

**Tisbury and West Tisbury Neighbourhood Plan Steering Group's response to Examiners Questions**  
**27<sup>th</sup> June 2019**

As you are aware I have been appointed to conduct the Examination of the Tisbury and West Tisbury Neighbourhood Development Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying body response to the initial enquiries below; the local authority may also have comments. The queries are extensive, but the responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the intention behind the policy content from the authors and it is not to invite new content or policies that will not have been subjected to the public consultation process. In some instances, I need to be sure that the Plan policies meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17\*). It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent required for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy.

In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority with a request that the exchange of emails be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

\*NB as you are aware a new National Planning Policy Framework (NPPF) was published in July 2018 (now updated in February 2019) but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly, all references to the NPPF in this document (and in the final Examination Report) are to the original 2012 NPPF document, unless otherwise indicated.

**Contentious Issue:**

I note that a decision was taken during the preparation of the Neighbourhood Plan to extend the Plan end date from 2026 – which would coincide with the end date for the current Wiltshire Core Strategy – to 2036 – to coincide with the prospective end date for the Wiltshire Local Plan Review which is presently in its early stages. I am uncertain that the consequences of this extending of the end date have been fully considered.

Given that it is sensible for the Plan to look beyond 2026, given its short horizon, the QB had to ensure, as far as practical, conformity with the emerging Local Plan Review, given its plan period overlaps (from 2016-2036). The QB and WC discussed the implications with respect of housing requirements and the indicative nature of these in relation to neighbourhood plans and for neighbourhood plans to not be restricted, particularly where plans are focusing on delivery of brownfield sites.

Wiltshire Council (WC) considers that while the Plan allocates a scale of new homes in excess of that suggested by the Wiltshire Core Strategy (WCS), this is not to a level that could exceed or prejudge future decisions about the pattern and scale of development that may be needed as a result of the Local Plan review.

**Planning Practice Guidance says (Paragraph: 040 Reference ID: 41-040-20160211):**  
“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a Qualifying Body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”. And further, “A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan” (Paragraph: 044 Reference ID: 41-044-20160519).

The Tisbury and West Tisbury Neighbourhood Development Plan includes the allocation of new sites for housing. And yet, before allocating these sites the document does not, as far as I can see, establish the scale of the overall requirements to be met to 2036; the only numerical ‘accounting’ to show how the local housing requirement is being addressed is to 2026. I appreciate that this may be because the Local Plan Review is not yet in a position to “share relevant evidence on housing need”. However, the consequence is that, whilst it is evident that Tisbury housing land allocations will make a contribution to meeting the housing requirement, what is not evident or explained is whether the scale of allocation in the Plan is a fair or proportionate contribution toward meeting current and future requirements. This has also been questioned within the representations. Given that there is a new Local Plan in preparation it is vital that the Neighbourhood Plan housing allocations, if they are to 2036, relate to the evidence being collated for the Local Plan otherwise the Neighbourhood Plan could quickly become out of date.

(see Planning Practice Guidance: Paragraph: 009 Reference ID: 41- 009-20160211). Planning Practice Guidance (ref: 41-009-20160211) also says: “Neighbourhood plans should consider ..... allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan”. The Local Planning Authority representation also notes that the Wiltshire Core Strategy (WCS) “clarifies the indicative nature of the WCS housing requirements and that neighbourhood plans should not be constrained by the housing requirements set out in the WCS”. Therefore, there would be nothing untoward in exceeding the housing requirement to 2026 without extending the Plan period to 2036. Do you have comments on this line of thought?

Paragraphs 1 to 4 on page 3 of the Tisbury and West Tisbury Neighbourhood Plan details the housing requirement at the time of writing up to 2036.

This identifies that up until 2026 a housing requirement of 200 dwellings was identified for Tisbury village of which there are 23 dwellings still to be found (as at April 2017). The plan then continues to explain that ‘For the next Core Strategy period Wiltshire Council has indicated a reduced scale of housing need with the principal settlements and towns remaining the main focus of growth’.

It is maybe that the Inspector feels that information with regards to housing requirement has not been detailed or referenced enough at page 3 nor further on in the plan under Section 3 and the qualifying body would be happy to accept additional text to explain the position and to provide flexibility without bringing the plan period back to 2026.

To provide detail to the ‘remaining 23 dwellings still to be found during the Wiltshire Core Strategy period evidence submitted to the Wiltshire Housing Sites Allocation Plan (‘WHSAP’) through the ‘Wiltshire Housing Site Allocations Plan Community Area Topic Paper – Tisbury, July 2018, Submission version states that “There is an indicative residual housing requirement of 25 dwellings at the Local Service Centre of Tisbury. However, given the settlement’s location in an AONB, the low level of indicative residual housing requirement, and the opportunity to deliver growth through the

neighbourhood planning process on brownfield sites, it is proposed that housing sites will not be identified for allocation within Tisbury.” This document is available from.

<http://www.wiltshire.gov.uk/planningpolicydocument?directory=Wiltshire%20Housing%20Site%20Allocations%20DPD/Submission%20July%202018/Community%20Area%20Topic%20Papers&fileref=17>

In considering an extended plan period to 2036, the Steering Group had regard to the evidence available at the time in respect of the Local Plan Review. The evidence used was data published by the council in November 2017 and was also used during the Local Plan Review Informal Consultation during October and November 2018. The 2017 evidence suggested that the Salisbury HMA of which Tisbury and West Tisbury is part, needed to provide 8,250 dwellings between 2016 and 2036 of which approximately 8,000 homes have been built or committed (para 3.8, Swindon and Wiltshire Joint Spatial Framework Issues Paper, 2017). It was this evidence that that the qualifying body considered in moving forward with the submission of their neighbourhood plan in January 2019.

Wiltshire Council are now in the process of testing new housing need figures for the period 2016 to 2036, as reported to Cabinet on 30 April 2019 and have not published indicative figures to inform neighbourhood plans in preparation.

The base date of the Local Plan Review (LPR) is 2016, with a plan horizon date of 2036. The current Wiltshire Core Strategy (2006-2026) and the Local Plan Review (2016-2036) have overlapping plan periods and therefore commitments identified now will contribute towards meeting future requirements.

The Neighbourhood Plan, as with any Plan, will need to be subject to monitoring and review to determine whether it needs to be amended/updated (e.g. to plan for additional growth) in response to changing strategic policy. A review can in some circumstances reaffirm that policies remain up to date or may only lead to certain parts of a plan being revised. As such, an end date to 2036 would potentially allow for the Plan’s policies to be in place over a longer period preventing the need for a wholesale review to roll forward the plan in a relatively short period of time.

The qualifying body believes that some flexibility has already been provided in para 7 page 22 for a plan such as an early review of the Neighbourhood Plan, to allocate additional sites beyond that already in the plan, if evidence changes. However, for clarity, a sentence could be added to this paragraph that reads on the lines of ‘If further evidence comes to light that indicates that more additional housing beyond that identified within this neighbourhood plan is needed this will be delivered either through the Local Plan Review of an early review of this Neighbourhood Plan’. In addition, the ‘Introduction’ section of the plan (final paragraph, page v) could give recognition for the need for an early review of the neighbourhood plan to ensure that it remains up to date in line with new strategic policies of the Local Plan in line with Wiltshire Council’s representation. The qualifying body would accept such amendments as recommended by Wiltshire Council in their representation to provide flexibility for an early review, however to pull the plan period back on the basis that housing figures could increase would be contrary to the local vision for the future of Tisbury that has already been consulted upon.

More specifically a local housing needs survey, has been undertaken as discussed in Wiltshire Council’s representation. The reports of the survey are currently with Tisbury and West Tisbury Parish Councils for their approval however in summary this identifies a current need for 13 units and a summary is provided in Appendix 1 to this report.

