

1. Response to the Government White Paper on the Future of Planning

I prepared a full response to the Government White Paper consultation which Gerry approved and which Sandra submitted on behalf of the parish council on 28 October, before the deadline on 29th October. I'm really not optimistic that the Government will take any notice of the protestations rumbling around the entire country against their proposals – they seem determined to meet their stated objective of building 1m new homes before the end of this parliament, at whatever cost.

The White Paper proposes 3 definitions of land:

- Growth Areas – identified in Local Plans as suitable for sustainable development, and once allocated will attract Permissions in Principle, effectively no need for any further planning permission, other than regarding elements of design.
- Renewal Areas – identified as suitable for (Re)-development and similarly will have Permission in Principle, and
- Protected Areas – areas of special landscape or heritage quality – primarily protected from development – but planning permissions could still be granted.

2. The Status of the AONB – Protected or Not?

We have been trying to establish whether or not Areas of Outstanding Natural Beauty have the same status as a National Park, (and therefore would be protected from adverse development). Unfortunately, it seems the answer is YES and NO. Both the National Parks and the AONB's are certainly defined as protected; however, the National Parks are planning authorities in their own right, whereas the level of protection provided for an AONB is determined by the planning authority in which it is located. This explains why Salisbury DC was willing to permit Wyndhams development, despite the protestations of TPC and Cranborne Chase and West Wiltshire Downs AONB.

As far as Tisbury and West Tisbury are concerned, most fortunately we have enshrined the CCWWD AONB Management Plan as an essential underpinning document and fundamental to the principles of TisPlan. So, my personal rationale, for what it is worth, is "that so long as TisPlan remains current (ie in theory to 2036, but routinely updated so that it's always less than 2 years old) and so long as Wiltshire Council has a 5 year land supply, then areas within the AONB may be defined as Protected". This could be helpful when/if the White Paper becomes law.

It is absolutely the case that neighbourhood plans may be over-ruled – if they are more than 2 years old and if the local authority has less than a 5 year land supply. In Malmesbury, it was very disappointing that WC planners conceded the arguments presented by the applicants – potentially they could have pushed the case to appeal, but they are always so wary of judicial review.

So – if TisPlan is not kept up to date and under regular, material review and if WC does not maintain its 5 yr land supply, then the AONB would not necessarily be protected from aggressive development, as in Malmesbury. At inspection, our examiner stated "The fact that the Neighbourhood Area is within the CCWWD AONB is a significant factor determining the ability of the area to accommodate growth" but he also said that "early review may be necessary." Essentially, even though Tisbury has a made neighbourhood plan, it's no good sitting back and thinking that's it, until 2036.

3. When and How to Review a Neighbourhood Plan

There are 3 levels of formal review of a neighbourhood plan:

- **Minor** – with the agreement of both the Qualifying Body (QB – that's us) and the Local Authority, a neighbourhood plan may be reviewed and updated at any time, primarily to correct small factual inaccuracies (eg names of people or places) or to make typographical and layout changes.

It's been quite an uphill struggle, but this is the level of review that's just been completed, trying to ensure that the amendments WC made to TisPlan's layout and fonts are now as they should be. This type of review does not need to go to the examiner and it is not considered a material review – so it would not be relevant to any consideration of whether or not a plan is less than 2 years old.

- **Material** changes requiring review by the examiner but not necessarily so fundamental that they trigger a referendum.

This is where the QB has reviewed and made some changes to the neighbourhood plan, but that those changes do not have any effect on policies. A minor level of consultation would be expected, such as consultation with local community or enterprise groups.

For example, the extent of the Conservation Area is noted in paragraph 57 of TisPlan as being in need of review – therefore, an update of the CA Appraisal would be a material change which should be brought before the examiner for consideration, but it would be unlikely to affect policy or be so significant as to trigger a referendum. Nevertheless, this would be sufficient evidence to say that the plan had been reviewed and was therefore less than 2 years old.

- **Material and Substantial** changes requiring review by the examiner and which after consideration, the examiner is likely to conclude that the plan should go to another referendum. These are most likely to be substantial amendments or additions to policies or, for example, new allocations of land for development. The examiner would expect to see evidence of extensive community consultation before submitting the plan for review. A review of this magnitude would also clearly show that the plan is up to date and less than 2 years old.

There is probably scope within TisPlan for some material, but not substantial, changes which could be carried out quite quickly, which hopefully the examiner would conclude are within existing policies – and therefore no requirement for another referendum. These matters are potentially sensitive and may have financial implications requiring separate consideration, at least for the time being.