

THE SALISBURY NEIGHBOURHOOD DEVELOPMENT PLAN 2020 - 2038

(Submission Version 2023)

**Report of the Examination into the**  
**Salisbury Neighbourhood Development Plan 2020 - 2038**

**Note:**

A Note by the Examiner (13 January 2025) has been published, which should be read alongside this report.

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To Wiltshire Council  
And to Salisbury City Council

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**1. Introduction**

*Neighbourhood planning*

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority, such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

2. This report concerns the Submission draft of the Salisbury Neighbourhood Development Plan 2020-2038 (September 2023) (“the Draft NDP”).

*Appointment and role*

3. Wiltshire Council (“Wiltshire”), with the agreement of qualifying body Salisbury City Council (“SCC”), has appointed me to examine the Draft NDP. I am a member of the planning bar and am independent of Wiltshire, SCC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service and trained others who wish to be examiners. I have extensive experience both as a planning barrister and as a neighbourhood plan examiner. I do not have an interest in any land that is, or may be, affected by the Draft NDP.

4. My examination has involved considering written submissions and a detailed site visit on Tuesday 13<sup>th</sup> August 2024. I have considered all the documents with which I have been provided.

5. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 12 below applies and, if appropriate, to consider the referendum area. I must act proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive with costs being proportionate.

## **2. Preliminary Matters**

### *Public consultation*

6. Consultation and community involvement are important parts of the process of producing a neighbourhood plan. I am satisfied that SCC took public consultation seriously and that consultation is accurately recorded in the Consultation Statement. Consultation has been sufficient and meets the requirements of the Neighbourhood Planning (General) Regulations 2012 (“the General Regulations”) and the human rights of occupiers of homes and of property owners.

### *Other statutory requirements*

7. I am also satisfied of the following matters:

- (1) The neighbourhood area is the parish of Salisbury City.<sup>1</sup> The Council designated this on 18<sup>th</sup> July 2019. The neighbourhood area was updated on 18<sup>th</sup> January 2022 to reflect changes in the parish boundary. SCC is authorised to act in respect of this area (Town and Country Planning Act 1990 (“TCPA”) s61F (1) as read with the Planning and Compulsory Purchase Act 2004 (“PCPA”) s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development as defined in TCPA s61K (PCPA s38B (6)), and does not relate to more than one neighbourhood area (PCPA s38B (1)(c));
- (3) No other neighbourhood development plan has been made for the neighbourhood area (PCPA s38B (2));
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b) and PCPA s38C (5)(b)); and
- (5) The Draft NDP specifies the period for which it is to have effect, namely 2020-2038, as required by PCPA s38B(1). The end-date sensibly aligns with that of the Wiltshire Local Plan Review.

## **3. The Extent and Limits of an Examiner’s Role**

8. I am required to consider whether the Draft NDP meets the basic conditions specified in TCPA Sch 4B para 8(2) as amended and as varied for neighbourhood development plans, namely:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;

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<sup>1</sup> This is shown on the draft NDP’s Figure 1a.

- (d)<sup>2</sup> The making of the Plan contributes to the achievement of sustainable development;
- (e) The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- (f) The making of the Plan does not breach, and is otherwise compatible with, retained EU obligations; and
- (g) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

9. There is one relevant prescribed basic condition:<sup>3</sup> *“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”* Chapter 8 comprises regulations 105 to 111.

10. TCPA Sch 4B para 8(6) and para 10(3)(b) and the Human Rights Act 1998 mean that I must consider whether the Draft NDP is compatible with Convention rights. ‘*Convention rights*’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention. The Convention rights that have been most relevant to town and country planning are those under the Convention’s Article 6(1), 8 and 14 and under its First Protocol Article 1. It is now realised that poor air quality may engage the Convention’s Article 2 (Right to life).

11. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified in the last three paragraphs. In particular, I may not consider whether any other test, such as the soundness test provided for in respect of independent examinations under PCPA s20, is met.<sup>4</sup> Rather, Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is important to avoid unduly onerous demands on qualifying bodies. It is not my role to rewrite a neighbourhood development plan to create the plan that I would have written for the area. It is not my role to impose a different vision on the community.

12. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. These are:

- (1) that the Draft NDP proceeds to a referendum as submitted;
- (2) that the Draft NDP is modified to meet basic conditions and then the modified version proceeds to a referendum; or
- (3) that the Draft NDP does not proceed to referendum.

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<sup>2</sup> The omission of (b) and (c) results from these clauses of para 8(2) not applying to neighbourhood development plans (PCPA s38C (5)(d)).

<sup>3</sup> Sch 2 para 1 of the General Regulations prescribes this. PPG Reference ID: 41-079-20190509.

<sup>4</sup> Woodcock Holdings Ltd v. Secretary of State for Communities and Local Government [2015] EWHC 1173 (Admin), 1<sup>st</sup> May 2015, Holgate J., para 57; R. (Crownhall Estates Limited) v. Chichester District Council [2016] EWHC 73 (Admin) 21<sup>st</sup> January 2016, Holgate J., para 29; PPG Reference ID: 41-055-2018022.

13. If I determine that either of the first two options is appropriate, I must also consider whether the referendum area should be extended.

14. My power to recommend modifications is limited by statute in the following terms:

*The only modifications that may be recommended are—*

*(a) modifications that the examiner considers need to be made to secure that the draft [NDP] meets the basic conditions mentioned in paragraph 8(2),*

*(b) modifications that the examiner considers need to be made to secure that the draft [NDP] is compatible with the Convention rights,*

*(c) modifications that the examiner considers need to be made to secure that the draft [NDP] complies with the provision made by or under sections 61E(2), 61J and 61L,*

*(d) modifications specifying a period under section 61L(2)(b) or (5), and*

*(e) modifications for the purpose of correcting errors.<sup>5</sup>*

15. The word “only” prevents me recommending any other modifications. The fact that a modification would be of benefit is not a sufficient ground in itself to recommend it and I encourage those who regularly respond to pre-examination consultations to bear in mind that an “it would be a good idea” response is often of no help. So, for example, the fact that a policy could be strengthened or added to does not justify a modification unless this is necessary for the reasons given above. In general, I do not consider that cross-referencing to the emerging Local Plan or duplication in themselves come within the statutory power to recommend modification. I must not take an excessively restrictive view of the power to recommend modifications, but must bear in mind Lindblom LJ’s explanation of its extent in his judgment in Kebbell Developments Ltd v. Leeds City Council.<sup>6</sup> Errors include matters that were correct when written but have become out of date, such as references to former versions of the NPPF or the Environment Bill. I may not recommend a modification that would put the draft NDP in breach of a basic condition or of human rights. When I conclude that a modification is necessary, I must, in deciding its wording, bear in mind material considerations including government advice. This includes the importance of localism. Where I properly can, my recommended modifications seek to limit the extent to which the substance of the draft NDP is changed.

16. It is not my role to consider matters that are solely for the determination of other bodies such as Wiltshire in a non-planning capacity, or the Environment Agency. Nor is it my role to consider matters that an NDP could consider, but which are not considered in the Draft NDP, unless this is necessary for my role as explained above. It is not my role to evaluate aspirations that are not policies, but it is important that aspirations are clearly expressed to be such and do not give the impression that they are policies.

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<sup>5</sup> TCPA Sch 4B, para 10(3). The provisions in (a), (c) and (d) are in the TCPA.

<sup>6</sup> [2018] EWCA Civ 450, 14<sup>th</sup> March 2018, paras 34 and 35.

17. It would not be my role to make a wholesale revision of the draft NDP in order to greatly reduce its length even if I considered that this would be beneficial unless this were within my power to recommend modification. I have concluded that such a revision would not be within my power. Rather localism means that substantial respect should be given to the amount of detail that a qualifying body decides to put in its NDP. My recommendations would result in some shortening of the plan by some deletions and shortenings. An NDP should not include policy for other neighbourhoods. Care needs to be taken to ensure that references to places outside the neighbourhood area do not suggest an NDP applies to them.

18. The limited role of examiners does mean that it is important that those involved raise and seek to resolve issues at the Regulation 14 stage. It is not my role to review or to judge past disagreements.

#### **4. Consideration of Representations**

19. I have given each representation careful consideration, but have not felt it necessary to comment on all of them. Rather in accordance with the statutory requirement and bearing in mind the judgment of Lang J in *R. (Bewley Homes Plc) v. Waverley Borough Council*,<sup>7</sup> I have mainly concentrated on giving reasons for each of my recommendations.<sup>8</sup> Where a representation seeks a change in emerging Local Plan policy, this is not a matter for the examination of the draft NDP. Where I am required to consider the effect of the whole Draft NDP, I have borne it all in mind.