**The Planning Guidance also says: “A neighbourhood plan can allocate sites for development, including housing. A Qualifying Body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is**

**available (Paragraph: 042 Reference ID: 41-042-20170728). Related to this issue is Planning Practice Guidance: 005 Reference ID: 41-005-20140306: “If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” A lack of supporting evidence on deliverability will allow the site allocation Policies to be open to challenge and this has proved to be the case within the Regulation 16 Consultation. A particular issue is that a requirement for additional commercial space is not quantified and yet mixed use is an expectation for the main site identified. Do you have comments on the selection of the Policy criteria for the site proposed for housing allocation and the assessment of their impact on deliverability?**

An independent appraisal of site options was undertaken to inform site allocations for the qualifying body / steering group by AECOM and is available at Appendix 6A to the plan. As a result of this appraisal and consultation with the community Tisbury Neighbourhood Plan Steering Group proceeded to work positively with the former owner of the Station Works site, St Modwen, to begin to determine an appropriate mix of development and infrastructure that may be viable given the constraints on the site.

The former owner had implied that appropriate evidence including viability evidence would be provided through the appropriate consultation stages. The Steering Group had been led to believe this would be during the regulation 16 consultation period. It came as some surprise and dismay to the Tisbury Community that the site was sold, towards the end of the regulation 16 consultation period. Discussion had always been positive with St Modwen and they had been clear in respect to the possible development mix that they would be willing to provide, these discussions were translated into the policy. In addition, it was St Modwen who had suggested to the Steering Group that 60 dwellings were the number needed in order to make the site viable. Tisbury Neighbourhood Plan Steering Group were therefore relying on the landowner to provide such evidence, given the cost of having appraisals undertaken, and have been largely let down by the former landowner with no communications of their intention. These discussions included communication with Network Rail regarding their needs. Network Rail have also engaged in the plan’s preparation and are supportive of land being safeguarded for the delivery of improved services for Tisbury and the West of England line. Network Rail have indicated that they would look for a new platform, a new track and associated access for all infrastructure and this would include some land from the Station works site that the previous landowner had implied would be willing to pass over to the rail operator. Given the date that the site was purchased, which was after the publication of the regulation 16 consultation, the Steering Group would have expected the price paid to reflect the infrastructure requirements in the Tisbury NP and any purchaser to have undertaken their appropriate due diligence on the site prior to purchase to ensure policy requirements could be delivered.

The proposals and criteria for a mixed-use development at Station Works, worked into policy, evolved for several very relevant reasons, based on careful public consultation, and local knowledge of the history of the site. In addition, the qualifying body and Steering Group were very keen to address:

- the outcomes of discussions with St Modwen (the previous owners of Station Works)
- The wishes and recommendations of the AONB
- The outcomes of the HRA
- The concerns of neighbouring communities
- The known future requirements of Network Rail

The qualifying body do not think that the policy is too prescriptive and restrictive. Rather, they think it is positive and enabling. Specific comments on the policy criteria within Policy BL7 are provided below:

<b>Policy point</b>	<b>Comment</b>
<p>In accordance with feedback from the local community, TisPlan welcomes a comprehensive mixed redevelopment of Station Works, to include a balance of housing, commercial units and parking. Development should be carried out in accordance with an agreed masterplan for the site which will set out how the phasing and necessary infrastructure will be delivered.</p> <p>The masterplan shall be in accordance with the other policies set out in this plan and in addition:</p>	<p>This confirms that the requirements are in line with the community consultation. The Tisbury community is very proud of their village and feel that a masterplan should be consulted on and agreed with the village prior to any planning application being submitted to prevent delay at planning application stage.</p> <p>A requirement for a masterplan is also in line with Core Policy 2 of the Wiltshire Core Strategy and its supporting text, detailed later in this response.</p> <p>A sentence could be added confirming that this will be informed by viability testing to provide flexibility. 'The mix of development should be informed by a viability test'.</p>
<p>1. A comprehensive risk assessment and decontamination process regarding the previous industrial use of the site must be carried out. A submission of a decontamination strategy will be required with any planning application for the redevelopment of this site</p>	<p>Part of the site was historically the location of a former gas works. The Steering Group understands that the location of this contamination may inform the masterplan for any site and what uses go where. Although a contamination strategy could be conditioned to a planning permission, it could be that if the survey itself is undertaken after planning permission is sought that the survey precludes development from going ahead in line with any permission as the uses maybe located incorrectly. The Steering Group wanted to highlight the constraint of contamination on this site to any future developer.</p> <p>The Steering Group feel that it would be more sensible for any interested party to undertake the contaminated land survey upfront to inform the location of specific uses rather than having to move things around later. This would be in line with Wiltshire Core Strategy's CP56 (contaminated Land) that requires developers to 'demonstrate that the development site is, or will be, made suitable for the proposed final use'. CP56 then requires a number of various reports / remediation schemes based on the contamination present.</p> <p>It maybe that wording of the point is incorrect and could be re-drafted to something on the</p>

Policy point	Comment
	lines of 'A contaminated land survey and remediation scheme should inform any planning application and level of information provided be in line with the Wiltshire Core Strategy'.
<p>2. In liaison with Network Rail, safeguard land in anticipation of the expansion of the single track to dual track, including provision for a second platform in accordance with the minimum requirements set out in <i>Policy TR.1</i> and requirements for a drop-off turning area, disabled parking and parking provision similar to the northern side of the line</p>	<p>There is an opportunity in Tisbury to support national infrastructure and reduce journey times between Exeter and London through dualling of the railway track (there is currently only a passing loop) as well as improve journey times to Tisbury. This infrastructure provision will need to be supported by an accessible footway over the railway line.</p> <p>There is pressure for additional parking at the station and this therefore should be provided in proximity to the station.</p> <p>The requirements for parking, drop off and turning area has historically been promoted to the Tisbury community through the various masterplans that the former owners St Modwen had provided to the Steering Group and through historic planning applications. Examples of 2 masterplans provided by St Modwen's are attached to this response at Appendix 2. The requirement is not therefore felt to be unreasonable or unjustified.</p> <p>The opportunity to provide improved rail services for the West of England line must not be lost as well as trying to encourage less dependency on the car.</p>
<p>3. Make provision for an appropriate pedestrian access to and from the new development and the rest of the village; and show how this is to be phased, as part of the development. This could include provision for pedestrian and disabled access via the Three Arch railway bridge, to and from the Stubbles footpath</p>	<p>The site must not be cut off from the village by the railway line and therefore if residential development is supported a safe means of access by foot to the village centre is important.</p> <p>It maybe that the route used by residents to the village centre and accessible footway over the railway are one of the same, but this needs to be explored through a master-planning process with both the land owner and Network Rail. Without a requirement within policy the Tisbury community would be concerned, given the change in ownership that the requirement will not be considered.</p>
<p>4. Residential development should provide for not more than 60 dwellings, at a maximum density of 30 per hectare (average plot size</p>	<p>The number of dwellings was agreed by the qualifying body; however, flexibility could be provided by suggesting that this could be subject to a viability assessment and the words</p>

Policy point	Comment
0.034 hectares), some of which could be satisfied by two-storey apartments	<p>'not more than' could be amended to 'around' to provide flexibility.</p> <p>The Steering Group concluded that 2 storey buildings would be appropriate on the site after reflecting on public consultation responses that preferred a lower profile for the site given its location within the AONB, its prominent location within the Nadder Valley and close proximity to the Conservation Area. The Steering Group acknowledge that some buildings on the high street are taller than 2 storeys, however that is not the norm for the rest of the village. The Steering Group would accept an increase to 2 ½ storey buildings to provide additional flexibility.</p>
<p>5. Design and layout should ensure a clear distinction between the mix of uses on the site and separate access routes for residents should be clearly set out and detail the proposed:</p> <ul style="list-style-type: none"> <li>i) mix of uses</li> <li>ii) areas of public, private and amenity space</li> <li>iii) movement routes for different users (into and out of Tisbury Railway Station)</li> <li>iv) employment, residential and parking areas</li> <li>v) building heights, envelope and density</li> <li>vi) phasing of different uses</li> </ul>	These are place-making requirements and should be maintained.
<p>6. Make provision for a minimum of 30% affordable housing which, wherever possible, should be delivered through a trust, or equivalent organisation, the aim of which will be to ensure that the housing should remain as affordable, in perpetuity. Opportunities for self-build should also be explored</p>	The site sits within the Wiltshire Core Strategies 30% affordable housing zone and is therefore felt appropriate and in line with Core Policy 43 of the Wiltshire Core Strategy.
<p>7. Consider the aspirations of local businesses as indicated by the TisPlan business needs assessment (<i>Section 5: Employment and Business</i>) and the current users of the site, to provide for its adaptation to modern business needs in such a way that does not impinge on residents. Commercial use should be in accordance with <i>Policy BL.3</i> (e.g. design units to support low-impact Class B1 business uses, but with the capacity to accommodate larger vehicles for deliveries)</p>	We do not feel that this is too restrictive on the commercial element of the policy. It is important that homes and business remain good neighbours. The community learned a lot of lessons from their involvement in the Wyndhams development (off Hindon Lane) and are keen to ensure similar errors are not made again.

