 and a schedule of all the responses received during the public consultation (Reg 14) and how each of these comments were addressed can be found in Appendix 9 to TisPlan. TisPlan has also been subject to a healthcheck available at Appendix 19 to TisPlan.

Submission of the draft neighbourhood plan

Wiltshire Council as the local planning authority, considered the submitted plan and is satisfied that it complies with all the relevant statutory requirements set out in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The submitted TisPlan includes a map of the neighbourhood area, and is accompanied by a Basic Conditions Statement, a Sustainable Environmental Assessment, Habitat Regulations Assessment Screening and update attached to this report, a Consultation Statement, and a series of evidence documents.

The TisPlan was submitted to the Council on 19th January 2019. Following validation, the Regulation 16 consultation started on Monday 11th March 2019 and finished on Wednesday 24th April 2019. The start of the consultation was delayed due to logistical issues in making necessary arrangements for the consultation.

Strategic Environmental Assessment (SEA)

A Strategic Environmental Assessment has been prepared for and submitted alongside TisPlan. This is available at Appendix 7 to the TisPlan documents and is titled 'Strategic Environmental Assessment for the Tisbury and West Tisbury Neighbourhood Plan - Environmental Report to support the Submission of the Neighbourhood Plan'.

Habitats Regulations Assessment (HRA)

The Regulation 14 consultation version of TisPlan was screened in accordance with the provisions of the Habitats Regulations in September 2017 (see Appendix 17 of submission documents). The screening process concluded that three policy areas (The Housing and Building Vision, Policies

BL.3 and BL.4) in the draft TisPlan would have the potential to give rise to significant effects on one European site alone and in combination with other plans and projects in the local area.

These policies were subject to an appropriate assessment to determine whether they would lead to adverse effects on the integrity of the River Avon Special Area of Conservation (SAC) and Chilmark Quarries SAC. The appropriate assessment concluded that the draft TisPlan would benefit from additional wording to ensure it meets the requirements of the Habitats Regulations and that the submitted plan should be re-screened before it is adopted.

The submitted TisPlan has been re-screened (dated 22 January 2019), as set out in **Appendix 1** to this response. Two policies have again been screened into a further assessment, Policies HNA.3 and BL.7. Revised wording is recommended to be incorporated into TisPlan to ensure compliance with the Habitats Regulations and that the policies would not therefore lead to likely significant adverse effects upon the River Avon SAC or Chilmark Quarries SAC either alone, or in combination with other plans or projects. The proposed amendments are considered later in this response.

The submitted TisPlan and Habitats Regulations Assessment dated 22 January 2019 were forwarded to Natural England for comment. A copy of their response is provided at **Appendix 2**, which states:

“Having read the Appropriate Assessment for the Tisbury and West Tisbury Neighbourhood Development Plan, our only concern is with the capacity of the STW [sewerage treatment work] to accommodate the growth concerned. We note policy HNA.3, policy BL.7 para 13, and the recommendation in para 5.13. The first sentence of Recommendation 1 (“All new development must be in line with the latest policy requirements agreed between Wiltshire Council, the EA and Natural England.”) is potentially ambiguous. We advise that the following text should be added: “...prevailing at the time of determination” in order to anticipate that the current policy requirements may change.

In other regards we concur that the NDP will not have any adverse effect on integrity on the two Special Areas of Conservation concerned.”

Comments on the submitted TisPlan

The focus of the Council's comments is to ensure that the plan generally conforms to the policies of the Wiltshire Core Strategy and are effective in achieving their stated objectives through the determination of individual planning applications. Views are also provided where policies raise issues of potential conflict with national policy.

The plan represents a considerable amount of work involving all interests in the local community. It sets out the issues it aims to tackle and for each issue there are objectives and policies and action points for Tisbury and West Tisbury Parish Council's to carry forward. The plan also contains a clear vision for the future. It has been prepared positively with a proactive attitude to achieving the desired outcomes of Tisbury village and its rural surrounding area.

The Wiltshire Core Strategy (adopted January 2015) sets out the strategic planning policies for the area over the period to 2026. This plan is under review and the Council is at the early stages of preparing a plan for the period to 2036 (known as the Wiltshire Local Plan Review). As such, in the 'Introduction' section of the plan (final paragraph, page v) recognition should be given for the need for an early review of the neighbourhood plan to ensure that it remains up to date in line with new strategic policies of the Local Plan. The final sentence would also benefit from review to clarify that the plan once made will become part of the development plan.

The comments that follow represent some areas of the plan that the Council consider should be addressed. For ease of reference, these are presented in plan order.

Section 1 – A Summary of the TisPlan Area and its Development Priorities

Section 1.2 would benefit from review to clarify the Wiltshire Core Strategy (WCS) requirements set out in Core Policies 1, 2 and 27 (Spatial Strategy: Tisbury Community Area) in relation to the status of Tisbury as a Local Service Centre, priority afforded to brownfield development, indicative housing and employment requirements for its plan period - 2006 to 2026; and the up to date position of the emerging Wiltshire Housing Site Allocations Plan (WHSAP) and its relevance to the plan. Paragraph 4.33 of the WCS clarifies the indicative nature of the WCS housing requirements and that neighbourhood plans should not be constrained by the housing requirements set out in the WCS.

The WHSAP is currently at examination and while it does not propose to allocate sites for housing in Tisbury, the evidence base recognises the relatively low residual requirement of 22 homes (at 1 April 2017) and the potential for windfall development to deliver this. It also acknowledges that the neighbourhood plan would be considering the allocation of a significant brownfield site. It may be worth clarifying at this point in the plan that the WHSAP is reviewing the settlement boundary for Tisbury.

With regard to the reference to the Local Plan Review to 2036 (paragraph 4, page 3), this is at an early stage of preparation and while the 2017 Strategic Housing Market Assessment was indicating significantly lower levels of growth in the Salisbury Housing Market Area compared to the Wiltshire Core Strategy, this is now less marked in the more recent evidence prepared taking into account the Government's standard methodology. Therefore, as set out above, the plan should recognise the need for early review following the adoption of the Local Plan Review.

Section 1.1, Page 2, paragraph 7 the phrase *"In 2016, Wiltshire Council withdrew funding for rural transport, so there are few regular bus services, resulting in above average car ownership"* should be amended as West Tisbury and Tisbury parishes differ significantly. Tisbury has higher proportion of no-car households than Wiltshire and lower proportion of multiple-car households. In West Tisbury the reverse applies. (2011 Census). We therefore doubt that the funding withdrawal equalling Car Ownership increase is supported by evidence and the sentence should be deleted.

First paragraph under 'Section 7: Planning Gain' (Page 7) would benefit from clarification, as not all development is subject to CIL. Suggest the wording "on most new development" is deleted.

Section 2 – Historic and Natural Assets policies

The council is pleased to note that landscape is a cross cutting theme that runs throughout the plan which is appropriate considering its location within the AONB. It is also worth noting that the plan has been developed within the context and aspirations of the AONB Management Plan e.g. recognition of Dark Sky Status.

The Neighbourhood Plan has a clear interest in archaeology, cultural heritage and landscape which is made plain in the TisPlan Vision Statement. It is very positive that there is an intention to conserve and enhance landscape and heritage assets, and that the positive benefits of heritage and landscape on wellbeing are acknowledged in the section on leisure and community. Indeed, Section 2 states the need to respect and safeguard the characteristics of Tisbury - which ties into landscape (and historic landscape) character - so there is a clear awareness of the importance of such evidence. Various important evidence bases for historic environment have been accessed, including those relating to designated assets (listed buildings, registered parks and scheduled monuments) and conservation areas (the appraisal document) and this is to be commended. The policies generally accords with the WCS and is supported

Policy HNA2 The Conservation Area

For clarity the first line of Policy should say “Any proposal...”.

