

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

TISPLAN MODIFICATION STATEMENT July 2024

Tisbury and West Tisbury Neighbourhood Plan
Summary Statement of the scope and nature of
proposed modifications to TisPlan “Made”
November (2019)

1. INTRODUCTION

2. BACKGROUND

3. SUMMARY OF THE PROPOSED MODIFICATIONS

4. REVISED STRATEGIC ENVIRONMENTAL ASSESSMENT (2024)

5. CONCLUSION and RECOMMENDATIONS

1 INTRODUCTION

1.1 Tisbury and West Tisbury Parish Councils (the Qualifying Body) propose to modify the Tisbury and West Tisbury Neighbourhood Development Plan (TisPlan, Made 2019). This statement is published as part of the Reg 15 submission documentation of the draft proposed modified Neighbourhood Development Plan (the Modified Plan –TisPlan2). The final version of the Modified Plan, together with updated Basic Conditions and Consultation Statements are now published following appropriate periods of consultation.

1.2 The Modification Proposals and a draft version of this statement were consulted on in July to September 2022, as a pre-screening by Wiltshire Council. As an outcome of the pre-screening and on the recommendations of the County Ecologist, changes have been made to twelve proposed policies, thereby strengthening the Modified Plan's support for the Habitats Regulations relating to the River Avon SAC, the Chilmark Quarries SAC and the River Avon SSSI. The Habitats Regulations are further endorsed by the inclusion of a new policy (NE9) requiring all development to comply with current local and national requirements as set out in the Habitats Regulations and the current Local Plan.

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

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

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

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

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

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

1.5 In accordance with the requirements of the PPG, as stated above, this document sets out the background rationale to the modifications, explains what the modifications are and summarises the reasons why the Qualifying Body believes that the modifications of the plan are not so significant or substantial as to change the nature of the Made TisPlan (2019).

2 BACKGROUND

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

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

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

2.4 The parish councils are also acutely aware that Wiltshire Council’s current spatial development strategy is over 5 years old and that the planning authority does not fully meet government-set housing land supply targets. Whilst these matters are being addressed, and the emerging Local Plan is under development, there is a risk in the interim that significant unplanned development may be granted planning permission, if the weight of the relevant development plan is weakened by time. The Qualifying Body, therefore, has recommended that regular reviews of TisPlan may be necessary to ensure that the full weight of TisPlan’s policies is maintained in accordance with paragraph 14 of the National Planning Policy Framework, especially whilst the emerging Wiltshire Local Plan has yet to be determined. The modification route created by the 2017 Regulations is appropriate for this purpose¹.

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

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

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

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

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

2.9 For this review, the proposed modifications result from a comprehensive review of the Vision, its aims and objectives, and the policies of the Made Plan. The Qualifying Body is of the opinion that whilst this is a material review, nevertheless it is not so significant or substantial as to

change the fundamental nature of the Plan. In particular, no new development sites have been allocated. The Qualifying Body, therefore, believes that another referendum should not be necessary.

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

3 SUMMARY OF PROPOSED POLICY MODIFICATIONS

| Section / Revised Policy Titles | Rationale (<i>and previous policy titles, where applicable</i>) |
|---|---|
| THEME 1 – Natural Environment and Climate Change | A revised theme heading and additional explanatory text to highlight the importance to the community of this group of strengthened and revised policies, NE1-9 |
| Policy NE1 The Cranborne Chase National Landscape | <p>New Policy TisPlan's objectives to conserve the National Landscape have been formalised by the inclusion of this new policy.</p> <p>The precise wording has been amended in response to feedback received from Wiltshire Council following the Reg 14 (2024) submission.</p> |
| Policy NE2 The River Avon Special Area of Conservation. | <p>This policy strengthens TisPlan's commitment to the importance of the diverse ecology in the TisPlan neighbourhood area, including a reminder that the Habitats Regulations must be given due consideration.</p> <p>In addition, Policy NE2 has been amended in accordance with feedback received from Wiltshire Council following the Reg 14 (2024) submission.</p> |
| Policy NE3 Green and Blue Infrastructure A) Conservation and enhancement B) Design | <p>Previously Policy HNA.1 (TisPlan, 2019)</p> <p>This policy has been expanded to strengthen the importance of the local blue and green infrastructure. It is a further reminder of the importance of conserving the local ecology.</p> <p>In addition, Policy NE3 has been amended in accordance with feedback received from Wiltshire Council following the Reg 14 (2024) submission. (ie Policy NE3 provides for a balancing exercise by indicating that unacceptable impacts on biodiversity from renewal energy schemes are not supported.)</p> |