Policy point	Comment
8. The exact mix of residential and commercial development should be sensitively sited and designed to mitigate any associated adverse impact (such as height of buildings, noise, smell, pollution and visual impact) arising from either use; or from the use of the railway	This is a sensible place-shaping requirement.
9. The development must reflect the site's setting within the AONB and its proximity to the Conservation Area. This should include consideration of the impact of traffic on the neighbouring settlements, the natural landscape and historic buildings in the AONB, the effect on the skyline for potential light pollution and views from the south facing areas in Tisbury and the sensitivity of design, in relation to the vernacular of the adjacent Conservation Area zones (see <i>Appendix 4 - Design and Visual Impact</i> ). Any landscaping should positively reinforce the site's setting in an AONB for all users and where possible result in a net gain for biodiversity in accordance with <i>Policy HNA.1</i> ;	<p>As Tisbury sits wholly within an AONB great weight should be given towards conserving and enhancing the landscape in line with NPPF that confirms that areas such as AONB's have the highest status of protection.</p> <p>In addition, as the site sits close to the Conservation Area of Tisbury it is important that the views towards and out of the Conservation Area and its setting area carefully considered. This is also why the community are concerned about the height of new buildings to be delivered on the site and the impact to rooftops on the AONB and Conservation Area.</p> <p>Both of the above would also be requirements of the Wiltshire Core Strategy.</p> <p>NPPF require plans to protect and enhance biodiversity and this element is therefore not felt to be an overburden.</p> <p>Traffic impact on neighbouring settlements should also be considered as the road network in some settlements such as Ansty and Swallowcliffe for example is poor and single track. Consultation responses from these villages expressed concern regarding traffic impact and wished that any development should seek to mitigate its impact on such neighbouring villages.</p>
10. Development should be of a very high design standard, reflecting the predominant local vernacular, e.g. use of local brick and stone building materials appropriate to the style of the traditional buildings in the southern edge of the village and Tisbury Railway Station.	This element is in line with Wiltshire Core Strategy CP57 and just prompts the reader to reflect the local vernacular.
11. A habitats survey must be carried out to determine whether the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impact if these species are present	This is a requirement of the Habitat Regulations and is therefore required for the plan to be supported.



Policy point	Comment
12. Development should strive to have a minimal (approaching zero) environmental impact in its use of natural resources such as energy and water and consider how the development can have a positive environmental impact. Wherever viable, master-planning should utilise industry best practice on integrating principles of sustainable, low-carbon design, including the use of renewable energy and energy efficiency (e.g. BREEAM Communities)	The point does say ‘Wherever viable...’ and therefore provides flexibility.
13. Given the scale of the development in relation to the existing settlement and its existing capacity for sewage treatment and associated impact on the River Avon SAC, measures to implement alternative foul water treatment to mitigate overload of Tisbury Sewage Treatment works should be addressed	In line with Wessex Water’s representation, this point could be deleted. There was historically an issue of capacity at the sewage treatment works but it appears that the concern has now been resolved.
14. Any development must be the subject of extensive consultation with the local community before and during the pre-application stage. As a minimum, this should include consultation events open to the whole community, organised in liaison with Tisbury Parish Council.	<p>The Tisbury community is very proud of their village and feel that a masterplan should be consulted on with the community to ensure that the village is not presented with a scheme that is uncharacteristic or would look out of place in the village.</p> <p>This has been a consistent concern reflected in local consultations – that residents want to know well in advance what is being proposed for their village – and they would like to be involved in discussions.</p> <p>This is also in line with Core Policy 2 of the Wiltshire Core Strategy.</p>

### The Plan Content

In their representation the Local Planning Authority takes issue with the assertion on page 2 (paragraph 7) that “Wiltshire Council withdrew funding for rural transport....resulting in above average car ownership”. They “doubt that the funding withdrawal equalling Car Ownership increase is supported by evidence” and would wish the assertion to be deleted.

The Steering Group agrees to the proposed deletion.

At the foot of page 4 it is asserted, within an introductory section, that “Any proposed major development on greenfield sites will not be permitted”. Given the existing Policy constraints affecting development within the Neighbourhood Area this might be considered a fair statement, but it would be for a strategic planning policy to determine and not a Neighbourhood Plan which addresses non-strategic issues. Identifying and allocating brownfield sites may eliminate or reduce the need to consider greenfield sites, but the Neighbourhood Plan cannot pre-empt the new Local Plan. Do you have comments on this line of thought?

The strategy of developing brownfield sites first is expressed in the previous sentence 'The redevelopment of available and suitable brownfield sites will be prioritised over the development of greenfield sites', this together with the settlement boundary should afford protection to Tisbury whilst allowing exception sites in line with Core Policy 44 of the Wiltshire Core Strategy and not attempting to pre-empt the outcome of the Local Plan Review. The sentence can therefore be deleted.

**The wording of many Policies is quite lengthy with a number of sub-elements. To allow for ease of referencing within Officer Reports and Planning Decision Notices it would be helpful for all Policies to adopt a consistent system of sub-paragraph numbering in addition to the numbering of lists and criteria.**

Sub-paragraph numbering can be introduced to assist with officer reports.

#### **Policy HNA.1: Natural Assets and Biodiversity**

**Whilst Policy HNA.1 has evident regard for national Policy and specifically mentions related Local Plan Policy, a number of queries arise from the wording of this Policy:**

- **To what extent is the Policy expected to apply to the brownfield sites allocated within the Plan?**

It is intended that the policy will apply to greenfield and brownfield sites where there is existing wildlife of importance on the site. Bats are particularly important especially with respect to the Chilmark Quarry SAC and is detailed within the Habitats Regulations Assessment of the plan submitted with the council's regulation 16 response.

- **Is it only "where feasible" that "wildlife and landscape corridors" should be protected? Moreover, there is a lack of clarity on where and at what scale these features might be present within the Neighbourhood Area.**

Yes, the first paragraph of HNA 1 says 'where feasible' as TisPlan acknowledges that sometimes it is not possible for example to replace in its original place a Public Right of Way.

However, given Tisbury and West Tisbury's location wholly within an AONB all the area is important in landscape terms and is criss-crossed with wildlife and landscape corridors. This is emphasised within the AONB's management plan. The most important corridor is the River Nadder. Protection of the AONB is also in line with NPPF (2012) para 115 that states 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

- **It is implied in the second paragraph of the Policy that the "River Nadder SAC" (earlier described as the "River Avon System SAC") is being extended to include a wider area of water meadow "of particular landscape and biodiversity value", not delineated. But it is not open to Neighbourhood Plans to designate SACs and comparative evidence of the "particular landscape and biodiversity value" is not provided.**

Noted, it is possible that the aim of the policy area has not transferred clearly. If that is the case maybe suggested a re-wording of the para on lines of 'The water meadows adjacent to the River Nadder are areas of form a particularly important landscape and biodiversity corridor and value with an associated impact upon the River Avon SAC that should be protected from any future development'.