Policy HNA.2 paragraph 2 states “Proposals should seek to protect the natural and historic features of the Conservation Area, having regard to the Tisbury conservation Area Appraisal and Management Plan (2009, and subsequent revisions thereof) and whose prominent characteristics are summarised in Appendix 4 - Design Codes and Visual impact which sets out a more comprehensive design code.” This implies that the Conservation Area Appraisal (CAA) is summarised in this appendix, however the CAA is not mentioned in this document and it does not appear to be a summary of the CAA but a summary from a development brief for what is now known as ‘Wyndham Place’. As the document does not summarise the CAA reference to this in the policy and supporting text should be deleted and Policy HNA.2 paragraph 2 should be amended as follows:

~~“Proposals should seek to protect the natural and historic features of the Conservation Area, having regard to the Tisbury Conservation Area Appraisal and Management Plan (2009, and subsequent revisions thereof) and whose prominent characteristics are summarised in Appendix 4—Design Codes and Visual impact which sets out a more comprehensive design code.”~~

The supporting text on **page 17, paragraph 3** should also be deleted to be consistent: ~~‘Accordingly, in order to guide future development TisPlan strongly endorses the principles of the CAA and wishes to adopt them as a framework for conservation action. See Appendix 4—Design Codes and visual Impact to help developers and residents choose building materials sensitive to the conservation Area and avoid design choices that are not of keeping of the spirit of the CAA,, such a external rendering of historic houses’.~~

Policy HNA.2 paragraph 4 should be amended as follows to make plan more positive and to be consistent with other policies: “Any planning applications which would remove or detract from original features will ~~be refused~~ not be supported.”

Policy HNA.2 paragraph 5 - It is not clear what the Neighbourhood plan is trying to control. Many elements do not require any consent and so are outside the planning system and consideration should be given to deleting the paragraph.

Policy HNA.3 Managing the Water Environment

The TisPlan has been subject to a Habitats Regulations Assessment (see Appendix 1). This together with the response from Natural England on the HRA recommends amendments to Policy HNA3 to ensure that the plan meets the Habitats Regulations, as follows:

~~“All new development must be in line with the assumptions in the Nutrient Management Plan which has been prepared for the river by Wiltshire Council. New residential development must be built to the highest water efficiency standards provided for by building regulations of a maximum water use of 110 litres per day (G2 of the Building Regulations 2010). Dwellings shall not be occupied until this has been complied with. All new development must be in line with the latest policy requirements agreed between Wiltshire Council, the EA and Natural England prevailing at the time of determination. The current position is that all new development permitted between 2018 and 2025 must be ‘phosphate neutral’ and this will be achieved by delivering the measures contained in the Interim Development Plan (IDP) agreed by the River Avon SAC Working Group. This requires all new residential development to be built to the highest water efficiency standards provided for by the building regulations which are currently a maximum water use of 110 litres per person per day (G2 of the Building Regulations 2010). For most developments additional measures will be required and these will be funded through CIL payments. In exceptional circumstances, it may be necessary for developers to provide for further measures beyond those funded by CIL.”~~

However, in the interest of clarity, to ensure an effective policy, to ensure the plan does not delegate decisions from the plan to policy and practice elsewhere, and not to tie the policy to a current interim position that may change, as well as reflecting the agreed Memorandum of understanding position, it is considered that some of the recommended wording should be included in explanatory text rather than policy and the following amendments should be made to the policy as published rather than the recommended wording above:

Page 20 paragraph 1, add to end of paragraph “The current position is that all new development permitted between 2018 and 2025 must be ‘phosphate neutral’ and this will be achieved by delivering the measures contained in the Interim Development Plan (IDP) agreed by the River Avon SAC Working Group. This requires higher optional water efficiency standards provided for by the building regulations which are currently a maximum water use of 110 litres per person per day (G2 of the Building Regulations 2010). Additional mitigation measures these will be funded through CIL payments. In exceptional circumstances, it may be necessary for developers to provide for further measures beyond those funded by CIL.”

Policy HNA.3 paragraph 3 should then have the following amendments:

~~“All new development must be in line with the assumptions in the Nutrient Management Plan which has been prepared for the river by Wiltshire Council. New residential development must be built to the highest optional water efficiency standards provided for by building regulations which are currently of a maximum water use of 110 litres per day (G2 of the Building Regulations 2010). Dwellings shall not be occupied until this has been complied with.”~~

In addition, it is considered that **Policy HNA.3 paragraph 1** would benefit from review to ensure that it is in accordance with national policy in relation to flood risk and **Policy HNA.3, paragraph 2** would benefit from review to ensure that it reflects current practice and the preferred approach for sewerage treatment (and phosphate management) to take place at sewerage treatment works at existing point sources as set out in the Nutrient Management Plan.

Section 3: Housing and Building Policies

The plan aims to maximise future development needs on brownfield, which is welcomed. However, the statements made in the plan, such as “*development on major greenfield sites will not be permitted*” (**first paragraph, page 23**) should be reviewed to ensure it does not conflict with Core Policy 44 (rural exception sites of the Wiltshire Core Strategy. CP 44 of Wiltshire Core Strategy allows for development of up to 10 dwellings on such greenfield sites; which may be applicable particularly given the plan period is up to 2036. An exception site may be the best means to achieve community-led development, as stated in the final paragraph of Policy BL.2 (see below).

Policy BL1 Providing a Broad Mix of Housing

Policy BL1 states that the “mix of housing on any site should aim to reflect the most recent evidence of local need”. This is in accordance with Core Policy 45 of the Wiltshire Core Strategy, which states that “housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located.”

It is considered that the statement of support for specific tenures or housing solutions in the supporting text could potentially conflict with Policy BL.1, which states that the housing mix should reflect the most recent evidence of local need; particularly as a new Housing Need Survey is currently being prepared. For example, on page 23, the plan expresses support for starter homes and it is possible that local evidence may not always support provision of starter homes. It should also be noted that there is still some uncertainty around this tenure. Starter Homes are a specific type of Affordable Housing to which Starter Homes Regulations will apply. As the Regulations have

not yet been published, it is not clear what the detail behind Starter Homes will be e.g. the procedure for allocation and whether they can be prioritised for local people. However, it is known that they will be restricted to a specific age group (23 to 40 year olds) at 80% Open Market Value and that they will not be available as affordable housing in perpetuity, as after 15 years the purchaser will be able to sell at open market value without repaying the discount.

Policy BL.1 paragraph 2 - proposals should demonstrate that they have met the Wiltshire Core Strategy requirement of 30% or 40% (depending on the Affordable Housing zone in which the site is located) on-site Affordable Housing provision. This requirement should take priority over the provision of other types of housing which fall outside the definition of Affordable Housing, in order to ensure that the policy requirements of the Wiltshire Core Strategy are met. Policy BL.1, paragraph 2 Point 1 should therefore be amended to read: “A shortfall in the provision of affordable housing the Wiltshire Core Strategy’s (or its successor) affordable housing requirement.”

The final paragraph of the policy appears to restrict community-led development to the provision of lower cost or affordable housing. This wording could be amended to ensure that it allows sufficient flexibility to enable delivery of a community-led development.

Policy BL.2 Affordable Housing

At paragraph 2 of Page 25 the supporting text states that “under Core Policy 43 all development of more than 11 units, or more than 1,000m² of floorspace should deliver a minimum of 30% affordable dwellings”. This statement is in conflict the Wiltshire Core Strategy (Core Policy 43) and the latest (2018) NPPF (paragraph 63) and although this neighbourhood plan is to be examined looking at the previous NPPF it is considered that the neighbourhood plan (Policy BL.2 and the supporting text) as appropriate should be updated to form the correct position for decision making as follows:

- Core Policy 43 states that on sites of five or more dwellings, affordable housing provision of at least 30% will be provided in the 30% affordable housing zone and at least 40% will be provided on sites within the 40% affordable housing zone. (Please note that the implementation of this policy is currently amended by the provisions of the revised NPPF Paragraph 63 and as Tisbury and West Tisbury sit in a designated rural area a lower threshold can be applied, this lower threshold could be reflected in Policy BL.2 for clarity);
- It should be noted that the Tisbury and West Tisbury neighbourhood plan area lies partly within the 30% (Tisbury parish) affordable housing zone and partly within the 40% affordable housing zone (West Tisbury parish);
- The revised NPPF (2019) requires an affordable housing contribution on sites of 10 or more dwellings, or sites of 0.5 hectares or more. This supersedes the 11+/1,000sqm threshold in the PPG which is referred to in the draft Neighbourhood Plan.