#### **5. Public Hearing and Site Visit**

20. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations.<sup>9</sup> However, an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure (1) adequate examination of the issue or (2) a person has a fair chance to put a case.<sup>10</sup> Since neither applied in this case, I did not hold a public hearing. The holding of a public hearing is very much an exception.

21. I decided that an unaccompanied site visit was necessary and held one on Tuesday 13<sup>th</sup> August 2024. The weather was fine, visibility was good and there were no impediments to the visit. The site visit helped me to gain a sufficient impression of the nature of the area for the purpose of my role.

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<sup>7</sup> [2017] EWHC 1776 (Admin), Lang J, 18<sup>th</sup> July 2017.

<sup>8</sup> TCPA Sch 4B, para 10(6).

<sup>9</sup> PPG Reference ID: 41-056-20180222.

<sup>10</sup> TCPA Sch 4B paras 9(1) and (2).

## **6. Basic Conditions and Human Rights**

*Regard to national policies and advice*

22. The first basic condition requires that I consider whether it is appropriate that the NDP should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but they should only be departed from them only if there are clear reasons, which should be explained, for doing so.<sup>11</sup>

23. The main document in which national planning policy is contained is the National Planning Policy Framework 20<sup>th</sup> December 2023 (“and I have read it in full”) and I have borne that in mind. References to earlier versions of the NPPF require modifications and I have recommended such modifications to keep the plan up to date. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”). A consultation draft of a new NPPF has been issued and I have read it in full.<sup>12</sup> As a consultation draft, little if any weight would normally be given to its details, although it may indicate a “direction of travel”.

24. The NPPF provides that neighbourhood plans should support the delivery of strategic policies contained in local plans and should shape and direct development that is outside of these strategic policies.<sup>13</sup> Its paragraphs 28 and 29 state:

*28. Non-strategic policies should be used by... communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.*

*29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.<sup>14</sup>*

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<sup>11</sup> R. (Lochailort Investments Limited) v. Mendip District Council [2020] EWCA Civ 1259, Lewison LJ, 2<sup>nd</sup> October 2020, paras 6, 31 and 33.

<sup>12</sup> <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

<sup>13</sup> NPPF para 13.

<sup>14</sup> At this point a footnote states, “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.*” The consultation draft NPPF does not alter paragraphs 28 and 19 other than their numbering.



25. NPPF paragraphs 60 states:

*60. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay...<sup>15</sup>*

*Contributing to the achievement of sustainable development.*

26. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot proceed to a referendum. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. That involves consideration of site-specific constraints, both existing and those proposed in the Draft NDP. The total effect of the constraints introduced by the Draft NDP when read with existing constraints must not prevent the achievement of sustainable development.

*General conformity with the development plan’s strategic policies*

27. The third basic condition means that I must consider whether the Draft NDP as a whole is in general conformity with the strategic policies contained in the development plan for the area of the authority. The strategic framework for development is set by the development plan for Salisbury which comprises: Wiltshire Core Strategy, 2006-2026 (“WCS”) - adopted January 2015; the saved policies from the Salisbury District Local Plan 2011;<sup>16</sup> Wiltshire Housing Site Allocations Plan February 2020; Wiltshire Waste Site Allocations Plan 2013; Wiltshire and Swindon Aggregate Minerals Site Allocation Plan 2013; Wiltshire Minerals Core Strategy 2009; Wiltshire Minerals Development Control Policies 2009; Wiltshire Waste Core Strategy 2009; and Wiltshire Waste Development Control Policies 2009.

28. The adjective ‘general’ allows a degree of (but by no means unlimited) flexibility and requires the exercise of planning judgement. The draft NDP “*need not slavishly adopt every detail*”.<sup>17</sup> This condition only applies to strategic policies - there is no conformity requirement under this basic condition in respect of non-strategic policies in the development plan, in respect of the emerging Local Plan, or in respect of other local authority documents that do not form part of the adopted development plan, although these may be relevant to other matters.

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<sup>15</sup> The consultation draft does not propose changing these words, but does propose a change to its final sentence.