Although this part of the river is not designated as part of the SAC, it is relatively close to the upstream section of the SAC designation and it is felt locally that the adjacent water meadow area of river contributes to the quality of the SAC and the wildlife present in it. Tisbury Natural History Society can provide evidence of the presence of Otters and freshwater crayfish for example.

- **It is national regulations that will define the special attention required when bats are identified on sites for development.**

Noted. This paragraph was introduced as a requirement of the Habitat Regulation's Assessment undertaken on the Regulation 14 consultation version of TisPlan. The wording could be deleted so long as the examiner is satisfied that the plan still meets the requirements of the Habitat Regulations.

- **Development will be required not "aspire" to address Wiltshire CC Strategic Policy CPS2.**

Agreed. The words 'aspire to' should be deleted from the last paragraph of policy.

#### **Policy HNA.2: The Conservation Area**

**Whilst Policy HNA.2 has evident regard for national Policy and specifically mentions a related Local Planning Authority document, a number of queries arise from the wording of this Policy:**

- **The opening sentence reflects national Policy but there is danger with the restating of this in subsequent paragraphs in variations of wording that unhelpful confusion will arise. A representation notes that commencing the sentence with "Any proposal..." would aid clarity.**

Noted. The Steering Group is happy to accept amended wording.

- **As the Tisbury Conservation Area Appraisal and Management Plan is being relied upon, there is no evident value in selectively taking some elements from it within the Policy wording.**

The Steering Group took some areas from the Conservation Area Appraisal that were felt to be the most important elements to Tisbury. If the examiner is confident that the importance and significance of the Tisbury Conservation Area Appraisal and Management Plan will not be lost if the text was not restated, the wording could be removed.

- **The relationship between the Appraisal and the "Design Codes and Visual Impact" Appendix and the status of the latter are queried within the representations.**

The Design Code and Visual impact document aims to try and summarise the important views in Tisbury based on those identified in the Salisbury District Council Settlement Settings Assessment study, Chris Blandford Associates, 2008 as well as trying to identify historic design within Tisbury that developers could take a design cue off for the whole of Tisbury. The design element was lifted from the development brief for the Wyndham's development (with the permission of the developer) and widely consulted on at the time, however it is acknowledged that a straight 'lift' of text is maybe not helpful. The Conservation Area Appraisal should always take precedence.

- **"Any planning application which would remove or detract from original features will be refused" both lacks clarity on what might constitute "original features" but also goes significantly beyond the national protections afforded to Conservation Areas.**

TisPlan is not seeking to impose restrictions that go beyond national protection and amendments should be made accordingly. However, the SG was attempting to apply some of the principles of the

Conservation Area Appraisal to the wider historic area of Tisbury although in re-reading it is acknowledged that the policy is associated with the Conservation Area only.

- **In the last paragraph “will be strongly resisted” lacks clarity in relation to the powers available to the Local Planning Authority. A representation comments that “It is not clear what the Neighbourhood Plan is trying to control”. If the Appraisal document identifies and describes “character zones” and the Policy requires development proposals to “have regard” to those then there seems already to be the basis for a planning judgement to be reached.**

The Steering Group was very keen to ensure that the Conservation Area Appraisal should take centre stage in decision making. It is a robust document which has tended to be ignored by parties proposing development when its aims and objectives are very helpful and supportive of the Conservation Area.

The wording of the last paragraph could be amended from ‘will be strongly resisted’ to ‘should be carefully considered with reference to the Conservation Area Appraisal’.

### **Policy HNA.3: Managing Water in the Environment**

**The wording of Policy HNA.3 also gives rise to several issues: The first paragraph is essentially commentary rather than part of the Policy and by precis does not accurately reflect national Policy; accordingly it may best be deleted**

Agreed, this paragraph could be moved to the supporting text such as to page 19 after para 4.

- **The representation from Wessex Water states that “there are no capacity issues at Tisbury Sewage Treatment Works” and that “reference to the NMP [Nutrient Management Plan] within the Neighbourhood Plan is sufficient” “and therefore we recommend deleting the [second paragraph] within Policy HNA.3”.**

Agreed, the Steering Group were unaware that Wessex Water have clearly upgraded the sewage treatment works. As the position has clearly changed the Steering Group agrees that the paragraph can be deleted.

- **The representation from the Local Planning Authority notes that the third paragraph (as well as the explanatory text) needs amendment to ensure that the Plan meets the Habitats Regulations; the third paragraph would therefore read: ‘New residential development must be built to the highest optional water efficiency standards provided for by the building regulations which are currently a maximum water use of 110 litres per day (G2 of the Building Regulations 2010)’.**

Agreed. The Steering Group agrees as the plan needs to be in line with the Habitat Regulations.

### **Section 3: Housing and Building Policies**

**At the top of page 23 it is asserted (in a variation of earlier wording) that “development on major greenfield sites will not be permitted” and “ribbon development in the open countryside between the settlements will be resisted”. Apart from the strategic vs Neighbourhood Plan issue noted earlier, the assertions here appear to state Policy outside of the Policies themselves. The Local Planning Authority points out that, as is acknowledged within your Policy BL.2, a rural exception site may be the best means to achieve a community-led development. As the text and the Policies need to be consistent I feel that these two sentences need to be deleted.**

In line with our comments earlier in this response, the strategy of developing brownfield sites first is expressed in the plan and therefore this paragraph can be deleted. The settlement boundary should afford protection to Tisbury whilst allowing exception sites in line with Core Policy 44 of the Wiltshire Core Strategy and not attempting to pre-empt the outcome of the Local Plan Review.

**The representation from the Tisbury Catholic Parochial Church Council request that the second paragraph on page 23 be updated to acknowledge the current position with their project to provide 6 low-cost, low-energy, two bedroom starter homes and 2 family homes. However, since the Plan is a forward-looking document it is not necessary to dwell in detail on a snapshot of a current position.**

Agreed. This is an updated position. The Steering Group were aware that the site was likely to come forward but had not done so by the time of submission of the plan.

#### **Policy BL.1: Providing a Broad Mix of Housing**

**The representation from the Local Planning Authority, whilst supporting the intent of the Policy, notes that there may be inconsistencies between the specific expectations of the supporting text and the Policy wording, in particular since a new Housing Need Survey is currently being prepared. It is also noted that the use of the term “Starter Home” may not fully accord with the related national Policy. The same representation also notes that element 1 of the second paragraph should be amended to read: “The Wiltshire Core Strategy’s (or its successor) affordable housing requirement” i.e. the ‘requirement’ rather than the “shortfall” is the issue.**

Noted. The Steering Group is happy to accept changes to ensure that the terminology used in the neighbourhood plan is correct, in line with national policy and up to date.

**The clarity of the wording of the third paragraph is also an issue; it is unclear what “Opportunities ... will be encouraged” is intended to mean in practical terms within a Development Plan document. The Local Planning Authority has also queried the apparent restriction of community-led housing to “lower-cost or affordable housing” as too inflexible.**

Noted, the Steering Group is happy to accept changes to ensure flexibility in the delivery of community-led housing. However, to note is that the paragraph only ‘encourages’ lower-cost or affordable housing’ it does not for example prevent the delivery of other types of housing for cross-subsidy purposes for example and already provides flexibility. The Steering Group would recommend the following revised wording:

~~‘Opportunities for community-led development (such as Community Land Trusts or other suitable social housing provider) will be encouraged to provide for lower-cost or affordable housing into perpetuity’.~~

#### **Policy BL.2: Affordable Housing**

**The representations from the Local Planning Authority and the AONB Partnership point out that the supporting text on page 25 does not accurately reflect either the content of Core Strategy Policy 43 or the current NPPF. As Tisbury and West Tisbury sit in a designated rural area a lower threshold of 5 or more dwellings for an affordable housing contribution applies; Tisbury Parish sits within the 30% affordable housing zone and West Tisbury Parish sits within the 40% zone. The text will require correcting accordingly.**

The Steering Group agrees that the text should be corrected accordingly to ensure conformity with the Wiltshire Core Strategy and most up to date NPPF.