Page 25, paragraph 3, refers to the 2014 Housing Needs Survey. The following should be noted:

- The 2014 survey was carried out by Wiltshire Council working together with Tisbury and West Tisbury Parish Councils. It was not carried out by the Wiltshire Rural Housing Association.
- The discrepancy between the need identified in the Housing Needs Survey and the housing demand identified in the TisPlan questionnaire could be explained by the following points:
 - The housing needs survey results (which evaluated respondents’ eligibility for affordable housing) cannot be compared to the demand / aspirations identified in the TisPlan questionnaire.
 - The housing needs survey provided a snapshot of need at the time of the survey. No attempt was made to estimate the need over a longer period of time.
 - The survey could only identify need from those who responded to the survey. There may have been households in need of housing who didn’t respond. Housing Needs Survey results therefore always indicate a minimum need.

A more up to date housing needs survey has commenced for Tisbury, the data when available may help provide a more up to date understanding of local needs that can inform the implementation of the plan.

Policy BL.2 requires local connection criteria to be secured through a Section 106 (S106) agreement. It should be noted that on developer-led schemes, affordable housing contributions are always secured through a S106, and include wording which has been agreed by Wiltshire Council's partner Registered Providers (Housing Associations). The S106 requires that an affordable housing unit is let to a person(s) who has a local connection as set out in Wiltshire Council's Allocations Policy. Policy BL2 conflicts with this approach in the following ways and therefore can't be supported and requires review.

The local connection criteria (as set out in Wiltshire Council's Allocations Policy) allocates to the local parish in the first instance. If there are no qualifying bidders within the parish, allocation cascades out to adjoining parishes, then the rest of Wiltshire. The Allocations Policy does not allow for allocations to the Neighbourhood Plan Area in the first instance if the Neighbourhood Plan Area consists of more than one parish it can only allocate in the first instance to the parish where the development is located.

The allocations policy is available via:

<http://www.homes4wiltshire.co.uk/Data/Pub/PublicWebsite/ImageLibrary/Full%20Council%20policy%20Feb%2018.pdf>

Policy BL.2 paragraph 1 should therefore be amended as follows: "Where a legal (Section 106) agreement is negotiated for affordable housing, this should include a provision for the allocation of affordable homes to be prioritised to eligible people (in accordance with Wiltshire Council's Allocations policy) who have a local connection to ~~the neighbourhood plan area~~ either Tisbury or West Tisbury parish (the parish where the development is located)."

It should also be noted that wherever possible, S106s already require that Affordable Housing is provided in perpetuity.

Policy BL.2 paragraph 2 - Financial Contributions: Core Policy 43 of the Wiltshire Core Strategy allows financial contributions (in lieu of on-site affordable housing contributions) only in exceptional circumstances. Whilst the desire that any contributions should be spent locally is recognised, the difficulty in finding suitable land, together with identification of additional funding to meet the full costs of development, can mean that this is difficult in practice. It should be noted that any restrictions placed on the spending of these contributions increases the risk that they will remain unspent and eventually be paid back to the developer.

Policy BL.2 paragraph 3 - Wiltshire Council supports community-led development. However, the wording in Policy BL.2 may be too restrictive to enable community led housing e.g. encouraging only community-led development which guarantees affordable or low-cost dwellings for local people in perpetuity; and restrictions to brownfield sites only. These restrictions may not provide sufficient flexibility to enable the delivery of community-led housing; potential for Core Policy 44 to deliver schemes should be considered as additional flexibility in the plan.

It is recommended at the very least that the wording of **Policy BL.2 paragraph 3** be amended as follows to allow flexibility:

"Opportunities for community-led development which guarantee the provision of affordable housing or low-cost dwellings for local people in perpetuity will be encouraged ~~on brownfield sites. Planning permission will be conditional on the drafting of an appropriate Section 106 agreement to this effect.~~"

Policy BL.3 Development on Brownfield Sites

The emphasis on brownfield sites is welcomed. However, **paragraph 2 of Policy BL3** should be amended to make the plan more positive and for clarification "...Major development on greenfield sites will not be ~~permitted~~ generally be supported, not least..." (see following point also).

Notwithstanding this, the explanation in policy to brownfield sites being likely to meet projected needs of the community to 2017 to 2036 and the footnote should be included in supporting text and not policy, as an explanation to the plan's approach. Also, as set out above, the policy should be reviewed as it conflicts with Core Policy 44 of the Wiltshire Core Strategy, which allows for exception sites of up to 10 dwellings to meet local housing needs. Such sites may be needed during the plan period that extends to 2036.

Point 3 of paragraph 3 should be amended to read: "~~Development with associated high traffic impact (eg Storage and Distribution) will not be permitted as per Policy EB4~~ Development which would have an unacceptable impact on the local road network will not be supported."

Policy BL.4 Design and Landscape

Landscape as a cross cutting theme that runs throughout the plan is welcomed and appropriate considering its location within the Area of Outstanding Natural Beauty (AONB). It is also worth noting that the plan has been developed within the context and aspirations of the AONB Management Plan e.g. recognition of Dark Sky Status.

Policy BL.4 includes reference to 'CP51', which for clarity should be preceded by 'Wiltshire Core Strategy'. Generally, the imagery shown is of quite historic buildings and streets and layouts. Photos of older buildings and older developments and streets are valuable in showing how things were done in the past but can be less helpful in showing how things can be designed today, considering the changed economic, social, and environmental circumstances. Photos of well-designed moderns housing can, be equally or more valuable in showing what exactly is expected by the local people. It would be helpful for photographic precedents of modern development, street designs, etc to be included to 'prove' how things can be done well.

It is not clear why the policy requires buildings to not exceed 2 storeys. Going higher on occasion may help improve density and ensure effective use of land. Indeed, the photos in the plan show numerous traditional three storey buildings in Tisbury and consideration should be given as to whether three storey buildings should be considered.

Policy BL.5 Energy

The latest version of the NPPF now includes specific requirements for plug in vehicles and ultra-low energy vehicle (ULEV) infrastructure consideration by local planning authorities. Although this plan is not to be considered against the new NPPF a paragraph could be added to the policy to require ULEV infrastructure to be incorporated within development as follows:

"Requirements for plug in vehicles and ultra low energy vehicle infrastructure should be incorporated within all new housing and employment development."

Policy BL.6 Infrastructure Provision

The final paragraph of policy would benefit from review and amendment in the interest of clarity and effectiveness for the user of the plan in terms of how it would work in practice. For example, it is not clear what is intended by the reference to 'regulations' and which developments a comprehensive assessment could reasonably apply to.

Page 32, '3.3 Site Allocations'

The map and associated description would benefit from being reviewed in the interest of clarity, and better related to the policies to which it relates.

Policy BL.7 Site Allocation: Station Works

It is not clear what is meant in the first paragraph on Page 35 of the plan regarding phasing development in the period to 2036, this would benefit from review, as the plan is seeking to provide for the comprehensive redevelopment of the site achieved through a masterplan and Policy BL.7. Seeking to limit the phasing of development could undermine the ability to bring forward a viable proposal.