| | |
|--|--|
| <p>Policy NE4 Conservation and Habitats</p> <p>A) Conservation B) Habitats</p> | <p>Incorporating the aims of previous Policies HNA.1 and HNA.3 (TisPlan, 2019)</p> <p>This policy has been strengthened by the addition of supporting text and in addition has been further amended following feedback received from Wiltshire Council after the Reg 14 (2024) submission.</p> |
| <p>Policy NE5 Trees and Hedgerows</p> | <p>New Policy</p> <p>This policy strengthens TisPlan’s objectives, and the provisions already present in existing Policy HNA.1 to protect existing trees and hedgerows and encourage new planting, given their important role in combating climate change and enhancing biodiversity.</p> <p>The policy has been amended following feedback received from Wiltshire Council after the Reg 14 (2024) submission.</p> |
| <p>Policy NE6 Landscaping</p> | <p>Previous policies HNA.1 and LCW.3 (TisPlan, 2019)</p> <p>This policy brings together various provisions on landscaping contained in previous Policies HNA.1 and LCW.3, and objectives set out in TisPlan’s commentary, into a single, clear, policy covering the whole Plan area in the setting of the Cranborne Chase National Landscape.</p> <p>In addition, the recommendations of Wiltshire Council following feedback at Reg14 (2024) have been implemented.</p> |
| <p>Policy NE7 Managing Flood Risk,</p> <p>A) Managing Drainage B) Zone 3b Functional Flood Plain C) Access</p> | <p>Previously Policy HNA.3, (TisPlan, 2019)</p> <p>This Policy has been strengthened in the light of the serious flooding which occurred in Tisbury in 2021, 2022 and 2023 to reflect the updated approach set out in the Wiltshire Strategic Flood Risk Assessment 2019 and more recent feedback received from the Environment Agency in respect of the Nadder Valley, in which Tisbury is situated.</p> <p>In addition, following the Reg 14 (2024) submission, Policy NE7 has been amended in accordance with feedback received from Wiltshire Council.</p> |
| <p>Policy NE8 Renewable Energy</p> | <p>Previously Policy BL.5 (TisPlan, 2019) and a combination of the provisions of previous Policies NE8 and NE9 of the TisPlan2 Reg 14 (2024) submission.</p> <p>This Policy replaces and strengthens the provisions of previous Policy BL.5 on the use of renewable</p> |

| | |
|--|--|
| | <p>energy, providing more clarity on the key criteria required for the provision of renewable energy in the TisPlan area.</p> <p>In addition, Policy NE8 (Reg 14 submission) has been amended to refer to additional measures suggested to promote carbon conservation through building and construction.</p> <p>Issues in Policy BL.5 relating to conversion and retrofitting have been relocated to new Policy DB7 (Conversion and Retrofitting).</p> |
| <p>Policy NE9 Habitats Regulations</p> | <p>New Policy</p> <p>The Steering Group fully supports the recommendations of the County Ecologist (Reg 14, 2024) relating to measures required to comply with the Habitats Regulations.</p> <p>It was concluded that the regulations could best be promoted within TisPlan by removing any individual policies that merely re-state elements of national or local policy and replacing them with a single Policy statement requiring all development to comply with current local and national requirements as set out in the Habitats Regulations and the current Local Plan.</p> <p>This new policy therefore serves to remind developers of their responsibilities.</p> <p>[NB the provisions of previous Policy NE9 are subsumed into Policy NE8]</p> |
| <p>THEME 2 – Design, Heritage and the Built Environment</p> | <p>A revised theme heading for this group of policies, the running order of which has been re-ordered.</p> |
| <p>Policy DB1 High Quality Design and Landscaping</p> | <p>Previously Policy BL.4 and HNA.2 (TisPlan, 2019) This Policy expands on the principles, aims and objectives set out in previous Policy BL.4, and HNA.2, setting out more clearly how new development should deliver high quality design in both function and form.</p> <p>In addition, following the Reg 14 (2024) submission, several amendments have been made to Policy DB1 in accordance with feedback received from Wiltshire Council.</p> |
| <p>Policy DB2 Protecting the International Dark Skies Reserve</p> <p>A. Access B. Assessment</p> | <p>Previously Policy BL.4 (TisPlan, 2019)</p> <p>This Policy strengthens and updates the criteria relating to dark skies set out in previous Policy BL.4 with respect to the most recent guidance on good practice from the Cranborne Chase National Landscape (AONB).</p> |