Further errors are noted. The 2014 Housing Needs Survey was not undertaken by the Wiltshire Rural Housing Association but by Wiltshire Council working with Tisbury and West Tisbury Parish Councils. The Local Planning Authority has commented that the discrepancies in findings between the Survey and the TisPlan questionnaire deserve some consideration and in particular the survey results which evaluated respondents' eligibility for affordable housing cannot be compared with the demand/aspirations identified in the TisPlan questionnaire. Accordingly some revised wording may be required. Also it is noted that Wiltshire Council Allocations Policy, agreed by its Registered Providers, already has a local connection provision (and so "theory" is actually fact) and Wiltshire Council S106 Agreements already require, wherever possible, that Affordable Housing is provided in perpetuity.

The Steering Group notes the error and the text should be updated accordingly.

Looking at the Policy BL.2 wording, the Local Planning Authority notes that their Allocations Policy does not recognise the Neighbourhood Area as such but rather the Parishes; therefore the "cascade" will include West Tisbury as a neighbouring Parish if the development is in Tisbury and vice-versa. As the Allocations Policy is not a land use matter the Neighbourhood Plan cannot seek to change it. In other respects, it would seem that paragraph 1 of Policy BL.2 is merely a reiteration of present Wiltshire practice.

The Steering Group agrees that para 1 is a reiteration of current Wiltshire practice.

In relation to paragraph 2 the Local Planning Authority points out that the acceptance of a financial contribution in lieu of on-site affordable housing would apply only in exceptional circumstances. However, as this provision is about a financial mechanism rather than a land-use one it is beyond the scope of a Neighbourhood Plan but might be included as an Action Point for monitoring by the Parish Councils.

The Steering Group agrees that para 2 could be included as an action point to BL2 under section 3.4, page 40.

As noted in relation to the wording of Policy BL.1, I am unsure what "Opportunities for ..." within paragraph 3 might suggest. I am further unsure of the purpose of including the same provision but in a variation of wording across two Policies. The Local Planning Authority notes that Wiltshire Core Strategy Policy would allow rural exception site development for affordable housing and that the Policy wording needs to have sufficient flexibility to ensure that affordable housing is deliverable, a point echoed within the representation from Tisbury Community Homes.

The Steering Group notes that there is repetition between BL1 and BL2 with respect to community led housing, however it is an important issue for the Tisbury community. Could one of the paragraphs that are in either BL1 or BL2 be deleted and the other remain in a renamed BL2 policy that is called 'Community Led Affordable Housing'.

#### **Policy BL.3 Development on Brownfield Sites**

Within the supporting text it is stated that "An application will not be supported without proven suitable substitution of a site for the fire station; and development gain should support suitable alternative facilities". As this is not a Policy it is an inappropriately worded paragraph; whilst it is legitimate for the text to explain positively what is being sought, this needs clarity: are the "alternative facilities" the replacement of the fire station in which case the "planning gain" reference is rather redundant?

Noted, the text could be re-worded to something on the lines of 'The redevelopment of the fire station site again would be welcomed if the service is re-provided in line with fire service requirements'.

**On a drafting point I am unsure that TisPlan can “welcome” or “support” proposals other than through suitably worded Policies and their application by the Local Planning Authority. Similarly it is difficult to see how the development of brownfield sites “will be prioritised” other than through a suitably worded Policy. It seems that the boundary between supporting text and policy has been blurred in Policy BL.3. My earlier comments relate to paragraph 2 of Policy BL.3.**

Could the text that is 'blurred' be brought into policy, or the policy amended on the lines detailed earlier in our response with regard to the redevelopment of brownfield sites.

**On the Policy content:**

- **In paragraph 1 it is difficult to envisage why the reference to the AONB has been qualified with “...in the outlying settlement...”?**

The Steering Group agree and 'in the outlying settlement' should be deleted.

- **In paragraph 3 is it only the development of “historic” existing buildings that is supported? As regards the related criteria are these not applicable to all brownfield development? The Local Planning Authority has suggested that point 3 should be reworded along these lines: “This would not have an unacceptable impact on the local road network”.**

The Steering Group confirms that it is only historic buildings that are supported to be brought back into beneficial use. The Steering Group accepts the LPA's suggested re-wording of point 3.

- **The reason for and evidence supporting the requirement of paragraph 5 is unexplained; since paragraph 2 suggests that “housing will be prioritised” this priority for employment uses is rather unexpected. A representation queries the impact of such requirements on development viability.**

Prioritising employment as well as housing is in line with Core Policy 2 of the Wiltshire Core strategy that 'prioritises the release of employment land'. In addition, although it is appreciated that mixed use sites in Tisbury are not within CP2 of the Wiltshire Core strategy the policy does continue to say, 'At mixed use sites development will be phased to ensure employment land, and its appropriate infrastructure, is brought forward during the early stages of development'. The requirement in TisPlan is continuing the council's strategic goals towards smaller sites. In addition, when the CG Fry development at Hindon Lane was built the developer agreed to phase the employment to ensure that the employment was delivered and built prior to all the housing being occupied. This has been a real success for Tisbury as all units were rented or sold within 2 years. If the employment had been left until the end and not built, as seems to be the case on many mixed-use sites, it would not have come forward and would probably still not be built today or occupied.

#### **Policy BL.4: Design and Landscape**

**I note that Policy CP51 (which should correctly be referred to as Wiltshire Core Strategy Policy CP51) actually says “conserve and enhance” and I wonder therefore why the “and enhance” has been omitted from Neighbourhood Plan Policy wording?**

'Enhance' should be incorporated into the text of the policy this is a drafting error.

**The Local Planning Authority notes an absence of photographic examples of good, modern design which might help developers to interpret the preferred approach to design. I note that**

appreciation of “local character and aesthetic qualities” relies on two accompanying documents, one an independently produced Landscape and Character Assessment on which the AONB Partnership would like more emphasis (said to be Annexe 9 but not actually included within the online documents but found by me online and assumed to be the document being referenced: [http://www.wiltshire.gov.uk/south\\_wiltshire\\_settlement\\_setting\\_assessment\\_2008\\_chapter\\_7\\_tisbury.pdf](http://www.wiltshire.gov.uk/south_wiltshire_settlement_setting_assessment_2008_chapter_7_tisbury.pdf)). The second is a document produced, it seems, specifically for TisPlan, titled variously ‘Design and Visual Impact’ (in the Plan document), ‘Design Codes and Visual Impacts’ (in the document title) and ‘Design Code and Visual Impact’ (in the index to the Appendices), and within the document itself it is referred to as a “Design Strategy”. However it is unclear to me why the particular elements mentioned in paragraph 3 of Policy BL.4 have been selected. Within the Landscape and Character Assessment I can find only one mention of “skyline” (on page 111: “Maintain the undeveloped wooded skyline of the greensand hills, by resisting development of new buildings, telecommunications masts, power lines, or any other vertical elements near the ridgeline”). Within the Design Codes and Visual Impacts document there is no overriding preference for the use of local stone and there does not appear to be any mention of the use of green roofs. Given the stated preference for “variety with a harmonious identity” it is unclear why a rigid “buildings should not exceed two storeys” expectation is applicable; as the Local Planning Authority points out, some existing 3 storey buildings make their contribution to the character of settlements.

The ‘Design Codes and Visual Impacts’ document has no Design Code and seems only to include a Visual Impact of Renewable Energy. Its content often strays beyond its suggested purpose within Policy BL.4. Phrases such as “Wherever feasible, the planning authorities will be expected to encourage and even require the use of local building materials in order to sustain the character of the built environment” and “Tisbury itself is at risk of inappropriate ribbon development along Hindon Road” are not appropriate within a support document that will form part of the Development Plan as per the status afforded it within Policy BL.4. How is it anticipated that Policy BL.4 and the supporting documents should interact?