In order to provide clarity over who will produce the masterplan and ensure community consultation prior to any planning application being submitted **paragraph 1 of the Policy BL.7** should be amended as follows: "In accordance with feedback from the local community, TisPlan welcomes a comprehensive mixed redevelopment of Station Works, to include a balance of housing, commercial units and parking. Development should be carried out in accordance with an agreed masterplan, to be produced by the developer in discussion and consultation with the Local Community and Parish Councils, for the site which will set out how the phasing and necessary infrastructure will be delivered." In addition, the wording of the final bullet point of the policy should be reviewed and inserted as appropriate into this first paragraph, rather than as a criterion at the end of the policy relating to the development requirements of the site.

In relation to **point 3** and the new pedestrian crossing over Railway, it is recognised that one of the main challenges in developing the site will be from a sustainable transport perspective. The severance caused by the rail line given the absence of a pedestrian bridge will result in excessive walking distances for users of the site walking between it and the rest of the village. This requires careful consideration and should be addressed through a detailed transport assessment to support a planning application and be considered as an integral part of developing the masterplan for the site.

A change is recommended to **point 11**. The Station Works site comprises brownfield land lying within the rural corridor of the River Nadder and could therefore potentially support SAC bat species. Development may lead to the loss or modification of buildings which the bats use for roosting and disrupt flight routes or remove foraging habitat through removal of vegetation or installation of new lighting. Supporting text for policy HNA.1 identifies that "A number of bat surveys spread throughout the year may be required and developers will need to seek advice from a professional ecologist before embarking on a scheme in a sensitive area". However, Policy BL.7 states: "A habitats survey must be carried out to determine whether the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impact if these species are present". The wording of this is slightly confusing, especially given the supporting text noted at Policy HNA.1 above. In addition, these species are difficult to detect during bat surveys and therefore mitigation needs to take into account that these species are likely to be foraging and commuting across suitable habitat even if they are undetected in activity surveys. It is therefore, recommended **that point 11** is replaced as follows to ensure compliance with the Habitat Regulations (see HRA in Appendix 1 to this response):

~~"A habitats survey must be carried out to determine whether the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impact if these species are present. All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats."~~

To ensure that the plan is up to date it should add a new sentence to **point 12** as follows: “Ultra low energy vehicle infrastructure should be incorporated within development.”

Point 13 - The Council understands that there is sufficient capacity at the sewerage treatment works to accommodate the scale of growth proposed. Point 13 can therefore be deleted. ~~Given the scale of development in relation to the existing settlement and its existing capacity for sewage treatment and associated impact on the River Avon SAC, measures to implement alternative foul water treatment to mitigate overload of Tisbury Sewage Treatment works should be addressed.~~

The site has an industrial archaeology significance. Although the former station works has lost its historical industrial buildings and they have been replaced by modern units, both the foundations of the earlier structures and further remains relating to the works may survive and therefore archaeological surveys should be undertaken prior to works taking place. A **new point** should therefore be added to the policy with states: “An archaeological survey should be carried out to determine if archaeological remains exist on the site.”

Policy BL.8 Site Allocation: Site of Former Sports Centre Adjacent to St John’s Primary School

Wiltshire Council, as landowner, objects to Policy BL.8 Site Allocation: Site of Former Sports Centre Adjacent to St John’s Primary School that seeks to safeguard the brownfield site of the former sports centre adjacent to St John’s Primary School to allow for the school’s future expansion or community uses.

Wiltshire Council has made significant capital investment in constructing the Nadder Centre that has secured replacement and improved facilities at Tisbury comprising: fully equipped fitness suite fitness studio, multi-purpose sports hall, netball court, meeting room / party hire, the Orangery café, Tisbury Pre-School, The Enterprise Network business units, Tisbury Children’s Centre, Police, Community rooms, changing places room and library. Taking into consideration the extensive community facilities that have been provided and the seven village halls, which the plan recognises is a significant number for a village of its size (page 66), there is no need to safeguard this site for general community uses. The emerging WHSAP proposes to bring the site within the settlement boundary, enabling it to be considered positively as a sustainable location for development.

As a result of this, substantial investment and to offset the costs to the Council’s capital budget and generate future capital for investment elsewhere, the site was declared surplus for disposal (Cabinet decision, 7 November 2017) with a clear intention to obtain best consideration under Section 123, Local Government Act 1972. The decision was subject to community and specifically Education needs being included in the matters to be considered as one of the conditions of sale on the former Sports Centre.

Given the Council’s investment in the Nadder Centre that provides a number of community facilities including a sports centre (which has freed up this site) the Council is currently exploring options for the site including the potential to increase local housing supply and meet local needs. It has also been agreed with the Council’s Education team that an element of the site should be set aside for additional school car parking and it is not proposed to dispose of this safeguarded area (see plan attached at **Appendix 3** to this response, which excludes the strip of parking land required for the school). Education have subsequently confirmed that the school site itself is quite extensive and could support expansion of the school with parking being the only issue. The third paragraph on Page 39 would benefit from review to clarify this.

Notwithstanding the above, Policy BL.8 would disqualify the opportunity for temporary commercial uses of the site (subject to planning), which would otherwise generate revenue and offset holding costs until a preferred option for the site is identified.

In addition, the Planning Condition for ecological enhancements under Consent 14/04907/FUL, which is the consent relating to the Nadder Centre at Tisbury, will be addressed by a Variation of Condition application shortly. An ecological report and management plan have been commissioned which establishes that the wildflower meadow is not the most appropriate enhancement to the context and scale of the site an alternative ecological enhancement measures can be provided on the boundaries of the site, which would lead to net biodiversity gain.

Given the above, either the **policy should be deleted** or as a **fall-back** compromise position (as a minimum) policy should be amended to remove “community use” and the conditions relating to **Policy BL.8 modified**, as follows:

“The development use of the brownfield site of the former sports centre is supported in principle for ~~community development~~, always provided that:

- Design is sensitive to the safeguarding of children at the school
- The existing ecology of the site is managed in accordance with the prevailing planning obligations relating to the site
 - ~~Measures are included to ensure that the site is managed for the benefit of biodiversity in line with the requirements of the NPPF and conditions in Planning Permission 14/04907/FUL (Tisbury Nadder Campus) which provides for the site to be set aside and managed for the benefit of the community as a wildflower meadow~~
- Proposals should recognise that part of the site has been identified for car park expansion for the school and planning proposals should demonstrate engagement with the Education Service at Wiltshire Council in respect of the future site requirements of the school demonstrate engagement and agreement with St John’s Primary school with regard to their future expansion plans and indicate how these have been taken into account for anticipated development (e.g. including provision of additional classrooms, facilities or parking spaces).”

These changes would require complimentary alterations to the wording of the introductory paragraphs.

Section 4: Transport Policies

Policy TR.1 Parking Provision

There is some inconsistency in the references to minimum residential parking. The thrust of Policy TR.1 appears to be to ensure that enough car parking provision is provided for residential developments given the parking pressure in Tisbury, as such consideration should be given to the policy making reference to the Local Transport Plan (LTP) 3 car parking strategy which details at paragraph 7.3 the threshold for minimum car parking spaces. As currently written Policy TR.1 could be construed to reduce say the car parking requirement for a 4 bedroom house from 3 spaces to 2. Given that about two-thirds of the households in Tisbury parish have zero or one car, there doesn’t seem to be a need to mandate going beyond the LTP standards. Any deviation from the LTP standard should be considered on a case-by-case basis, dependent upon the location and type of dwelling.

The term “*Independently accessible spaces*” could be interpreted in more than one way; this should be deleted.

