

Tisbury & West Tisbury Neighbourhood Plan Review 2024 – 2038 (“TisPlan2”)

BASIC CONDITIONS STATEMENT – July 2024

This statement has been prepared to accompany a review of the Tisbury and West Tisbury Neighbourhood Development Plan (“TisPlan2”) under the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”), as amended. The local planning authority is Wiltshire Council.

This review of the Neighbourhood Plan is produced as a Modification Proposal in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017

Qualifying Body: Tisbury Parish Council

Chairman of the Neighbourhood Plan Steering Group: Cllr Gerry Murray

Contact: Bev Cornish, Clerk to Tisbury Parish Council, 01747 260088
wwwTisPlan.org

CONTENTS

1 INTRODUCTION

- 1.1 Qualifying Body
- 1.2 Excluded development
- 1.3 Defining the Basic Conditions

2 COMPLIANCE WITH NATIONAL POLICY (NPPF, December 2023) and TisPlan's response.

3 NPPF Objectives – Tisbury's Potential to contribute to sustainable development

- 3.1 Economic Objectives
- 3.2 Social Objectives
- 3.3 Environmental Objectives

4 GENERAL CONFORMITY WITH WILTSHIRE CORE STRATEGY

5 STRATEGIC ENVIRONMENTAL ASSESSMENT

6 HABITATS REGULATIONS ASSESSMENT

7 COMPLIANCE WITH RETAINED EU POLICIES

8 MODIFICATION STATEMENT

9 CONCLUSION

APPENDICES

- A Demonstrating Compliance with the Core Principles of the NPPF (December 2023)
- B Sustainable Development – Compliance between NPPF Objectives and TisPlan2 Policies
- C Demonstrating General Conformity with the Wiltshire Core Strategy, (adopted Jan 2015 & as amended).

1 INTRODUCTION

The Tisbury and West Tisbury Neighbourhood Area was designated on 27th July 2015 in accordance with section 61G of the Town and Country Planning Act 1990 (as amended) for the purposes of Neighbourhood Planning. The 'Tisbury and West Tisbury Neighbourhood Area' covers the two adjoining parishes of Tisbury and West Tisbury in South West Wiltshire. It does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

1.1 THE QUALIFYING BODY

This revision of the Tisbury and West Tisbury Neighbourhood Plan has been prepared by Tisbury Parish Council (the Qualifying Body, as defined by the Localism Act, 2011) in accordance with the statutory regulations required by Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. The detailed preparation and submission of "TisPlan2" to Wiltshire Council has been delegated by Tisbury and West Tisbury Parish Councils, to the Joint NP Steering Group.

The first version of the Tisbury and West Tisbury Neighbourhood Plan (TisPlan) was made on 28th November 2019, following the results of a referendum at which the Plan received 93.6% support. In November 2020, minor but non-material modifications were made, with the agreement of both Wiltshire Council and Tisbury and West Tisbury Parish Councils. These corrected typographical errors, mistakes in the numbering of paragraphs and inconsistencies in layout.

In 2021 the Qualifying Body resolved to carry out a full review of TisPlan to take account of changes in the community since 2019. This renewal (TisPlan2) represents a progression of the 2019 plan. It does not change the core vision and objectives and does not allocate any additional sites for development. However, feedback received from the rounds of consultation has led to the drafting of new policies and the revision of existing policies, so that TisPlan2 now better reflects the key issues and priorities affecting this rural community.

1.2 EXCLUDED DEVELOPMENT

The policies described in TisPlan2 relate to the development and use of land in the designated Neighbourhood Area only. TisPlan2 (2024-2038) is in general conformity with the Wiltshire Core Strategy, (adopted 2015, and as amended by the emerging Wiltshire Core Strategy)

TisPlan2 does not address county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

1.3 DEFINING THE BASIC CONDITIONS

The Regulations state that a neighbourhood plan will be considered to have met the basic conditions if:

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

The Regulations set out the requirements for the Qualifying Body submitting a neighbourhood plan to the local planning authority. The following documents must be included:

- A map or statement which defines the area to which the proposed neighbourhood plan relates
- A consultation statement
- The proposed neighbourhood development plan
- A statement explaining how the proposed neighbourhood development plan meets the requirements of Paragraph 8 of Schedule 4B of the 1990 Act.