<sup>16</sup> These are set out in WCS’s Appendix D.

<sup>17</sup> Wiltshire Council v. Cooper Estates Strategic Land Ltd [2019] EWCA Civ 840, para 3, 16<sup>th</sup> May 2019.

In assessing general conformity and whether a policy is strategic, I have borne in mind helpful PPG advice.<sup>18</sup> Whether a policy is strategic is not a matter of label and I have applied planning judgment to the issue. I have not assumed that every element of every policy in the Core Strategy is strategic because of the title of the document,

#### *Retained EU obligations*

29. The fourth basic condition requires me to consider whether the Draft NDP breaches, or is otherwise incompatible with, retained EU obligations. I have in particular considered the following, together with the UK statutory instruments implementing them in England: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); the Water Framework Directive (2000/60/EC); and the General Data Protection Regulation (2016/679/EU). I have also considered the judgment of the European Court of Justice in People Over Wind v. Coillte Teoranta.<sup>19</sup> I have borne in mind that proportionality is a concept of and underlies EU law and must be wary of requirements that would be disproportionate to the Draft NDP.

30. I am satisfied that with the modifications that I recommend all requirements in respect of strategic environmental assessment and habitat regulation assessment will have been met.

31. I am satisfied that no issue arises in respect of equality under general principles of EU law or any EU equality directive.

#### *Conservation of Habitats and Species Regulations 2017*

32. I am satisfied that the making of the NDP with my proposed modifications would not be incompatible with the prescribed basic condition.

#### *Human Rights*

33. The planning law of England and Wales in general complies with the Convention. This matter can be dealt with briefly in advance of further consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. In particular, I have considered the Convention's Articles 2, 6(1), 8 and 14 and its First Protocol Article 1. The first may be relevant to air quality in Air Quality Management Areas and carbon neutral development. I have considered the landmark judgment of the European Court of Human Rights' ("ECtHR") Grand Chamber in Verein

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<sup>18</sup> PPG Reference IDs: 41-074-20140306; 41-075-20190509; 41-076-20190509; and 41-077-20190509. I have also borne in mind the relevant part of the judgment in R. (Swan Quay LLP) v. Swale District Council [2017] EWHC 420 (Admin), para 29, Dove J, 27<sup>th</sup> January 2017.

<sup>19</sup> Case C-323/17, 12<sup>th</sup> April 2018.

KlimaSeniorinnen Schweiz and Others v. Switzerland,<sup>20</sup> which held that under article 8 a State has a positive obligation to implement sufficient measures to combat climate change. In Convention jurisprudence a State includes its emanations such as local government. First Protocol Article 1 reinforces the common-law principle that private property rights should not be removed without proper justification, and I have borne that in mind. Apart from those, nothing in my examination of the Draft NDP has required further consideration of human rights.

## **7. The emerging Local Plan**

34. There is an emerging local plan, Wiltshire Local Plan, 2020-2038 (WLP).<sup>21</sup> This has reached pre-submission Regulation 19 stage which took place in late 2023; but it has not been subject to public examination. The Examination in Public is expected to begin in the last quarter of this year. The draft WLP Wiltshire Council is currently updating and reviewing its planning policies and consulted on proposals for site allocations for new housing sites in September 2023, including sites in Salisbury. It identifies Salisbury and one of three principal settlements in Wiltshire, the others being Trowbridge and Chippenham. Its policy 22 includes:

*Over the plan period (2020 to 2038) approximately 4,500 homes and 12.3ha of employment land will be provided at Salisbury including:*

- *remaining homes and employment land on existing allocations at Fugglestone Red, UKLF, Wilton, Longhenge, Old Sarum, Netherhampton Road, Hilltop Way, North of Netherhampton Road, Land at Rowbarrow, The Yard;*
- *new allocation for approximately 350 dwellings on Land North East of Old Sarum, Salisbury;*
- *new allocation for approximately 220 dwellings on Land North of Downton Road;*
- *new allocation for approximately 50 dwellings on Land East of Church Road, Laverstock;*
- *new allocation for approximately for 265 dwellings on Land South of Harnham, Salisbury;*
- *new allocation for approximately 45 dwellings on Land West of Coombe Road, Salisbury;*
- *new allocation for approximately 100 dwellings on Land North of the Beehive Park & Ride, Old Sarum;*
- *new allocation for approximately 60 dwellings on Land at Netherhampton Road Garden Centre, Salisbury;*

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<sup>20</sup> Application no. 53600/20, 9 April 2024.