The first paragraph of **Policy TR.1** should therefore be amended to:

“TisPlan will expect all new residential development as a minimum to meet the minimum standards defined in Wiltshire Council’s car parking strategy. ~~with two or more bedrooms to provide a~~

~~minimum of two independently accessible off-road parking spaces per dwelling. This is Above the minimum standards defined in Wiltshire Council's car parking strategy."~~

Action point 4.3 point 3 (page 53) should therefore also be amended to align with the thresholds set in the policy. The action point could be amended as follows "Object to planning applications that do not align with Policy TR.1 ~~provide for a minimum of two independently accessible parking spaces per dwelling (with the exception of conversion of properties where no parking space currently exists).~~"

Policy TR.2 Tisbury Railway Station

Implicit within the supporting text on page 45 is the assumption that the improvements to the station (double tracking and additional platform) would result in an improved rail service for Tisbury. For a number of reasons this is not necessarily so. The relationship between rail passenger numbers and parking requirement is complex and depends heavily on the functions that the railway is serving: for example, local travel to Salisbury requires little parking at Tisbury; most car parking is for travellers to London. The relationship with other stations, particularly Gillingham, is important, including relative fare levels and parking charges. To some extent these issues can be addressed through the planning process and through the adoption of Station Travel Plans.

Bearing in mind the above, and the plan's concern about the impacts of attracting more traffic to the station, it would be helpful for the plan to set out a community vision for the station and its rail service in terms of train service and community impact, and to reflect this either Policy TR.2 or set a task within the Action Points for TR2. The current LTP requires parking to be considered in the context of a Station Travel Plan. One exists for Tisbury and it is currently being updated for South Western Railway as a requirement of their franchise agreement. The future "ownership" of this plan is unclear; it originated with Wiltshire Council. The plan elements are largely outside the railway boundary and a partnership between railway, local authority and other bodies is required. There are elements of rail travel at Tisbury that may be worthy of further attention:

- Indications that a significant amount of station car park capacity might be occupied by overnight parking;
- Walking is overwhelmingly the main access mode for passengers from Tisbury; a 1km walk encompassing most of the built-up area;
- Lifts to the station (i.e. dropping off passengers) was the second-highest access mode share after walking (2008 survey);
- Little use is made of the station (at least on weekdays) for journeys off the Waterloo-Exeter axis.

As a minimum it is considered that **paragraph 3 on page 45** should be amended to make it clearer that: "~~Inevitably these changes will~~ Faster journey times could bring increased traffic on the narrow country lanes around Tisbury from train users. ~~Any expansion of the service~~ station improvements should, therefore, also provide for improved public transport connections and additional parking facilities at the station, which, given its current layout, presents serious challenges."

Policy TR.3 Innovative Parking Solutions

The plan is seeking to reconcile providing for car ownership and dependency with protecting the attractive visual aspects of the area. Some of the options proposed are likely to be costly and this would affect the viability of development including housing.

Most of the aims in this policy conflict with the standards set out in Policy TR.1. Policy TR.1 could be amended to permit innovative solutions to be considered, replacing the need for Policy TR.3.

Overall preparation of the plan does not appear to have considered the conflicting aspirations of free parking in the village, dealing with rail passengers avoiding parking charges at the station and attracting increased levels of car traffic.

Policy TR4 Traffic Impact, Road Safety and Maintenance

Policy as drafted relates to all development including, for example, residential extensions, which would not be appropriate and should be amended accordingly.

Action point 2 under Policy TR.4 on page 53 should be reviewed. The use of a by-law to restrict tractors would not be possible as the general by-law powers don't apply where the action/restriction is covered by other legislation. In this case, the Road Traffic Regulation Act 1984 appears to offer the power to restrict certain classes of vehicle using a Traffic Regulation Order.

Policy TR.5 Sustainable Transport

The policy aims on improving foot and cycle paths are supported; routes to the railway station could also be added and made more explicit. The cycle parking element of point 5 should also be reflected in Policy TR.1 and potentially Policy TR.3 (parking and innovative parking).

Buses and community transport are mentioned in the supporting text but aren't referred to in policy. Acknowledging the problems with providing bus services to rural populations, the policy might be improved in general terms by support opportunities for sustaining and improving rural accessibility. Community Rail Partnerships (CRP) have had some success in encouraging rail-bus links; Tisbury is covered by the Blackmore Vale CRP.

Similar to Policy TR.4, Policy TR.5 relates to all developments and should be amended accordingly as this would be unreasonable.

Section 5 Employment and Business policies

The employment and business policies are generally supported. The plan is comprehensive and covers business needs well but would benefit from the following changes:

Policy EB.1 Promoting Employment Activity

In order to make the plan more positive **Policy EB1 point 2** should be deleted and replaced as follows:

~~“Development with associated high traffic impact (eg Storage and Distribution) will not be permitted. Development which would have an unacceptable impact on the local road network will not be supported.”~~

Policy EB.2 Protecting Business and Employment Activity

In order to make the plan more positive policy **EB2, point 5** (last sentence) should be amended as follows “Any planning applications which would remove or detract from original features will be refused ~~not be supported.~~”

Section 6 Leisure, Community and Well-Being policies

Policy LCW.3 - Amenity Space, paragraph 1 should be amended to read “Commensurate with the size of the scheme, proposals for additional housing residential development requiring planning permission are required to...”. This is because it would be unreasonable to ask for this for all residential development e.g. an extension.

Section 7 Planning Gain: Potential use of Community Infrastructure Levy (CIL) Monies

A neighbourhood plan can only reasonably identify priorities for spending of the neighbourhood proportion of CIL i.e. funding accrued by the parish councils in the plan area (25% where a neighbourhood plan is made), for which they are reasonable for spending on projects to support the development of the area. This should be clarified in the policy and supporting text. Spending of the strategic proportion is the responsibility of Wiltshire Council as Charging Authority.

APPENDIX 1

TISBURY AND WEST TISBURY NEIGHBOURHOOD DEVELOPMENT PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1 Introduction

- 1.1 This iteration of the HRA relates to the Tisbury and West Tisbury Neighbourhood Plan 2017-2036 Regulation 16 Submission Version December 2018 (NDP).
- 1.2 The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations 2017. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures¹, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and any subsequent appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3 It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:
- “Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”²*
- 1.4 Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided that it will not adversely affect the integrity of any European sites. Otherwise the plan cannot be authorised unless it meets specific statutory tests.
- 1.5 Wiltshire Council has conducted the following HRA as competent authority under the Habitats Regulations for the NDP. Where risks to European Sites are identified, changes are recommended to remove or reduce these and these should be incorporated into the plan before it is made. Likewise, if the policies or planning context change after the HRA is

¹ Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

² Commission of the European Communities v UK and NI, opinion of Advocate General KoKott, 9 June 2005, Case C-6/04

completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

2 Screening Methodology

2.1 Each element of the plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.

2.2 The screening criteria used are as follows:

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

2.3 The effect of each policy has been considered both individually and in combination with other plans and projects (see table in section 4 below). Where potential for likely significant effects have been identified, an appropriate assessment is undertaken in subsequent sections.

3 Higher Level HRAs

3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012³, March 2013⁴, February 2014⁵ and April 2014⁶) identified general parameters to determine the likelihood of potential impact on Natura 2000 (European protected) sites. The following parameters were identified and assessed for the following Natura 2000 sites.

Recreation – Natura 2000 sites within 5km of the plan area, or where Salisbury Plain SPA/SAC is within 15km of the plan area:

- Salisbury Plain SAC and SPA
- River Avon SAC

³ Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

⁴ Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013 (SUS/36)

⁵ Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

⁶ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014 (Exam/89A)

- New Forest SAC / SPA

Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:

- Salisbury Plain SAC / SPA
- Bath and Bradford on Avon Bats SAC
- Pewsey Downs SAC
- North Meadow and Clattinger Farm SAC
- River Avon SAC
- River Lambourn SAC
- Kennet & Lambourn Floodplain SAC

Air Pollution / Nitrogen Deposition – Natura 2000 sites within 200m of a main road

- Porton Down SPA
- Salisbury Plain SAC / SPA
- Southampton Water SPA
- Clattinger Farm SAC
- River Avon SAC
- Rodborough Common SAC
- Cotswolds Beechwoods SAC

Physical Damage / Interruption of Flight Lines / Disturbance

- Bath and Bradford on Avon Bats SAC
- Porton Down SPA
- Chilmark Quarries SAC

3.2 In terms of recreation impacts, the NDP area lies well beyond the distance from which the majority of day visitors come to the New Forest. Recreational pressure on the River Avon SAC is only recognised to occur in very limited circumstances where significant development lies immediately adjacent, which will not occur through this NDP. Tisbury lies well outside the 6.4km zone of influence for recreational pressure on Salisbury Plain SPA and risks for Salisbury Plain SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of Natural England.