It is acknowledged that there is maybe some uncertainty created by Appendix 4 to the plan. Some issues above are discussed earlier in the response. If the examiner feels that this document is inappropriate, it could be deleted or if it is not contributing in the right way the document could be amended to delete those elements of it that are unhelpful and keep those elements that are helpful – such as the photos of the important views into Tisbury. The elements to the plan arose from consultation on the plan. The emphasis could be toned down if the examiner thinks the plan is too specific. However, the local desire that buildings should not be 3 storeys is historic with consultation on the Wyndham’s development at the time resulting in 3 storey dwellings being reduced to 2 ½ storey.

#### **Policy BL.5 Energy**

In the first paragraph of Policy BL.5 “should be supported” is an odd choice of words in a Policy design to inform prospective developments; ‘are encouraged’ may be more helpful? Many lighting installations will not require a planning consent and therefore the wording of the final paragraph ought to include ‘Lighting installations that are subject to a planning consent’. The Local Planning Authority has suggested that, in line with the new NPPF, the Policy might include an additional paragraph along these lines: ‘Requirements for plug in vehicles and ultra-low energy vehicle infrastructure should be incorporated within all new housing and employment development’.

The Steering Group agrees with all proposed changes.

#### **Policy BL.6 Infrastructure Provision**

I wonder why the first paragraph is restricted to two particular types of infrastructure? The Local Planning Authority has suggested that the final paragraph should be reviewed for intent and



**clarity. The Policy should not be about telling the regulatory authorities their business. As noted earlier, the Water Authority has said that there are no capacity issues with the sewerage treatment plant and probably Policy HNA.3 can be relied upon in other respects?**

The Steering Group agrees with all proposed changes. It is recommended that the words 'energy or communications' be deleted from paragraph 1.

### **3.3 Site Allocations**

**The Local Planning Authority has questioned the clarity of the map on page 32 and the associated description. The map seems neither successful in illustrating the settlement boundary nor the exact boundaries of the two allocated sites. It would seem that three maps are needed:**

- **One to show the current and proposed settlement boundaries with contrasting colours for clarity.**
- **The second and third should show each of the allocated sites at a scale that can ensure that the site boundaries have unambiguous clarity,**

**On page 33 it is stated (third paragraph) that "part of the access, which now, following the review in 2018, has been brought inside the housing policy boundary". However earlier it was indicated that the "settlement boundary" was "under review" which is perhaps the more accurate description?**

The Steering Group would be happy to accept the changes to the maps to provide clarity.

For context, the settlement boundary is being reviewed as part of the Wiltshire Housing Site's Allocations Plan (WHSAP) that was the subject of an Examination in Public that closed on 16<sup>th</sup> April 2019. It is therefore at an advanced stage of plan preparation. The council are now in receipt of the examiner's post hearing's findings and advice available from <https://cms.wiltshire.gov.uk/documents/s164199/EXAM31InspectorsInitialPostHearingAdvice.pdf> . With respect to the settlement boundaries this confirms that:

#### ***'Settlement Boundaries***

*34. The settlement boundary process has been through several iterations and consultations. The Council's approach and methodology are robust. Even so, there is inevitably a degree of judgement as to where boundary lines should be drawn, but these are judgements the Council is entitled to make.*

*35. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, to be consistent with the plans' objectives, the changes proposed to settlement boundaries submitted with the Plan and within WHSAP.03 are necessary. In addition, the change to the Ramsbury boundary agreed at the hearing should also be made in the interests of accuracy. These changes should be consulted on alongside the MMs'.*

This means that no further consultation on the revised settlement boundary for Tisbury is required and it is at an advanced stage of preparation and can be afforded weight

Although it is likely that the Tisbury Neighbourhood Plan examiner's report will now be received prior to that on the WHSAP due to the consultation that the council need to undertake on other parts of the Plan, given that the proposed new boundary appears to be robust, is it possible for the Tisbury Neighbourhood Plan to include the boundary within the WHSAP to be more clearly marked on the map rather than the current boundary.

**On page 34 it is stated that "The site has the potential to deliver the entire housing requirement for Tisbury over the plan period". But as noted earlier the actual requirement is not known for the whole of the Plan period to 2036.**

Please see discussion earlier in our response regarding housing requirement to 2036.

**Planning Practice Guidance says: “Plans should be prepared positively, in a way that is aspirational but deliverable..... Neighbourhood plans may [also] contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy.” (Paragraph: 005 Reference ID: 41-005-20190509). The issues raised in representations are mainly about the constraints included within the allocation policies and their potential impact on the deliverability of each site. Neighbourhood Plan requirements need to be tempered to those matters which have supporting evidence.**

Please see discussion earlier in this response. Many of the policy requirements would also be required by the Wiltshire Core Strategy and are criteria that are important to the Tisbury community and confirmed through the consultation. It is important to the Tisbury community that the Station Works site is delivered in line with community requirements. Discussions with the former owners St Modwen implied that the site would be deliverable with the requirements detailed within the policy. The Steering Group therefore felt it was prudent to include these elements, including those that would also be required by the Wiltshire Core Strategy to ensure clarity

#### **Policy BL.7 Site Allocation: Station Works**

**The owners of the site comment that “if the TisPlan really wants to transform the site, then it needs to ensure that the [BL.7] policy is flexible and does not overburden the site with unrealistic expectations”.**

Please see response earlier in this document. The Steering Group believe the criteria are flexible and realistic to the constraints that exist for the site. Many areas would also be the requirement of the Wiltshire Core Strategy or fall out of other requirements such as the habitats regulations and are therefore unavoidable.

**The owners also question the need for a “masterplan” as, in their view, it would be possible to evolve a scheme through the planning application process”.**

Masterplans developed in partnership with the local community, LPA and developer are a requirement of Core Policy 2 of the Wiltshire Core Strategy for strategically important sites and more generally required within the supporting text and although this site does not form a strategic site as part of CP2 it is important to the Tisbury Community and is in effect strategic to Tisbury. The community also want to ensure a good development is delivered Tisbury wish to follow the example of the Wiltshire Core Strategy and is felt to be a reasonable approach. A masterplan approach does not need to be too onerous, the community simply asks to be part of and consulted on the masterplan development so that this can be agreed with the community prior to any planning application being submitted and thereby reducing or eliminating any objections that maybe received if a planning application is submitted ‘cold’. This would also enable any discussion to be had with the new owners over why or not they are proposing to include any elements of infrastructure requested and enable discussion with Network Rail.

**The Local Planning Authority and the owners are both saying that planning proposals or a masterplan should be afforded the opportunity to arrive at viable proposals within specified but not absolute constraints. On page 36 it is stated that “the number of dwellings that would be appropriate for such a mixed site has been very carefully considered “, but in fact no viability testing has been undertaken and, as the owners point out, the nature of the housing mix may suggest other than a blanket approach to housing density. The NPPF expects that Plans promote the effective use of land (section 11) and this may not best be served by housing numbers being**

prescribed in the abstract, not least because it is acknowledged that “The risks and potential impacts associated with the development of Station Works are significant” (page 36). Planning proposals or a masterplan might therefore more appropriately be required to ‘address and justify’ their approach having regard to specific elements, such as phasing, and contamination identified, archaeology, addressing housing needs, business needs, railway needs, habitats, traffic, etc. This would operate within the framework of other non-site-specific policies within the Plan (and the Core Strategy).

Please see responses earlier in this document.