<sup>21</sup> There is also an emerging Wiltshire Gypsies and Travellers DPD, but the draft NDP does not deal with Gypsy and Traveller planning policy or otherwise mention Gypsies and Travellers.

- *additional dwellings forming part of the redevelopment of the Maltings and Central Car Park site; and*
- *350 dwellings on small sites of less than ten dwellings.*

*The neighbourhood area designation requirement is 60 dwellings.*

35. Salisbury in this emerging policy is not limited to the parish of the City of Salisbury but extends to land adjoining Salisbury in neighbouring parishes. The effect of this emerging policy would be substantial development of land for housing and employment in and close to Salisbury mainly through sites that Wiltshire considers to be strategic. It does not mean that the emerging WLP envisages only 60 additional dwellings in Salisbury. Some of the developments mentioned have been started and some completed.

36. As mentioned in paragraph 28 above, this is not relevant to basic condition (e). An emerging local plan and the evidence submitted in respect of it can be relevant to other basic conditions. It indicates a “direction of travel” and is intended to comply with government policy which is relevant to an NDP. If, when it is adopted, a policy contained in a replacement local plan to any extent conflicts with a policy in a previously adopted NDP, the conflict must be resolved in favour of the former and to that extent the NDP would be out of date.<sup>22</sup>

37. The emerging WLP process will consider strategic matters, including the large brownfield sites considered to appropriate for housing by many of those who have made representations. Nothing in this report should be read as expressing any opinion in respect of the brownfield sites removed from the draft NDP before this examination, whether for or against their development.

## **8. The Nature of the Neighbourhood Area**

38. The parish has a population of about 41,800. While most of it is the built-up area of the city of Salisbury, it includes undeveloped land some of which has required careful consideration in this examination.

39. In considering the contents of the Draft NDP I must consider the nature of the neighbourhood area. This is helpfully described in some detail in the Draft NDP and it is not necessary to repeat most of this. Two topics include matters of exceptional importance in Salisbury: built heritage and nature conservation. These, along with tackling climate change (of importance everywhere) are rightly given detailed consideration in the draft NDP.

40. The city contains 38 grade I listed buildings. Each is of exceptional importance, being in the top 2% of all listed buildings. By far the best known and by far the most visible of these is Salisbury Cathedral, a dominant feature of the skyline in many places. This was built in the 13<sup>th</sup> and 14<sup>th</sup> centuries in the Early English style and has a 404 feet high spire, the tallest in the

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<sup>22</sup> Planning and Compulsory Purchase Act 2004 s38(5).

United Kingdom, which is visible over a wide area. Its appearance is recognisable by many, not only to those who have seen it in person, but also as a result of images including the well-known works by Constable and Turner. Twenty-two of the grade I listed buildings are in the within The Close and its Liberty.<sup>23</sup> In addition there are 139 grade II\* and 464 grade II, giving a total of 641 listed buildings. This is an exceptional number of listed buildings for a settlement of Salisbury's population. Other designated heritage assets include Scheduled Ancient Monuments, Listed Landscapes and a Listed Park/Garden.

41. Parts of the River Avon and its tributaries the Nadder and Bourne run through the city. These are part of an internationally important chalk river system and are part the designated River Avon Special Area of Conservation. This has been designated for sensitive habitats, populations of fish and molluscs and rarity. They also have a Site of Special Scientific Interest designation. The whole NDP area is within the Hampshire Avon catchment and the Wessex Water Resource Zone.

42. The city is well served by public transport (both bus and train). The city's railway station is on the London-Waterloo to Exeter and Cardiff to Portsmouth lines. Parts of the city suffer from heavy traffic and air pollution.

43. Paragraph 4 of the draft NDP includes the following, *"a population profile that is becoming increasingly elderly because young people cannot afford to live in Salisbury and start families"*. This situation is commonplace in attractive and often relatively unsustainable rural villages and of concern in them. It is of particular concern in the largest and most sustainable settlement in a substantial area. If the vision of the city being *"a diverse demographic where all age groups are represented"*<sup>24</sup> is to be achieved, this challenge must be addressed.