3.3 In terms of hydrology/hydrogeology, the NDP area discharges to Tisbury sewage treatment Works which drains into the River Nadder which is within the catchment of the River Avon SAC. Consequently any development within the NDP will be obliged to demonstrate that it will not detract from the ability of the SAC to achieve its conservation objectives within timescales identified in the River Avon Nutrient Management Plan. The Council is working with the

Environment Agency and Natural England to ensure appropriate mitigation is in place for development coming forward under the Core Strategy and Local Plan Review. The implications of this for the NDP are considered further in the Appropriate Assessment below.

- 3.4 The Wiltshire Core Strategy identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of Natura 2000 sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level⁷ (WCS HRA Update February 2014). The housing allocation in the NDP for up to 60 dwellings at one allocation site is considered to be a small number in relation to the total for the county. All of the Natura 2000 sites listed above, except Salisbury Plan SAC/SPA and River Avon SAC are a considerable distance from the NDP area and effects are likely to be negligible. In relation to Salisbury Plan SAC/SPA and the River Avon SAC, the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is concluded that the proposals for housing in this NDP would not have an adverse effect on Natura 2000 sites through nitrogen deposition.
- 3.5 In terms of causing physical damage, interrupting flight lines and disturbance, urban development in the NDP area is too remote to have implications for bats at the Bath and Bradford on Avon Bats SAC or stone curlews breeding at Porton Down. However the NDP lies entirely within the 'Core Area' for bats associated with the Chilmark Quarried SAC and the implications of this are considered in the appropriate assessment below.
- 3.6 Since the Core Strategy was adopted, the Council has published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (HSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A final schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation.
- 3.7 The screening criteria for the HSAP were modified for some European sites from those used for the core strategy following the results of new surveys and in light of advice received from Natural England. The following screening applies the most up to date criteria available from the HSAP.

4. Screening of Policies in Tisbury and West Tisbury Neighbourhood Plan 2017 – 2036 Reg 16 Submission Version December 2018

- 4.1 The NDP comprises 23 planning policies.
- 4.2 Taking into consideration the location, scale and nature of proposals in the NDP, there is a mechanism for effect on two European Sites, Chilmark Quarries SAC and the River Avon SAC. All parts of the draft plan have been screened for potential impacts which may arise from the plan alone or in combination with other plans and projects. Two policies have the potential to give rise to significant effects and are therefore taken forward to appropriate assessment in section 5 below.

⁷ Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

- 4.3 Other policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.
- 4.4 This HRA updates that prepared for the Pre-submission version of the plan at the Regulation 14 stage⁸. The current version of the NDP has fully taken on board comments from the previous HRA. This HRA therefore addresses changes made to the plan between Regulation 14 and 16, as well as changes that have arisen in the way assessments under the Habitats Regulations are undertaken following recent case law⁹.
- 4.5 Any changes (other than those recommended here) made to the plan as a result of the examination in public should be rescreened before the Council adopts the plan.

⁸ Dated 13.09.17

⁹ Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

TABLE: Habitats Regulations Assessment Screening of the Tisbury and West Tisbury Neighbourhood Plan

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
Section 2. Historic and Natural Assets	HNA.1 Natural Assets and Biodiversity	A2	Development should aim to avoid, minimise or compensate for adverse impact on, and where possible, promote net gains to biodiversity appropriate to the size of the development.	
	HNA.2 The Conservation Area	A3	Proposals for development within or adjoining any of the Conservation Area should conserve and enhances its character and appearance. No 'Core Roosts' associated with the SAC have been identified within the NDP area to date. Wording within policy HNA.1 will be adequate to address any risks that development presents to currently unknown roosts.	
	HNA.3 Managing Water in the Environment	C and D	New development should prevent phosphate from entering the River Avon SAC or exacerbate flood risk. The policy wording lacks clarity in relation to the measures currently required of development and may be required in the future up to 2036.	
	BE4 Heritage Assets	A3	The policy requires development affecting listed buildings or the conservation area to demonstrate it will be compatible with the fabric, setting and significance of the heritage asset.	
Section 3. Housing and Buildings	BL.1 Providing a Broad Mix of Housing	A1	The housing mix on development sites should reflect evidence of local need. Opportunities for community led development will be encouraged to provide for lower-cost or affordable housing.	
	BL.2 Affordable Housing	A1	Affordable homes should be prioritised for eligible people with a connection to the area. Financial contributions for affordable housing will be spent within the NDP area and	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			opportunities for community-led development which guarantees affordable housing for local people will be encouraged on brownfield sites.	
	BL.3 Development on Brownfield Sites	A5	Redevelopment of brownfield land will be welcomed and is expected to be able to meet the local need up to 2036. The plan also supports bringing redundant or vacant historic buildings back in to use. Development on greenfield sites will not be supported. This policy does not make reference to specific brownfield sites.	
	BL.4 Design and Landscape	A3	Great weight will be given to conserving landscape and scenic beauty. Development must achieve high quality design and proposals must demonstrate they will maintain and conserve local character and have no detrimental impact on the skyline.	
	BL.5 Energy	A3	The policy supports new buildings / retrofitting which exceed energy standards provided they do not compromise the character the AONB or historic buildings. New and upgraded lighting should conform with AONB recommendations to preserve dark skies.	This policy will contribute to maintaining bat populations at the Chilmark Quarries SAC.
	BL.6 Infrastructure Provision	A3	Energy and communications infrastructure should minimise impacts on local character and the AONB. All development should provide for high speed communications infrastructure. Development should assess its impact on the capacity of sewage treatment works and promote SUDS and flood water management.	
	BL.7 Site Allocation: Station Works	C and D	Four ha designated for mixed development – maximum 60 dwellings, commercial units and parking. The policy requires that a masterplan is agreed which will be in accordance 14 listed requirements. Item 11 of this policy does not	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			<p>adequately cover the measures that will be required in order to demonstrate compliance with the Habitats Regulations in relation to Chilmark Quarries SAC.</p> <p>Further consideration is required as to whether this policy can rely on mitigation proposals for the River Avon SAC being developed by the Council as part of the River Avon SAC Working group.</p>	
	BL.8 Site Allocation: Site of the former Sports Centre adjacent to St John's Primary School	B	<p>The policy supports use of this site for community development, including measures to benefit biodiversity, which have been agreed with St John's primary school.</p> <p>The policy wording indicates that housing will not come forward for this site. In addition, the sites geology, topography and inclusion in the policy for measures to benefit biodiversity indicate it will be possible to treat surface water run-off on site. Therefore any further consideration of the effects of this policy on the River Avon SAC is more appropriately addressed at a later stage (e.g. masterplan / application stage). It is unlikely that the hedgerow adjacent to the former sports centre would be a key flight corridor for SAC bats given the wider landscape setting.</p>	The former sports centre lies immediately adjacent to a hedgerow boundary which has potential for dormice and as a bat commuting corridor. This may constrain development of the site as this feature is likely to require at least a 5m buffer.
Section 4 Transport	TR.1 Parking Provision	A1	This policy sets standards for parking provision for residential and non-residential development and for the provision of measures to encourage sustainable modes of transport.	
	TR.2 Tisbury Railway Station	A5 / B	This policy seeks to protect and enhance the train service at Tisbury through parking, a second track, footbridge, sustainable transport measures and new pedestrian access	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			which will be delivered as part of the Station Works and through safeguarding of land. Effects on habitat used by SAC bat species will be addressed through policy BL.7. Any proposals not delivered through BL.7 are likely to be located very close to the existing railway infrastructure and impacts on bat habitat are therefore likely to be very limited and more appropriately assessed when full details are available at a further stage of authorization.	
	TR.3 Innovative Parking Solutions	A1	New parking provided as part of new development / redevelopment should consider measures to enhance and not be detrimental to the AONB and historic features of the area.	
	TR.4 Traffic Impact, Road Safety and Maintenance	A1	Proposed new development must demonstrate how it will conserve the rural character and mitigate the impact of additional traffic through improvements to passing places, verges, traffic calming and road safety.	
	TR.5 Sustainable Transport	A1	Developers will be expected to promote safe walking and cycling routes to the village centre; facilitate access to schools, the surrounding countryside and the railway station, aiming to minimise the car. Examples are given, none of which suggest footpaths will be illuminated.	Illumination of footpaths in the countryside risks deterring bats if these routes are favoured traditional flight routes or foraging patches. Footpath lighting should be subject to an impact assessment and minimised as far as possible.
Section 5 Employment and Business	EB.1 – Promoting Employment Activity	A1	The policy welcomes proposals for new businesses and employment provision in sustainable locations especially on brownfield sites, provided listed conditions for avoiding impacts and encouraging sustainability are met.	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
	EB.2 Protecting Business and Employment Activity	B	<p>The policy seeks to protect the economic sustainability of the Tisbury area by safeguarding employment sites regardless of their size. The former Magistrates Court and Police Station is one such site. In addition, the Victorian street scene of the High Street should be respected.</p> <p>No changes to bat habitat or sewage discharges which could have implications respectively for the Chilmark quarries SAC and River Avon SAC would occur directly as a consequence of this policy.</p>	Note: Redevelopment of agricultural buildings should be carefully assessed within planning, in terms of the protected species they may support and their potential function for biodiversity within the wider landscape e.g. nesting/roosting sites for barn owls, bats, birds.
Section 6 Leisure, Community and Well-being	LCW.1 Local Green Spaces	B	Sites shown on the proposals map will be designated as Local Open Spaces for their recreational, historic and/or environmental significance.	
	LCW.2 Community Assets and Community re-development	B	Development to retain and enhance buildings on the community asset register, or prevent their loss will be welcomed. Such buildings have the potential to support bats, including species associated with the Chilmark Quarries SAC and the advice contained in the supplementary text to policy HNA.1 addresses these risks to a level which is commensurate with the lack of project specific detail in the policy.	
	LCW.3 Amenity Space	A1	Development will be expected to provide or contribute towards provision of new amenity space, including for landscaping, allotments, children’s recreation and access.	
Section 7 Planning Gain	CIL.1 Planning Gain: Potential Use of Community Infrastructure Levy Monies	B	Community priorities for the use of CIL are listed and include: conserving and managing green spaces, enhancement of non-vehicular rights of way, investment in roads network, provision of new footpaths, sustainable energy initiatives,	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			community assets, reducing waste and promoting free parking.	

