

# Tisbury and West Tisbury Neighbourhood Plan Summary Statement of Proposed Modifications to TisPlan “Made” November (2019)

PUBLISHED in accordance with Regulation 15(1)(f) of the Neighbourhood Planning (General) Regulations 2012 (as amended) in respect of the Modification Proposal to the made Tisbury and West Tisbury Neighbourhood Development Plan (TisPlan) 2019.

1. INTRODUCTION

2. BACKGROUND

3. SUMMARY OF THE PROPOSED MODIFICATIONS

4. STRATEGIC ENVIRONMENTAL ASSESSMENT – DISCUSSION

5. CONCLUSION & RECOMMENDATIONS

## 1 INTRODUCTION

- 1.1 Tisbury and West Tisbury Parish Councils (the Qualifying Body) propose to modify the made Tisbury and West Tisbury Neighbourhood Development Plan ("TisPlan") of November 2019. This Statement is published as part of the submission documentation of the proposed modified Neighbourhood Development Plan ("the Modified Plan"). The final version of the Modified Plan, together with updated Basic Conditions and Consultation Statements are published separately as accompanying documents.
- 1.2 The Modification Proposals and a draft version of this Statement was consulted on in [ **July** ] 2022 as per Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3 Both the Qualifying Body **and the Local Planning Authority, Wiltshire Council** consider that the proposals represent material modifications to the made TisPlan, but they are not considered so significant or substantial as to change the nature of TisPlan. The modifications are therefore in the nature of a material update, which may be made without a referendum in accordance with the Neighbourhood Planning (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 regulation 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 or not 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 these modifications, explains what the modifications are and will summarise the reasons why the parish councils believe that these modifications of the plan are not so significant or substantial as to change the nature of the Made TisPlan.

## 2 BACKGROUND

- 2.1 TisPlan covers the period 2019 – 2036. The designated neighbourhood area covers the same area as the two parish councils of Tisbury and West Tisbury. On 29<sup>th</sup> 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 28<sup>th</sup> 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, supported by Wiltshire Council and which has received high levels of local support.
- 2.3 However, there are now some elements of TisPlan which need to be brought up to date. A recent designation of Cranborne Chase 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 of the River Nadder in Tisbury in October 2021. Further green areas in the village which are valued by the community are being considered as potential candidates for designation as Local Green Spaces. Therefore, the Neighbourhood Plan Steering Group has been reconvened and has taken on the task of drafting modifications to the Neighbourhood Plan.
- 2.4 The parish councils have also become acutely aware that Wiltshire Council's current spatial development strategy is over 5-years old and that the Council does not fully meet government-set 5-year housing land supply targets. Whilst these matters are being addressed and an emerging new 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. The Qualifying Body, therefore, has resolved that regular reviews of TisPlan may be necessary each two years 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 purpose.
- 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 new priorities and a community-wide consultation by questionnaire was carried out between 25<sup>th</sup> April and 12<sup>th</sup> May 2022 to gauge public support and opinion. The consultation demonstrated overwhelming support among local people for renewing TisPlan on the basis of the priorities proposed by the Steering Group (95%) and 298 suggestions on the subjects of 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 the revised policies and supporting text which seek to clarify and strengthen the existing plan.

- 2.6 The Steering Group received general advice and support from Wiltshire Council, plus financial support from Locality which enabled the group 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 Plan has been re-ordered, to achieve greater coherence, but without affecting the overall vision, which remains as previously.
- 2.7 It is noted that in November 2020, Wiltshire Council agreed several minor modifications to TisPlan, which corrected typographical errors; resolved issues with spacing and layout and removed some duplicated paragraph numbering. Those early modifications were simply a “tidying” exercise which did not change the nature of the Plan.
- 2.8 On this occasion, the proposed modifications result from a more comprehensive review of the vision, objectives and policies of the Made Plan. The Qualifying Body is of the opinion that this constitutes a material review but it is not so significant or substantial as to change the fundamental nature of the Plan.
- 2.9 In addition to the modifications proposed for 2022, 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 a County-wide pilot study which will inform the Wiltshire-wide Design Code and 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, 2023-2024. The Design Code, however, is a substantial piece of work which requires extensive consultation with the community and therefore will be the subject of a separate review.
- 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 and distinguishes between those which are material and those which are more trivial in nature. In particular, there is a material change to the numbers of dwellings proposed on the allocated sites – TisPlan now proposes an additional 76 dwellings in Tisbury – 63 at Station Works and 13 at the site of the Old Sports Centre. Compared to TisPlan (2019), this is an increase of 16 dwellings overall.