## **9. The contents of the Draft NDP**

44. Before moving to specific parts of the draft NDP it may help to make two general points about its overall effect. Firstly, as mentioned in paragraph 26 above, the total effect of the constraints introduced by the Draft NDP when read with existing constraints must not prevent the achievement of sustainable development. The amount of land subject to constraints in the draft NDP, including land within the city mentioned in the emerging WLP policy 22 does that. That is not a determination in respect of any particular allocation in that policy, but rather my view that land for something like *"4,500 homes and 12.3ha of employment land"* is unlikely to be found on sustainable deliverable sites if much of land specified in Salisbury is excluded. I appreciate that the local plan examinations often result in alterations to such figures and can

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<sup>23</sup> The extent of the Liberty is shown on Figure 10. It includes The Close wall. The Close is the largest Cathedral Close in the UK.

<sup>24</sup> Draft NDP p18.

result in different sites being allocated, but have no reason to believe that figures produced by professional people seeking to comply with government advice will be of a different order of magnitude to the final figures. Indeed, in my long experience of town and country planning, I have never seen an adopted local plan (or equivalent) with a very much lower figure than the drafts that preceded it and have no reason to believe that this will occur in Wiltshire.

45. Secondly, the plan makes extensive mention of sites outside Salisbury. An NDP cannot make policy outside its area and it should not give the impression to members of the general public that it covers a wider area than it does. It cannot tell Wiltshire and neighbouring parishes what should happen in places outside the neighbourhood area.

46. I now deal with specific parts of the draft NDP. Consequential recommendations that result from my substantial recommendations then follow. Updating recommendations relating to the NPPF follow these.

### 1. Introduction

*Pages 17 to 20*

47. As mentioned in paragraph 11 above, it is not my role to impose a different vision on the community. My role in respect of the Salisbury Neighbourhood Development Plan vision and objectives is limited. Hence, I am not recommending any change to the vision in respect of Churchfields notwithstanding my view on policy.

*Page 20*

48. The statement in respect of windfall development is wrong. This is likely to meet the modest neighbourhood area designation requirement of 60 dwellings, but emerging WLP policy 22 provides for a much larger number of dwellings in and close to Salisbury. This much larger number will be considered in the examination of the emerging WLP and may be altered; but I can see no basis for anticipating that the final figure will be very much smaller. It is not likely that none of this much larger number will be provided on greenfield sites.

#### Recommended modification 1

*Page 20*

**Replace “The SNDP shows that windfall development within the City’s development boundary will be sufficient to meet the City’s identified housing requirement and that no greenfield development at the edges of the city will be required in the plan period” with “Sufficient green space will be retained to ensure Salisbury’s separate identity”.**

*Page 21*

49. It is not the function of an NDP to criticise a planning document of an LPA that has been adopted after examination under a statutory procedure in which an independent and impartial inspector played an important role. Paragraph 30 requires modification.

Recommended modification 2

*Page 21, paragraph 30, final sentence*

**Delete “The Core strategy contains a number of policies that are more appropriately dealt with through a neighbourhood plan and are now dealt with in the SNDP.”**

2. Creating a more resilient city in the face of climate change and air pollution

*Pages 29 and 30*

50. These pages consider tree planting for carbon capture. They are based on the undisputed facts that trees absorb CO<sub>2</sub> and have a major role to play in combatting climate change. They also enhance the quality of new development and have a role to play in avoiding future decline of neighbourhoods.

51. Policy 1’s inflexible 30% requirement is demanding and would result in a lower density of dwellings and hence an increased house prices and an increased need to take greenfield sites for housing. It might also affect viability of brownfield sites. The first paragraph of policy 1 is too absolute and requires significant modification. I have not recommended modification to the third paragraph which is consistent with national policy that planning policies should ensure that new streets are tree-lined and is not absolute.

Recommended modification 3

*Page 30, policy 1*

**Replace the first paragraph with “Major development should incorporate trees in developments to enhance their overall quality and character and ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible”.**

*Page 31, paragraph 49*

52. The latest Annual Status Report was completed in August 2023, so the reference to July 2022 should be updated. The chemical symbol for nitrogen dioxide should use a subscript, not a superscript. Since fine particulate matter (PM<sub>10</sub>) is not of special concern in Salisbury, mention of it could mislead readers and should be removed.