In addition, a Habitat’s regulation assessment was undertaken on the regulation 14 consultation draft of the Tisbury and West Tisbury NP (Appendix 17 of the submission documents). This recommended that ‘Housing numbers and a housing trajectory needs to be provided and included in the Council’s phosphate model before the plan is adopted’. The assessment then concluded that ‘If any of these recommendations are not implemented, I advise it could be unlawful for the Neighbourhood Plan to be adopted unless a further appropriate assessment has been undertaken and has concluded that the plan would not have an adverse effect on the integrity of the relevant SACs’. As a result, the Tisbury NP Steering Group felt it was necessary to identify a number of dwellings that the Station works site could accommodate in order for a habitats regulations assessment to be able to make a conclusion especially with regard to phosphate load. There was much thought and discussion amongst the community and with the two parish councils as to what level of housing would be appropriate rate for the site. The Steering Group would therefore be willing for the plan to be amended to be less prescriptive and for development mix to be determined through a master-planning process that is undertaken in conjunction with the local community. However, the group is conscious of the need for the plan to be in accordance with the Habitat regulations. Discussion with the council confirms that flexibility can be introduced to the policy so long as the wording within the council’s response to the plan regarding policy HNA3 is introduced and that the examiner ensures that wording with respect to Chilmark Quarries SAC is amended in line with the Habitat Regulations Assessment submitted with the council’s response. For clarification this recommends that the wording at item 11 of policy BL.7 is replaced as follows:

“All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats”

**The updated Habitats Regulations Assessment prepared by Wiltshire Council includes a recommendation that item 11 in the Policy be reworded to:**

**“All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats.”**

Tisbury Neighbourhood Planning Group are happy to accept the amendment above to ensure the plan is in line with the Habitat Regulations.

**Policy BL.8 Site Allocation: Site of Former Sports Centre Adjacent to St John’s Primary School**  
The Council, as owners of the site, have questioned the basis for this allocation. It is said that the Council’s Education Team has indicated that the site is not required for school expansion, other than some parking provision, and the Nadder Centre satisfies the need for community facilities. Accordingly it is suggested that the Policy should be deleted or the Policy be amended to support

**non-specific development of the site (with the Council indicating that some residential use could be appropriate).**

**The representation from the Nadder Community Land Trust also indicates from discussions with the school that there is no presently identified need for school expansion on the site but there is a need for improved traffic circulation/parking arrangements which the Trust believes could be incorporated within a community-led affordable housing development of the site. However, this would not accord with Policy BL.8 as it is currently worded.**

TisPlan acknowledges the feedback from the school that they are unlikely to require the old sports centre site for school expansion; although in response to Reg 14, the Wiltshire Council Education Department welcomed the safeguarding of the site for educational purposes.

The intention of Policy BL.8 therefore is to try to safeguard the site for the benefit of the community, potentially including the provision of community-led housing. The SG endeavoured to word the policy in such a way that it would not preclude development by a community land trust. If the examiner feels that Policy BL.8 does not achieve this objective, the SG would welcome advice on how to re-word the policy

#### **4. Transport**

##### **Policy TR.1: Parking Provision**

**The Local Planning Authority comments that “Given that about two-thirds of the households in Tisbury Parish have zero or one car there doesn’t seem to be a need to mandate going beyond the Local Transport Plan” which would provide the more appropriate and clearer basis for parking provision.**

Car ownership levels in Tisbury and West Tisbury parishes from 2011 census are attached at Appendix 3 to this response. This shows that car ownership in West Tisbury is higher than Wiltshire and the South West whilst Tisbury overall is higher than the south West. Tisbury is historic in many areas with narrow lanes without pavements that go with that. The council’s parking standards are attached as Appendix 4 to this response. The village has found that with many employment sites in Tisbury being re-developed or converted to residential over the last 20 years or so, that more vehicles are parking on the narrow streets. The pressure has especially been felt from 1-bedroom properties, where a young couple often live there with 2 cars, whilst the council’s parking standards only provide for a minimum of 1 space. It is usual for developers just to provide the minimum. The community would like to increase this minimum especially for 1 bed units to 2 spaces to ensure parking pressure does not increase further. It is therefore felt by the Steering Group that increasing the minimum car parking standards is therefore justified.

**In relation to paragraph 4 is there any indication that mobility needs are not addressed through current guidance? The Local Planning Authority has suggested that paragraph 5 might be expanded to include non-residential cycle parking.**

The Steering Group do not have a concern if non-residential parking is also provided for in line with the LPA’s representation.

**Paragraph 6 appears to be an Action Point rather than a Policy matter.**

The Steering Group are not concerned if para 6 becomes an action point.

**In paragraph 7 ‘compliance’ with BREEAM standards is not an NPPF requirement.**

Core Policy 41 of the Wiltshire Core Strategy requires that 'All non-residential development will be required to achieve the relevant BREEAM 'Very good' good standards, rising to the relevant BREEAM 'Excellent' standards from 2019. The Steering Group therefore feel that this section of the policy is consistent with the Wiltshire Core Strategy.

#### **Policy TR.2: Tisbury Railway Station**

**The representation from the Local Planning Authority questions whether it is reasonable to assume that improvements to the station would result in an improved rail service for Tisbury; they believe that further investigation is required. They also note that "a partnership between railway, local authority and other bodies is required", a view endorsed by the owners of the Station Works site. It would seem that Policy TR.2 should seek to ensure a working partnership between the interested parties rather than be prescriptive about the nature of improvements, the viability of which has yet to be assessed. The representation from Network Rail notes the preliminary nature of current plans but acknowledges that the "interdependencies between the Station Works site and potential future needs have been referenced" within the Plan.**

The Steering Group is happy to accept the LPA's suggested amendments. A partnership between railway, local authority, parish council and other bodies is important.

Network's rail representation although acknowledging they are at an early stage of railway planning, confirm that in order to improve service provision to the West of England line and to enable an improved service at Tisbury and beyond, this would include an additional platform, as well as a new track and the associated access infrastructure and that this would likely require some land from the Station Works site. Network Rail and the parish councils have recently met and there is also a local campaign group, and this can form the basis of a partnership working group.

#### **Policy TR.3 Innovative Parking Solutions**

**The Local Planning Authority comments that "Overall preparation of the plan does not appear to have considered the conflicting aspirations of free parking in the village, dealing with rail passengers avoiding parking charges at the station and attracting increased levels of car traffic". I am unclear what the target audience for Policy TR.3 might be. Policy TR.1 addresses parking requirements but does not seem to identify a scale of provision of communal parking that could make most of the "innovative solutions" relevant or viable in Tisbury. Perhaps the content of Policy TR.3, at least in part, would be more relevant as a part of the pre-amble to Policy TR.1?**

Parking provision is a major concern for Tisbury residents. The aims of our policies are to try to provide for an anticipated increase in parking requirements whilst retaining the character of the village. It is felt that if too much parking space is provided, that will just encourage even more in-commuter traffic, to the detriment of nearby communities. We have endeavoured to write an enabling policy without being too prescriptive. However, the Steering Group is happy to be guided by the examiner.

#### **Policy TR.4 Traffic Impact, Road Safety and Maintenance**

**It is unclear why "maintenance" – a non-land-use matter - might be relevant in the title here. I wonder whether this Policy adds anything to or potentially confuses the more comprehensive requirements of Wiltshire Core Policy 61? The Local Planning Authority notes that this Policy would not be relevant to minor developments and extensions; it should probably relate to 'developments that will generate significant levels of additional traffic'. The representation from the AONB Partnership questions the inclusion of the suggestion of "traffic calming measures" since these can have an adverse impact on local character.**

The Steering Group would be willing to delete “maintenance” from the title of the policy and accept the LPA’s proposed changes.

The comments from the AONB are welcomed but it should be acknowledged that some traffic-calming measures may well be necessary given that speeding is a key complaint to the parish councils. The village/ neighbourhood plan needs to ensure that the traffic calming measures chosen are appropriate and conserving the rural character of the AONB is highlighted in para 1 of the policy.