| | |
|---|--|
| | <p>In addition, following the Reg 14 (2024) submission, Policy DB2 has been amended in accordance with feedback received from Wiltshire Council.</p> |
| <p>Policy DB3 Brownfield Sites</p> | <p>Previously Policy BL.3 (TisPlan, 2019)</p> <p>Renamed and repositioned with changes to the text, so that the policy is more succinct.</p> <p>In addition, following the Reg 14 (2024) submission, Policy DB3 has been further amended in accordance with feedback received from Wiltshire Council.</p> |
| <p>Policy DB4 Conservation and Character</p> <ul style="list-style-type: none"> A) Tisbury's Character Areas B) Tisbury Conservation Area C) Non-Designated Heritage Assets D) Important Local Views E) Residential Density F) Sites of Archaeological Interest | <p>Previously Policies HNA.2 and BL.5 (TisPlan, 2019)</p> <p>This policy brings together policies on conservation and heritage assets drawn from previous Policies HNA.2 and BL.5, giving additional clarity regarding non-designated heritage assets which have been identified as having particular importance or significance; plus additional supporting text defining important local views and green spaces which merit particular consideration.</p> <p>The introduction of the Character Area Statement helps to formalise the objectives first identified in TisPlan 2019.</p> <p>In addition, following the Reg 14 (2024) submission, Policy DB4 has been amended in accordance with feedback received from Wiltshire Council.</p> |
| <p>Policy DB5 Infrastructure Provision</p> <ul style="list-style-type: none"> A. Telecommunication and Utility Infrastructure B. Enabling infrastructure | <p>Previous Policy BL.6</p> <p>Policy repositioned in the text; strengthened with greater emphasis on the importance of the enabling infrastructure and consideration of the capacity of local services.</p> <p>In addition, following the Reg 14 (2024) submission, Policy DB5 (B3) has been amended in consideration of feedback received from Wiltshire Council.</p> |
| <p>Policy DB6 Place-Shaping</p> | <p>New Policy</p> <p>This supplementary policy sets out enabling criteria in support of the Character Area Statement</p> |
| <p>Policy DB7 Conversion and Retrofitting</p> | <p>New Policy</p> <p>Wherever possible, this new policy seeks to further the reuse and refurbishment of buildings in preference to demolition and new construction.</p> |
| | |

| | |
|---|---|
| THEME 3 Homes | A revised Theme heading for this group of policies, which have a new running order. |
| Policy HW1 Windfall Sites | New Policy This new policy recognises that windfall sites (sites not specifically identified in a development plan) have been significant as part of Tisbury’s development. National planning policy indicates that windfall sites, where promoted through a neighbourhood plan, can have an important role to play the supply of homes. |
| Policy HS1 Affordable Housing A) Local Need B) Affordable Housing Levels C) Tenure Blind Development D) Rural Exception Sites E) Interpretation | Previous Policies BL.1 and BL.2 (TisPlan, 2019) This Policy strengthens and expands on the provisions of previous Policies BL.1 and BL.2, not least in the light of evidence from the updated Housing Needs Assessment and Community Consultations in 2021 and 2022. It sets out how development should deliver a broad mix of homes which meet the needs both of older people and those seeking affordable homes. In addition, following the Reg 14 (2024) submission, Policy HS1 has been amended in consideration of feedback received from Wiltshire Council. |
| Policy HS2 Promoting Independence A) Accessibility and Location B) Specialist Accommodation C) Interpretation | New policy (replacing Policy BL.1) This supplementary policy develops and strengthens the aims and objectives of TisPlan (2019) as proposed by previous policy BL.1 |
| Policy HS3 Employment and Out-Commuting | Supplementary to and strengthening previous policy BL.1 in TisPlan (2019) In addition, following the Reg 14 (2024) submission, Policy HS3 has been amended in accordance with feedback received from Wiltshire Council, to include a 3 rd criterion as follows: <i>"a development that supports higher levels of home working or live-work opportunities through improvements to local broadband and/or mobile connectivity".</i> |
| Site Allocations | |
| Policy HS4 Site Allocation: Station Works, Tisbury SP3 6QU A) Principle | Previously TisPlan (2019) Policy BL.7 The revised policy content is less prescriptive but retains essential criteria. The policy has been sub-divided for greater clarity of presentation. The site |