2 COMPLIANCE WITH NATIONAL POLICY (NPPF, Dec 2023) and TisPlan's response.

TisPlan2 has been prepared with due reference to national policies as set out in the National Planning Policy Framework (NPPF) as amended, December 2023. At the heart of the NPPF is a presumption in favour of sustainable development. The planning system has three principal objectives aimed at achieving sustainable development:

- a. an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c. an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The NPPF assumes a presumption in favour of sustainable development; ie. positive growth that will contribute to the economic, environmental and social progress for this and future generations.

The steering group has made every effort to ensure that TisPlan2 contributes to the delivery of sustainable development. The Plan complies with national policy; relevant, retained EU policies and the strategic policies and objectives set out in the Wiltshire Core Strategy (2015-2026, as amended). However, as the TisPlan area is set wholly within the Cranborne Chase and West Wiltshire Downs National Landscape, the presumption in favour of sustainable development may not necessarily always apply (paragraph 11d)i footnote 7, NPPF December 2023).

3 NPPF Objectives – CONSIDERATION OF TISPLAN2'S POTENTIAL TO DELIVER SUSTAINABLE DEVELOPMENT

3.1 Addressing the Economic Objective:

- TisPlan2 supports the regeneration of small brownfield sites that otherwise are policy compliant, at a scale that can readily be absorbed into the existing community
- TisPlan2 encourages the provision of modern business space through the allocation of Station Works as a comprehensive mixed-use development and supports the redevelopment of other brownfield sites (such as the old Magistrates' Court) within the neighbourhood area.
- TisPlan2 promotes the use of alternative modes of transport to the car for work or leisure, particularly through encouraging local enterprise which should reduce the need for out-commuting; also by supporting enhancement of the railway network which will encourage more commuters to make use of the train.
- TisPlan2 emphasises the timeliness of the delivery of infrastructure to support development, ensuring that future needs are met, whilst also respecting the natural landscape and the historic character of the area.

3.2 Addressing the Social Objective:

- TisPlan2 aims to provide for a broad mix of affordable homes by supporting the provision of 'low-cost' housing, such as starter homes, First Homes and suitable accommodation for older people.
- TisPlan2 supports the provision of innovative development (eg community land trusts) which may deliver affordable homes for local people in perpetuity
- The proposed allocation of Station Works for mixed use development has the potential to make a significant contribution towards meeting housing targets through to 2038.
- TisPlan2 aims to support the well-being of members of the community, especially children, older people and those with mobility issues, through careful planning of new developments or facilities and protecting existing amenities.

3.3 Addressing the Environmental Objective:

- TisPlan2 strongly supports the conservation of the valley of the River Nadder, which runs West to East through the neighbourhood area. It is an area of natural beauty with high biodiversity. Its propensity for regular and substantial flooding is significant in influencing decisions on its future.
- The conservation and enhancement of the area's natural and historic assets may also help to encourage new employment opportunities, such as through the provision of additional services and facilities to meet the needs of visitors to the area.
- TisPlan2's development strategy respects the area's local character within the natural and built environment, nestled as it is within the National Landscape. The Character Area Statement has identified and seeks to conserve local landscapes and views; and protect them from the impact of adverse development proposals.
- TisPlan2 aims to achieve net gains in biodiversity through the delivery of policies which will conserve and enhance the natural assets of the National

Landscape. The provision and retention of amenities and Local Green Spaces (LGS) is supported.

- TisPlan2 encourages more sustainable lifestyles (eg through the improvement of local non-vehicular rights of way; the use of sustainable modes of transport; the provision of high-speed Broadband) and supports the delivery of dwellings suitable for home working.