5. Appropriate Assessment – River Avon SAC

Background to the River Avon SAC

- 5.1 The qualifying features of the River Avon Special Area of Conservation are; the river habitat, categorised as a water course of plain to montane levels containing *Ranunculus* vegetation; Desmoulin's whorl snail which occurs on emergent vegetation in the floodplain, and; four species of fish, Atlantic salmon, sea lamprey, brook lamprey and bullhead. The conservation objectives are available at <http://publications.naturalengland.org.uk/publication/6048472272732160>, the current version (V3) is dated 27 November 2018.
- 5.2 In brief these require that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features. Draft Supplementary Advice on conserving and restoring site features was published by Natural England on 5 December 2018¹⁰ (available through the weblink above). This discusses the need to restore the natural nutrient regime, by limiting anthropogenic enrichment to levels at which adverse effects on characteristic biodiversity are unlikely. In relation to planning, the main concern is the contribution that development makes to river phosphorus levels through inputs from sewage treatment works and package treatment plants. To this effect, specific targets have been identified for phosphorus for the individual waterbodies which make up the SAC.
- 5.3 Development may also affect the river directly, if works are undertaken on the banks or within the river channel and indirectly through non-sewage related pollution, such as runoff during construction operations. These matters are generally site specific and best considered during the planning application process.

Plans and projects to be considered in combination

- 5.4 The HRA for the Wiltshire Core Strategy considered the in-combination effect of all development proposed in the River Avon catchment, relying on the River Avon Nutrient Management Plan (NMP)¹¹ to demonstrate there would be no adverse effect on the SAC.
- 5.5 The principle behind the NMP was that planned increases in development related sewage would be more than offset by the reductions in agricultural phosphate being secured by catchment sensitive farming. For the Core Strategy 2016-2026 this enabled the Council to conclude that, provided development was within the headroom of individual sewage

¹⁰ Draft Supplementary Advice on Conserving and Restoring Site Features: River Avon Special Area of Conservation (SAC). Site Code UK0013016

¹¹ River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus (David Tyldesley Associates, 30 April 2015)

treatment works, there would be no likely significant effects of housing allocations proposed within the River Avon catchment.

- 5.6 In March 2018, the Environment Agency and Natural England advised the Council that catchment sensitive farming targets were not being achieved and therefore the Nutrient Management Plan could not be relied on for appropriate assessments, even for development within headroom. From that time onwards, all new development in the catchment would need to be “phosphate neutral” if it was to comply with the Habitats Regulations.
- 5.7 Subsequently local authorities in the catchment signed a Memorandum of Understanding (MoU) with Natural England and the Environment Agency¹². Local authorities have undertaken to deploy a range of measures to reduce phosphate inputs to ensure the overall effect of development between March 2018 and March 2025 will be phosphate neutral. Partners recognise that in the long term the most efficient mechanism to reduce phosphates is through measures delivered by the water company and by reductions in phosphates from agricultural sources. Accordingly, it is anticipated improvements will be delivered by Wessex Water through the next Water Industry Asset Management Plan 2025 – 2030 while mechanisms for reducing agricultural sources will be considered once the EA’s latest modelling is finalised. In due course it is expected that the Nutrient Management Plan for the SAC will be revised to incorporate the agreed changes in approach which are necessary to reduce phosphate and thereby achieve the conservation objectives.
- 5.8 The MoU signatories have formed a Working Party and are currently finalising an Interim Delivery Plan (IDP) which Wiltshire Council will use to support the HRA of its HSAP through examination in early 2019. In Wiltshire mitigation and management measures will be funded through the Community Infrastructure Levy (CIL). Where measures would not come under the definition of ‘relevant infrastructure’ the Council may pool s106 developer contributions for 4 or fewer developments.
- 5.9 The IDP has quantified the additional phosphorus load that will be generated by residential development, (both sewered and unsewered), and non-residential development in the period 2018 to 2025. A proportion of this will be off-set by the land taken out of production for development sites and higher water efficiency conditions for new dwellings. The majority of offsetting for 2018 and 2019 will be achieved through installing wetlands, funding changes from intensive grazing to extensive grass production and collaborating with Wessex Water to bring forward initiatives with private sector funding through the Landscape Enterprise Network.
- 5.10 Offsetting for sewered development during the period 2020-2025 currently relies on Wessex Water being able to deliver an “Outcome Delivery Incentive” which it has put forward for the current Price Review (PR19). This would effectively do all that is needed to offset development throughout the period 2020-2025. The ODI is not mandatory and needs to be approved by Ofwat (approval deadline late 2019). In the absence of the ODI, developer contributions

¹² Memorandum of Understanding, River Avon Special Area of Conservation, Phosphate Neutral Development – Interim Mitigation, 29 May 2018

would be required to achieve the necessary improvements to the treatment works. The Council is currently engaging a project officer to manage the delivery of the IDP.