## SUMMARY OF MODIFICATIONS

Section / Policy Title	Narrative
<b>Natural Environment, Biodiversity and Climate Change</b>	A new Theme heading and additional text to strengthen the importance to the community of this group of policies
Green Infrastructure-Led Development. <b>Policy NE1</b>	Previously <b>Policy HNA.1</b> This policy has been extended to strengthen the importance of the local blue and green infrastructure.
Protection of sites of importance for Nature Conservation <b>Policy NE2</b>	Previously <b>Policy HNA.2</b> This policy has been renamed with additional supporting text.
Trees <b>Policy NE3</b>	This Policy strengthens provisions already present in existing <b>Policy HNA.1</b> to protect and encourage the planting of trees, given the importance of their role in combating climate change and enhancing biodiversity.
Landscaping <b>Policy NE4</b>	This Policy brings together various provisions on landscaping contained in previous <b>Policies HNA.1 and LCW.3</b> , and objectives set out in TisPlan's commentary into a single, clear, policy covering the Plan area and its relationship to the AONB.
Managing Flood Risk <b>Policy NE5</b>	Previously <b>Policy HNA.3</b> , this Policy has been updated in the light of serious flooding which occurred in Tisbury in October 2021 to reflect updated approach set out in the Wiltshire Strategic Flood Risk Assessment 2019 and more recent guidance received from the Environment Agency in respect of the Nadder Valley, in which Tisbury lies.
Energy Conservation <b>Policy NE6</b>	This Policy sets out provisions of previous <b>Policy BL.5</b> regarding energy conservation with greater clarity.
Renewable Energy <b>Policy NE7</b>	This Policy sets out provisions of previous <b>Policy BL.5</b> on the use of renewable energy, providing more clarity on the key objectives for renewable energy provision in the Plan area.
Community Projects/Actions	Action points for the parish councils and community to consider have been removed from the neighbourhood plan to a separate document for the use of the parish councillors. (Appendix C)
<b>Design, Heritage and the Built Environment</b>	A new Theme heading to re-order this group of policies
High Quality Design and Landscaping <b>Policy DB1</b>	This Policy expands on the principles set out in previous <b>Policy BL.4</b> , setting out more clearly how new development can deliver high quality design in both function and form.
Protecting the International Dark Skies Reserve in the AONB <b>Policy DB2</b>	This Policy strengthens and updates the provisions on dark skies set out in previous <b>Policy BL.4</b> in support of the most recent Cranborne Chase AONB Management Plan
Development on Brownfield Sites <b>Policy DB3</b>	Previous <b>Policy BL.3</b> renamed and repositioned with minor changes to the text

Tisbury Conservation Area <b>Policy DB4</b>	Re-ordered from previous <b>Policy HNA.2</b> plus additional supporting text identifying important local views and green spaces which merit particular consideration.
Non-Designated Heritage Assets <b>Policy DB5</b>	This Policy brings together policies on heritage assets drawn from previous <b>Policies HNA.2 and BL.5</b> , giving additional clarity on which non-designated heritage assets have been identified as having particular importance.
Infrastructure Provision <b>Policy DB6</b>	Previous <b>Policy BL.6</b> repositioned in the text but without amendment
<b>Housing and Site Allocations</b>	A new Theme heading to re-order this group of policies. There are no new site allocations.
Providing a Broad Mix of Housing <b>Policy HS1</b>	This Policy expands on the objectives set out in previous <b>Policy BL.1</b> in the light of evidence from the updated Housing Needs Assessment to set out how development can deliver a broad mix of homes which meet the needs both of the ageing population and those seeking affordable homes.
Affordable Housing <b>Policy HS2</b>	Previously <b>Policy BL.2</b> . Repositioned and updated to reflect evidence from the updated Housing Needs Assessment (AECOM 2022) and from community consultations performed in September 2021 and April/May 2022.
Site Allocation: Station Works <b>Policy HS3.1</b>	<p>Previously <b>Policy BL.7</b> The majority of text is as originally drafted, with the addition of information from Network Rail regarding their strategic plans for Tisbury and the SW railway line, which were published in 2020 (after TisPlan, 2019)</p> <p>The updated policy has been sub-divided into three distinct policy sections:</p> <ul style="list-style-type: none"> <li>• Enabling Infrastructure</li> <li>• Delivering a mixed use development</li> <li>• Conservation and Enhancement</li> </ul> <p>The housing allocation is now increased from 60 to a maximum of 63 dwellings. This is a material but not a substantial modification to the existing neighbourhood plan.</p>
Site Allocation: Site of the former Sports Centre adjacent to St John's Primary School <b>Policy HS3.2</b>	<p>Previously <b>Policy BL.8</b> as originally drafted and updated to reflect recent progress made to bring this site forward.</p> <p>In accordance with the aspirations of TisPlan (2019) this site is now allocated for 13 dwellings of which 40% will be Affordable Homes.</p>
<b>Sustainable Transport</b>	The running order of this group of policies has been amended with minor amendments to the text
Traffic Impact and Road Safety <b>Policy ST1</b>	Previously <b>Policy TR.3</b> as previously drafted with minor amendments to the running order and additional actions put forward for consideration by

