

TisPlan update

Report on latest issues for Tisbury Parish Councillors, regarding Neighbourhood Planning

Councillors will already be aware that TisPlan is not necessarily a sufficient defence for the village against planning applications from aggressive developers.

The biggest weaknesses in the NPPF (National Planning Policy Framework) which now are being exploited to great effect are the “*presumption in favour of sustainable development*” and the concept of the “*5 year housing land supply*”. Effectively these requirements mean that Wiltshire Council as a whole must be able to demonstrate at all times that it has a five-year supply of deliverable housing land. If it doesn't, then any neighbourhood plan more than 2 years old is at risk of being over-ruled.

The problem is exacerbated in Wiltshire because it is a unitary authority. Other planning authorities operate at district level – and therefore the geographical areas they have to consider for their 5 year land supply are much smaller. Developers have spotted this weakness and are exploiting it wherever they can. This has already happened in Malmesbury, much to the annoyance and despair of the parish council. They have lost their battle against a planning application for 71 houses, in direct contradiction of their neighbourhood plan which, unfortunately, IS more than 2 years' old – and, like TisPlan, was more than 5 years in the making.

What Tisbury and West Tisbury need to do now:

Regular Monitoring

Now that it has been made, it is important to keep TisPlan under regular review, so that it is maintained up to date and is effectively always less than 2 years old. It's a task for an ongoing team – reviewing and amending policies; considering the housing land supply; consulting as necessary with the community; liaising with Wiltshire Council and the Inspector. Cllr Mrs Lacey recently expressed her concerns that some TisPlan policies are already in need of review.

Updating TisPlan in line with legislation

Changes in planning legislation and national policy will need to be monitored in case there are implications for the policies in TisPlan. If the national or county policies change, then TisPlan will be over-ruled if it is no longer in compliance.

Minor updates which do not materially affect TisPlan policies can be made with consent by Wiltshire Council and the neighbourhood planning body, BUT for a plan to be considered as less than 2 years old, it has to be comprehensively reviewed. It will not be sufficient for the parish councils to say they have considered the plan “*and it's fine.*” There has to be a “material review” which most likely will need to go through at least the final formal stages of pre-submission consultation and independent examination. The Inspector decides whether or not there has to be a further referendum.

Alternatively, the parish council can run at risk and choose to do nothing but with the full knowledge and understanding that the effectiveness of TisPlan will gradually be eroded. TisPlan will be 12 months old in November 2020 – the clock is already ticking.

TisPlan update

SWOT Analysis	
Strengths	Weaknesses
<p>TisPlan is less than 2 yrs old and it runs until 2036. The current allocation of sites is more than is required in the existing and the proposed Local Plan.</p> <p>Existing village expertise in the TisPlan team - No need to start again completely from scratch</p> <p>Potential for other sites already identified and discussed in TisPlan – could be argued there is no need for further major consultation, depending on what is proposed – but public consultation would most likely be required.</p>	<p>The Avenue is a prime potential development site but is too big for definition and allocation as a LGS (Local Green Space). Station Works is a brownfield site, potentially very expensive to develop & could be land-banked for years. The same key players are involved with both sites.</p> <p>Wiltshire Council is not being very supportive of neighbourhood plans. Capitulates in the face of aggressive developers.</p> <p>Revisions to neighbourhood plans can take up to 18 months from start to finish. Might lead to yet another referendum, depending on the extent of any revision.</p> <p>TPC needs to commit to progressing reviews of TisPlan – needs vision and ongoing commitment.</p>

Opportunities	Threats
<p>New Locality grant funds may be forthcoming for revisions to neighbourhood plans. Ensure TisPlan is reviewed and is maintained up to date.</p> <p>TPC has already allocated £6k for a Village Design Statement (VDS) which may be sufficient to argue is a “material consideration” in updating the neighbourhood plan, but which might not trigger a referendum. Need to press on with the VDS. Material Considerations do not necessarily always have to be all about housing – there could be new and additional policies about environmental issues or transport, for example.</p> <p>Tisbury PC has joined the recently formed WALPA action group – a forum aiming to pressurise Wiltshire Council and the relevant MP’s to acknowledge the importance of “made” neighbourhood plans. Consider nomination of a councillor to join the WALPA steering committee or at least continue with ongoing membership of the forum.</p>	<p>Wiltshire Council must act urgently to re-define its 5 year land supply – but not at the expense of communities which already have their neighbourhood plans.</p> <p>Government proposed revisions to NPPF are sending out mixed messages.</p> <p>Precedent has been set for developers to argue that Wiltshire must have a 5 year land supply across the whole county – other planning authorities are at district level but Wiltshire is a unitary authority.</p> <p>Potential for bullying by developers – eg refusal to develop Station Works unless there is also agreement to develop along The Avenue.</p>