#### **Policy TR.5: Sustainable Transport**

**A representation questions the accuracy of the statement on page 50 that “The only HGV route is via the A303 and through the archway at Fonthill Bishop; does this perhaps have a different status to other potential HGV routes?”**

There is just one officially signed HGV route into Tisbury that is via the A303. This is due to the narrow roads that service Tisbury. HGV’s do try to get into the village via other routes, probably misdirected by their sat-navs, however, these routes are most unsuitable and cause problems when the HGV’s get stuck.

**As with Policy TR.4 above, this Policy would not be relevant to minor developments and extensions. No single development could be expected to address or achieve the wide-ranging aspirations for this Policy; some modification of the wording will therefore be required; the opening might be: ‘Wherever feasible, new development should contribute to the achievement of a walkable/cyclable village with integrated pathways/cycleways connecting to its centre and amenities; this might include:...’. Paragraph 2 includes both a positive and negative expression of an expectation; the former is what the NPPF expects and the latter is not needed/appropriate.**

The Steering Group confirm that they are happy to accept some modifications and would appreciate guidance from the examiner.

#### **5. Employment and Business**

**The Local Planning Authority has supported the approach to employment and business.**

#### **Policy EB.1: Promoting Employment Activity**

**I am unclear what “actively embrace sustainability (as defined in the NPPF)” might imply for those making and assessing proposals – are the criteria as a whole not sufficiently suggestive of what might allow a proposal to be acceptable? Positively worded, criterion 2 might read as: ‘traffic generation from the proposal must be appropriate to a rural location and its road infrastructure’. In criterion 4 the expectation that “[broadband or equivalent] should be operational before a development is occupied” is a matter outside of the direct control of the developer.**

The Steering Group would welcome advice from the examiner re how this policy could best be re-worded to facilitate the aims. We would accept the proposed re-wording of criterion 2. If criterion 4 is an unreasonable expectation, perhaps it could be rephrased to encourage rather than being a requirement. High speed communications infrastructure is important to Tisbury. Broadband provision is generally poor and when the Hindon Lane / Wyndhams development was constructed residents and businesses had to wait a couple of months to connect. Given all of our reliance on broadband a repeat of such a wait would not be appropriate. Although the operationality of broadband is outside of the control of the developer they can work with infrastructure providers to try and ensure timely connection. Telecommunications facilities, including fibre optic superfast broadband connect services, to serve local communities and the business community is listed under para 4.41 of the Wiltshire Core Strategy as essential infrastructure. Core Policy 3 (Infrastructure requirements) then requires that ‘Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development’. This provision is in line with the Wiltshire Core Strategy.

### **Policy EB.2: Protecting Business and Employment Activity**

The preamble to Policy EB.2 is expressed in terms of “will be resisted” whereas the Policy is more appropriately expressed in terms of an orderly process. As the preamble notes, “As the business community evolves, some premises may fall into disuse”. No evidence has been produced to suggest that “resisting” the change of use of smaller buildings, beyond that already allowed by permitted development, would be likely to produce a positive rather than a negative result; perhaps many of the existing buildings do not offer the same flexibility that Policy EB.1 might afford?

The aim of Policy EB.2 was to try to safeguard the smaller employment premises, especially in the centre of Tisbury and also the outlying farm properties which are gradually being converted to residential use by permitted development. For example, Tisbury has lost from employment use:

- 2 pubs;
- The old school
- The old coal yard,
- Garage workshop
- Bus yard

In addition, the South Western Hotel has recently been put up for sale and is under offer. At this stage the community are unaware of future of the building as a hotel or other use but has been marketed suggesting that ‘alternate use opportunity subject to obtaining the necessary permissions’ is possible.

The aim of the policy was to make applicants think harder about the loss of employment and make it a little more difficult for employment premises to move to residential, apparently without any effort to find an alternative employment use. Advice from the examiner would be appreciated regarding policy amendments.

#### **Do not criteria 1 and 3 address the same point?**

Yes, it is agreed that criteria 1 and 3 address the same point.

**As was also noted above, criterion 5 includes both a positive and negative expression of an expectation; the former is what the NPPF expects and the latter is not needed/appropriate.**

Noted and agreed.

### **6. Leisure, Community and Well-being**

#### **Policy LCW.1: Local Green Spaces**

The wording of footnote 4 on page 62 is inappropriate for a Plan just about to become part of the Development Plan. Similarly the footnote to the table on page 63 is inappropriate since there is no NPPF measure that relates to the total area of designated Local Green Spaces. Within Policy LCW.1 it would appear that the word ‘value’ has been omitted at the end of the first sentence?

It is acknowledged, and the footnotes can be deleted. It is agreed that the word ‘value’ has been omitted and should be inserted.

**Although I have yet to visit the sites, it is unclear from the map (and even less clear from the birds-eye view) how the boundary to LGS.3 is defined since it appears to include a stretch of river.**

Agreed. Thank you for noting. LGS.3 is not intended to include a section of the River Nadder. The map on page 64 should be amended to correct the error. The maps on page 65 appear to be correctly drawn.

**Representations suggest other areas with potential for designation but the list of Local Green Spaces could not be extended without a further round of consultation.**

Noted and agreed.

#### **Policy LCW.2: Community Assets and Community Redevelopment**

**From the preamble it would appear that the listed community buildings have yet to be designated as Assets of Community value – that process is separate from Neighbourhood Plans.**

It is confirmed that the buildings have yet to be designated Assets of Community Value. Tisbury Parish Council is currently liaising with Wiltshire Council on this matter, but the definitive list has yet to be agreed. There may yet be more or fewer premises than the list of buildings on page 66.

**If this is the case then Policy LCW.2 would need to include the list of buildings on page 66. Neither paragraph of the Policy appears to address the change of use of all or part of community buildings; one might perhaps add after “no longer valued by the community” ‘either in its present use or alternative community uses’. In relation to the second paragraph it is unclear who would judge “the preferred option” and how this might be assessed; arguably if a building has fallen into disuse or disrepair then then it might be judged to be “no longer valued by the community”?**

The Steering Group would welcome advice on how better to define this policy given that the list is not yet finalised.

#### **Policy LCW.3 Amenity Space**

**In my copy (and the on-line version) the picture on page 67 appears to obscure parts of the text including the part to which footnote 9 is referenced. Policy LCW.3 is obscure as to the scale of provision that would be “commensurate with the size” of a housing development and therefore its impact on the viability of developments is impossible to assess. The Wiltshire Core Policy 52 refers to both the Wiltshire Open Space Standards and the Wiltshire Green Infrastructure Strategy; is Policy LCW.3 intending to address both of these aspects? Since only a single new development of any scale is envisaged will it perhaps not be sufficient to rely on Core Policy 52 and Plan Policy BL.7 where viability issues can be assessed in the round?**

It has been our understanding that all developments are expected to make a community contribution through Wiltshire Core Strategy policy 52, Green Infrastructure. The aim of LCW3 was to try to ensure that developers, where relevant, work with the local community to deliver amenity space and leisure provision in line with community requirements rather than making assumptions about what might be appropriate. The Steering Group would welcome advice on how better to phrase this policy to meet our objectives as it seems that the policy appears to be coming over as more of a ‘standards required’ policy rather than a request for developers to discuss with the community what is required at Tisbury and West Tisbury, so the right infrastructure can be delivered.

### **7. Planning Gain**

#### **Policy CIL.1**

**As Policy CIL.1 addresses a financial mechanism rather than a land use matter it is in effect the equivalent of the Action Points attached to other sections of the Plan. As the Local Planning Authority representation indicates, the Neighbourhood Plan can only reasonably identify priorities for the spending of the neighbourhood portion of the CIL.**



As the Local Planning Authority notes, the policy aims to only identify reasonable priorities for the spending of the neighbourhood portion of the CIL it has no intention to impose the priorities on the LPA. The Steering Group is very keen to ensure that TisPlan is a living document that, going forward, the two parish councils will reference in their decision making, when identifying priorities for spending of their portion of the CIL monies. The text could be amended to make this more transparent or the text moved into action point as suggested.