	the parish councils, (but which do not form part of the Plan)
Parking Provision <b>Policy ST2</b>	Retained as previously drafted <b>Policy TR.1</b>
A Safe and Walkable Village <b>Policy ST3</b>	Previously <b>Policy TR.4</b> with an amended policy running order and some minor strengthening to set out how careful locating of buildings can contribute to walkability.
Tisbury Railway Station <b>Policy ST4</b>	Previously <b>Policy TR.2</b> amend policy running order; retained as previously drafted
<b>Promoting Business and Employment</b>	
Promoting Employment Activity <b>Policy EB1</b>	Previously <b>Policy EB.1</b> retained as previously drafted
<b>Leisure Community and Well-Being</b>	
Local Green Spaces <b>Policy LC1</b>	The running order of this group of policies has been amended with some minor amendments to the text Previously <b>Policy LCW.1</b> : Local Green Spaces – new narrative and additional green spaces added to the list following the community consultation performed in April/May 2022.
Tisbury and West Tisbury's Sports and Recreation Spaces <b>Policy LC2</b>	Introduces a New Policy to strengthen previous <b>Policy LCW.2</b> and deletes previous <b>Policy LCW.3</b>
The Retention of Community Facilities and Amenities. <b>Policy LC3</b>	Previous <b>Policy LCW.2</b> renamed and existing text retained.
New or Improved Community Facilities <b>Policy LC4</b>	Introduces a New Policy to strengthen previous <b>Policy LCW.2</b> by indicating encouragement for new community

The Steering Group considers that the modifications outlined in the above table are either relatively minor, or are material in such a way as to support and further explain TisPlan's existing policies. New Themes have been introduced and the running order of the policies has been altered. The amendments are not so significant or substantial as to change the nature of the made Plan.

## STRATEGIC ENVIRONMENTAL ASSESSMENT

- 4.1 A Strategic Environmental Assessment was carried out by AECOM on behalf of the Qualifying Body in 2017 (updated in 2019 ahead of the final Reg 16 submission). The Amended Plan does not include any new policies which would have an impact on the existing Assessment and does not include the allocation of any existing sites, or the re-use of currently allocated sites in a way which extends beyond TisPlan's existing allocations. Neither of the two existing allocated sites are in a Flood Zone.
- 4.2 [Wiltshire Council has screened](#) the modification proposals to determine if a Strategic Environmental Assessment (SEA) will be necessary under EU Directive 2001/42 and the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). [The Council has concluded](#) that the proposed modifications will not change the potential for significant environmental effects and a further updated SEA will not be necessary. [The Council consulted](#) with the statutory bodies on its draft opinion and they have confirmed their agreement.

## CONCLUSION AND RECOMMENDATIONS

- 5.1 In summary the modifications are necessary and timely. The proposed modifications will help to ensure the continued deliverability of the plan as intended and will bring further clarity and consistency to aid decision making. The modifications are in conformity with the spirit and stated intentions of the plan and remain entirely consistent with the vision and objectives of TisPlan. They are not, however, so significant or substantial as to change the nature of the plan.
- 5.2 The Qualifying Body therefore wish to recommend that TisPlan (2019) should be modified in line with the proposals, but that another community referendum will not be necessary.