A summary of TisPlan’s response to the Core Principles of the NPPF may be found at Appendix A of this Basic Conditions Statement. Appendix B cross references the strategic objectives of the NPPF with the policies of TisPlan2.

4 GENERAL CONFORMITY WITH THE LOCAL PLAN

The Wiltshire Core Strategy is currently (2024) under review and is projected to be adopted towards the end of 2025/2026. In the meantime, however, the existing Core Strategy, (2006–2026) adopted in January 2015, pertains. The Core Strategy defines the spatial vision for the area, identifies objectives to achieve the vision and sets out the development strategy to meet those objectives. The strategic planning policies guide and control the overall scale, type and location of development including the allocation of strategic sites. The Council defines the policies of the Core Strategy which need to be considered 'strategic' relating to the production of a neighbourhood plan and has identified 6 core strategic objectives aimed at the delivery of the CS, all of which are reflected in TisPlan2. The core objectives are as follows:

<u>Wiltshire Council Core Strategic Objective</u>	<u>TisPlan2 Policies which address and support the Core Strategy Objectives</u>
1 Delivering a thriving economy	DB5 HW1 HS3 HS4 HS5 ST4 EB1 NE9
2 Addressing climate change	NE1 NE2 NE3 NE4 NE5 NE7 NE8 NE9
3 Providing everyone with access to a decent affordable home	HW1 HS1 HS2 HS4 HS5
4 Helping to build resilient communities	HW1 HS4 DB1 DB3 DB4 DB5 DB6 NE7 NE8 NE9 ST3 ST4 EB1 LC3
5 Protecting and enhancing the natural, historic and built environment	NE1 NE2 NE3 NE4 NE5 NE6 NE7 NE9 DB1 DB2

DB3 DB4 DB5 DB6 HS4 ST3
ST4 EB1 LC1 LC4

6 To ensure that essential infrastructure is in place to support our communities

HS4 DB5 EB1 NE8 NE9 ST2
ST3 ST4 HW1

In the Core Strategy, Tisbury and West Tisbury is part of the Salisbury Community Area, located in South West Wiltshire. Core Policy CP27 refers to Tisbury which is designated as a Local Service Centre. The Core Strategy notes that development within the Tisbury Area must conserve the designated landscape of the Cranborne Chase and West Wiltshire Downs Natural Landscape and its setting, and where possible enhance its locally distinctive characteristics, as follows:

“The strategy for Tisbury Community Area is to provide for modest growth of both housing and employment to ensure development is balanced, thus helping to minimise out-commuting and also to provide support for local services and communities. Identifying suitable non-strategic allocations will include working closely with existing employers to ensure they have the potential to meet their future needs.

The strategy will respond to the Community Area’s location (in full or part) within a nationally designated landscape. In the Tisbury Community Area this includes the Cranborne Chase & West Wiltshire Downs Area¹ of Outstanding Natural Beauty. It will deliver, within the overall objective of conserving the designated landscape, a modest and sustainable level of development.”

TisPlan2 aims to support the delivery of the Core Strategy, by clearly demonstrating the relevance of the Tisbury and West Tisbury neighbourhood area.

All policies in TisPlan2 should be addressed in conjunction with the Wiltshire Core Strategy, (2015, as amended) the relevant saved policies of Salisbury District Council Local Plan; the Wiltshire Housing Site Allocations Plan (February 2020) and the Cranborne Chase and West Wiltshire Downs National Landscape Management Plan, (2019 – 2024, as amended). When determining proposals for development, no policy will be applied in isolation and account will be taken of all relevant policies.

The table in Appendix C of this Basic Conditions Statement sets out the strategic policies in the Core Strategy and correlates them with the TisPlan2 policies applicable to each Core Policy.

5 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

¹ The AONB is now known as a National Landscape.