Analysis of policy HNA.3 in the NDP screened into appropriate assessment

- 5.11 The wording of this policy is currently out of step with this evolving subject as the assumptions of the Nutrient Management Plan have now been proven to be unsupported following evidence provided by the EA and Natural England, i.e. catchment sensitive farming will not be adequate to offset increases in phosphate from new development.
- 5.12 I therefore recommend that paragraph 3 of the policy beginning “All new development must...” is replaced with the following:
- 5.13 “All new development must be in line with the latest policy requirements agreed between Wiltshire Council, the EA and Natural England. The current position is that all new development permitted between 2018 and 2025 must be ‘phosphate neutral’ and this will be achieved by delivering the measures contained in the Interim Development Plan (IDP) agreed by the River Avon SAC Working Group. This requires all new residential development to be built to the highest water efficiency standards provided for by the building regulations which are currently a maximum water use of 110 litres per person per day (G2 of the Building Regulations 2010). For most developments additional measures will be required and these will be funded through CIL payments. In exceptional circumstances, it may be necessary for developers to provide for further measures beyond those funded by CIL.”
- 5.14 The necessary measures will be secured by conditions applied to planning permissions and through a new post created within the Council specifically to manage delivery of the IDP as funded through CIL.

Analysis of policy BL.7 in the NDP screened into Appropriate Assessment

- 5.15 Policy BL.7 identifies that up to 60 new homes will come forward on the Station Works site together with commercial units. Item 13 in the policy requires “Given the scale of the development in relation to the existing settlement and its existing capacity for sewage treatment and associated impact on the River Avon SAC, measures to implement alternative foul water treatment to mitigate overload of Tisbury Sewage Treatment Works should be addressed.” The recommended wording for policy HNA.3 above together with the wording for item 13 of BL.7, provides sufficient reassurance at this early stage of the planning process that applications coming forward will be compliant with the Habitats Regulations either through bespoke off line treatment measures, improved standards of treatment at the existing Tisbury works or offsetting measures provided by Wessex Water or through CIL.

Conclusion for the River Avon SAC

- 5.16 Growth of the magnitude anticipated by policy BL.7 will have no adverse effects on the integrity of the River Avon SAC either alone or in-combination with other plans and projects.

6 Appropriate Assessment – Chilmark Quarries SAC

Background to the Chilmark Quarries SAC

- 6.1 This site lies about 500m outside the Tisbury parish boundary and is designated as a hibernation site for four species of bats; Bechstein's, barbastelle, lesser horseshoe and greater horseshoe. Details of the conservation objectives are available online <http://publications.naturalengland.org.uk/publication/4553200514367488>. The current version is dated 27 November 2018 Version 3. In brief these require that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features. Draft Supplementary Advice on conserving and restoring site features was published by Natural England on 21 January December 2019¹³ (available through the weblink above).
- 6.2 The bats rely on habitat outside the quarries for most of their needs including foraging, maternity roosts and a variety of other roost types as well as vegetated flight corridors which they use to commute between these areas. Unlike other bats, the SAC bats species are largely intolerant of urban lighting and therefore tend to be restricted to rural areas including rural settlements such as Tisbury. The Council has prepared guidance to demonstrate how development across the whole bat landscape must take account of the SAC¹⁴. It identifies a number of 'Core Roosts' with 'Core Areas' around them (termed "consultation zones") to show where bat activity is likely to be concentrated and where particular precautions will be required.
- 6.3 Under the above guidance, the mines at Chilmark and Fonthill Grottoes are identified as 'Core Roosts'. The 'Core Areas' which extend to a radius of 6 km around them, cover the entire NDP area
- 6.4 Development can potentially lead to the loss of roosts as well as loss of hedgerows and other vegetation which bats use to commute through the landscape. Greater and Lesser horseshoes prefer to have maternity roosts in large enclosed spaces which they can fly directly into and therefore can often occur in older commercial and historic buildings, especially if they have fallen into disrepair.
- 6.5 Where a development site is shown to contain habitat or roosts used by SAC bats, the planning authority is obliged to consider the effect of the proposed development not just on the bats present but also on the integrity of the whole SAC. The bar for the latter assessment is high and needs to be taken into consideration at the earliest stages of planning a development if it is to be successful.

Analysis of policy BL.7 in the NDP screened into Appropriate Assessment

- 6.6 The station Works site comprises brownfield land lying within the rural corridor of the River Nadder and could therefore potentially support SAC bat species. Development may lead to the loss or modification of buildings which the bats use for roosting, and disrupt

¹³ Draft Supplementary Advice on Conserving and Restoring Site Features: Chilmark Quarries Special Area of Conservation (SAC). Site Code UK0016373

¹⁴ Bat Special Areas of Conservation, planning guidance for Wiltshire. Issue 3.0, 10 September 2015

flight routes or remove foraging habitat through removal of vegetation or installation of new lighting.

- 6.7 Supporting text for policy HNA.1 identifies that “A number of bat surveys spread throughout the year may be required and developers will need to seek advice from a professional ecologist before embarking on a scheme in a sensitive area”.
- 6.8 Policy BL.7 identifies that up to 60 new homes will come forward on the Station Works site together with commercial units. Item 11 in the policy requires “A habitats survey must be carried out to determine whether the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impact if these species are present”. The wording of this item is slightly confusing, especially given the supporting text noted at HNA. 1 above. In addition, these species are difficult to detect during bat surveys and therefore mitigation needs to take into account that these species are likely to be foraging and commuting across suitable habitat even if they are undetected in activity surveys.
- 6.9 I therefore recommend that the wording at item 11 of policy BL.7 is replaced as follows:
“All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats”

Conclusion for Chilmark Quarries SAC

- 6.10 Development of the Station Works anticipated by policy BL.7 will have no adverse effects on the integrity of Chilmark Quarries SAC either alone or in-combination with other plans and projects.

APPENDIX 2

RESPONSE FROM NATURAL ENGLAND REGARDING THE HABITATS REGULATIONS ASSESSMENT

[Redacted]

[Redacted]

Please find NE's comments on the HRA for the Tisbury NP below.

[Redacted]

[Redacted]

[Redacted]

From: Routh, Charles [Redacted]

[Redacted]

Subject: RE: Appropriate Assessment of Tisbury and West Tisbury Neighbourhood Plan. NE ref: 274886

Dear Louisa,

Having read the Appropriate Assessment for the Tisbury and West Tisbury Neighbourhood Development Plan, our only concern is with the capacity of the STW to accommodate the growth concerned. We note policy HNA.3, policy BL.7 para 13, and the recommendation in para 5.13. The first sentence of Recommendation 1 ("All new development must be in line with the latest policy requirements agreed between Wiltshire Council, the EA and Natural England.") is potentially ambiguous. We advise that the following text should be added: "...prevailing at the time of determination" in order to anticipate that the current policy requirements may change.

In other regards we concur that the NDP will not have any adverse effect on integrity on the two Special Areas of Conservation concerned.

Charles Routh
Team leader – Wiltshire Conservation Team,
Somerset, Avon and Wiltshire Area Team, Natural England.

[Redacted]

[Redacted]

Subject: Tisbury and West Tisbury Neighbourhood Plan

Hi,

I have attached an appropriate assessment which the Council has completed for the Tisbury and West Tisbury Neighbourhood Development Plan and I would be grateful for Natural England's comments in due course.

Regards,

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APPENDIX 3

**MAP OF FORMER TISBURY SPORTS CENTRE EXCLUDING AREA TO BE PROVIDED
TO EDUCATION**