| | |
|---|---|
| <p>B) Design C) Phasing D) Access</p> <p>E) Flood Risk F) Decontamination G) Transport</p> | <p>continues to be allocated for mixed development, including 68 dwellings, commercial units and land set aside for future development of the railway network.</p> <p>The policy now includes reminders of the significance of this site to the local community, demonstrating the importance of genuine and meaningful consultation in order to develop a masterplan acceptable to the community.</p> <p>Further amendments to the drafting of this policy since Reg 14 have been made following the advice and recommendations of the Steering Group's planning consultant.</p> |
| <p>Policy HS5 Site Allocation: Site of the former Sports Centre, Tisbury SP3 6HJ</p> | <p>Previously Policy BL.8 (TisPlan, 2019)</p> <p>as originally drafted and updated to reflect the recent progress made to bring this brownfield site forward. The site is allocated for 13 dwellings. A planning application is awaiting final confirmation of the approval of the S106 Agreement.</p> |
| <p>THEME 4 Sustainable Transport</p> | <p>The running order of this group of policies has been revised and with minor amendments to the text.</p> |
| <p>Policy ST1 Traffic Impact and Road Safety</p> | <p>Previously Policy TR.3 (TisPlan, 2019)</p> <p>This policy extends and strengthens the provisions of previous policy TR.3</p> |
| <p>Policy ST2 Parking Provision</p> <p>A Impact of development B Strategic Parking Provision</p> | <p>Previously Policy TR.1 Retained and redrafted for greater clarity.</p> <p>In addition, following the Reg 14 (2024) submission, Policy ST2 has been amended in response to feedback received from the Environment Agency and Wiltshire Council.</p> |
| <p>Policy ST3 A Safe and Walkable Village</p> <p>A) Walking and Cycling Routes B) Air Quality C) Location of Essential Services</p> | <p>Previously Policy TR.4</p> <p>As originally drafted but with an amended running order and further strengthening to propose how the careful location of services can contribute to walkability.</p> <p>In addition, following the Reg 14 (2024) submission, Policy ST3 has been amended in response to feedback received from Wiltshire Council.</p> |
| <p>Policy ST4 Tisbury Railway Station</p> <p>A) Regeneration B) Co-ordination</p> | <p>Previously Policy TR.2</p> |

| | |
|---|---|
| | <p>retained as previously drafted, with further strengthening to emphasise the need for co-operation between the stakeholders.</p> <p>In addition, following the Reg 14 (2024) submission, Policy ST4 has been amended in response to feedback received from Wiltshire Council.</p> |
| THEME 5 Promoting Business and Employment | |
| <p>Policy EB1 Economic Regeneration</p> <ul style="list-style-type: none"> A) Protection of Employment Sites B) Mixed Use C) Protection of Tisbury High St | <p>Previous Policy EB.1 is retained as previously drafted, with further strengthening to emphasise the need for protection of existing business sites and the village high street.</p> |
| THEME 6 Leisure, Community and Well-Being | <p>The running order of this group of policies has been amended, and with some amendments to the text</p> |
| <p>Policy LC1 Local Green Spaces</p> | <p>Previously Policy LCW.1 (TisPlan, 2019)</p> <p>Revised narrative and an additional green space added to the schedule, following the community consultation performed in April/May 2022.</p> |
| <p>Policy LC2 Sports and Recreation Spaces</p> | <p>Previously Policy LCW.2</p> <p>strengthens previous Policy LCW.2. Parts of previous Policy LCW.3 have been moved to Policy NE6 Landscaping</p> |
| <p>Policy LC3 Retaining Community Facilities</p> | <p>Previously Policy LCW.2 strengthened, with existing text retained. Where appropriate, supports the provision of “new for old” community facilities.</p> |
| <p>Policy LC4 Public Open Space</p> | <p>New Policy</p> <p>Supplementary new policy to strengthen the narrative from TisPlan (2019)</p> |

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

4 STRATEGIC ENVIRONMENTAL ASSESSMENT

4.1 A Strategic Environmental Assessment (SEA) was initially carried out by AECOM on behalf of the Qualifying Body in 2017 (and updated in 2019 ahead of the final TisPlan Reg 16 submission).

In the opinion of the Qualifying Body, the Amended Plan does not include any new policies which would have any adverse impact on the existing SEA and does not include the allocation of any new sites, or the re-use of currently allocated sites in a way which extends beyond TisPlan's existing allocations. As previously, neither of the two allocated sites are in a Flood Zone.

4.2 Wiltshire Council pre-screened the proposed modifications to TisPlan and concluded that a new Strategic Environmental Assessment (SEA) would be required under EU Directive 2001/42 and the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended).

Wiltshire Council consulted with the statutory bodies on its draft opinion, and they confirmed their agreement as part of the formal Regulation 14 consultation. The Qualifying Body therefore requested Technical Support from AECOM for an updated Strategic Environmental Assessment to be carried out. AECOM published their revised and updated SEA in January 2024.

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

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

5 CONCLUSION AND RECOMMENDATIONS

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

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

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