Due to the number of potential impacts on the EU Designated sites within the TisPlan area, most particularly including the River Avon SAC, Wiltshire Council advised that TisPlan2 would require an updated Strategic Environmental Assessment, which was submitted by AECOM in time for the Reg 14 Consultation in January 2024. The conclusions of the SEA were:

“The assessment has concluded that the revised Neighbourhood Plan is likely to lead to significant positive effects in relation to the ‘Landscape’ and ‘Historic Environment’ themes. These benefits largely relate to the strong focus on protecting landscape and village scape character in the neighbourhood area, facilitating improvements to the public realm, and enhancing the setting and integrity of the historic environment and local distinctiveness. However, the SEA recommends that the site-specific policies also encourage proposals to be accompanied by a proportionate heritage assessment in order to ensure that the potential heritage significance of the site allocations and their surroundings are appropriately considered.

*In addition, the revised Neighbourhood Plan has a strong focus on delivering high-quality design through new development areas (including via the provision of affordable dwellings and a range of housing types and tenures) and promoting accessibility to services and facilities. Additionally, the policy framework is likely to facilitate enhancements to open space provision and green infrastructure networks, supporting community vitality and residents’ quality of life. This will likely deliver **significant positive effects in relation the ‘Population and Community’ and ‘Health and Wellbeing’ themes.***

In relation to the ‘Biodiversity and Geodiversity’ theme, the scope and scale of the proposed policy approaches relating to the natural environment will help ensure that wide ranging benefits in relation to this theme are secured through the revised Neighbourhood Plan and appropriate protection provided to the key internationally and nationally designated biodiversity sites present in the area. It is anticipated that any mitigation measures and recommendations identified through the findings of the HRA AA will be reflected in the submission version of the revised Neighbourhood Plan.

The revised Neighbourhood Plan will initiate a number of beneficial approaches regarding the ‘Transportation’, ‘Air, Land, Soil and Water resources’ and ‘Climate Change’ themes. However, these are not considered to be significant in the context of the SEA process given the scope of the revised Neighbourhood Plan and the scale of proposals.

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.”

6 HABITATS REGULATIONS ASSESSMENT (HRA)

As part of the Reg 14 Consultation, Wiltshire Council’s ecologist carried out a Habitats Regulations Assessment, concluding that several TisPlan2 policies could potentially have significant effects on habitats in the Plan area. Therefore, an additional policy statement (NE9) has been included making clear that all development throughout the Plan area must, as a priority, comply with requirements to adhere to the Habitats Regulations.

7 HUMAN RIGHTS AND COMPLIANCE WITH OTHER RETAINED EU POLICIES AND DIRECTIVES

In order to be legally compliant, a neighbourhood plan must be compatible with European Union (EU) obligations, as retained and incorporated into UK law. The NPPR Dec 2023 makes no particular mention of retained EU legislation.

The Steering Group, however, believes that the Plan is compatible with human rights legislation, most particularly Article 8 (Right to Respect for Private and Family Life) of the Human Rights Act (1998). TisPlan2 does not breach Article 8 and there is nothing elsewhere in TisPlan2 to indicate the potential breach of any other human rights legislation.

The Qualifying Body confirms that the statutory and non-statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views.

The Steering Group was constantly mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. These initiatives are documented in the accompanying Consultation Statement.

The Qualifying Body also wishes to confirm that TisPlan2 has been prepared to represent the views of the whole community. It is therefore believed that TisPlan2 has had appropriate regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and is in compliance with the Human Rights Act 1998.

8 MODIFICATION STATEMENT

In accordance with the Neighbourhood Planning Act (2017), the Qualifying Body has prepared a Modification Statement. This document summarises the amendments to the “Made” TisPlan (2019) and in the opinion of the Qualifying Body, demonstrates that the modifications, although they may be material, they are not so significant or substantial as to change the substance of the Plan. Ultimately, however, the decision

as to whether the proposed modifications would change the nature of the plan is a judgement for the examiner to make.

10 CONCLUSION

In accordance with paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 this Basic Conditions Statement demonstrates that the proposed TisPlan2 prepared by the Steering Group on behalf of Tisbury and West Tisbury Parish Councils Qualifying Body meets the requirements of each basic condition and other legal tests.