Recommended modification 4

*Page 31, paragraph 49 and footnote 15*

**Replace “July 2022” with “August 2023” and update footnote 15.**

**Replace the final sentence with “Nitrogen dioxide (NO<sub>2</sub>) is a cause of concern within the Local Air Quality Management Area.”**

*Page 32, paragraph 54*

53. The Environment Bill is now the Environment Act 2021. Air quality is dealt with under its Part 4 and its Schedule 11.

Recommended modification 5

*Page 32, paragraph 54*

**Replace “Environment Bill” with “Environment Act 2021”.**

*Page 34*

54. Wiltshire formally adopted the Air Quality Action Plan in April 2024. The first sentence of paragraph 57 requires updating.

Recommended modification 6

*Page 34, paragraph 57*

**Replace the first sentence of this paragraph with “In April 2024, Wiltshire Council formally adopted an Air Quality Action Plan.”**

55. Read literally the first paragraph of the policy 2 would cover a development that, while creating some NO<sub>2</sub> and PM10, resulted in a net decrease in both NO<sub>2</sub> and PM10. The policy (if modified in accordance with my recommendation) would not prevent all development that would result in a net increase in NO<sub>2</sub>, but it would make it clear that this is a material factor. It is of course to be hoped that increase in electric-vehicle usage and tree planting encouraged by national policy and by the draft NDP would prevent such an increase.

56. The first sentence of the second paragraph of policy 2 goes too far and should be limited to seeking to avoid a worsening of the existing situation in Air Quality Management Areas.



Recommended modification 7

*Page 34, policy 2*

**Replace the first paragraph with “When fulfilling the requirements of Core Policy 55 in Salisbury, particular regard will be had to how the scheme design avoids a net increase in NO<sub>2</sub> in Air Quality Management Areas.”**

**Replace the first sentence of the second paragraph with “When fulfilling the requirements of Core Policy 55, transport assessments should address how the transport impacts of the development will impact on air quality locally and will not lead to a significant worsening of air quality within an existing Air Quality Management Area.”**

*Pages 35 to 37*

57. These pages deal with carbon neutral development. This may engage human rights and I bear that in mind. The intention underlying policy 3 reflects the gist of policy at national and local level, reflects local opinion and so accords with localism and is admirable. I nonetheless consider that some modification is necessary. To the extent that I am not recommending modification, I consider that the policy is properly justified and reflects the ECtHR’s Grand Chamber’s important judgment of April in Verein KlimaSeniorinnen Schweiz.

*Page 35, paragraphs 59 and 60*

58. Wiltshire points out that its commitment to achieve carbon neutrality applies to its operations only and that the reasons given were not those stated in the draft neighbourhood plan.

Recommended modification 8

*Page 35, paragraphs 59 and 60*

**Replace the whole of paragraph 59 with “Wiltshire Council acknowledged a climate emergency, and seeks to make its operations carbon neutral by 2030<sup>21</sup>.”**

**Replace the whole of paragraph 60 with “A reduction of greenhouse gases can be achieved by using a mixture of strategies that include planning, mitigation, monitoring, cultural shifts and transport realignment.”**

*Page 37, policy 3*

59. Policy 3 is too demanding for minor developments and would place excessive burdens on developers of such developments and on the local planning authority. Building Regulations are a separate regime from town and country planning. Their inclusion in planning policy has not been justified.

Recommended modification 9

*Page 37, policy 3*

**Replace Policy 3 with:**

**“Carbon neutral development**

**When fulfilling the requirements of Core Policy 41 proposals for major developments that require a Sustainable Energy Strategy will address the following:**

**Climate change adaptation:**

- **How the proposal will perform in respect of the zero-carbon target.**

**Sustainable construction:**

- **How energy use and generation CO<sub>2</sub> emissions will be metred; and**
- **How the use of metred data will demonstrate that the building or modification for the first three years of the development will prioritise energy efficiency through the building fabric.**

**Existing buildings:**

- **Whether alternatives for heating should be used to maximise onsite energy generation;**
- **How planning applications to modify existing building demonstrate that the proposal has improved the energy efficiency of the building; and**
- **Planning proposals for modifications of buildings in a Conservation Area or to a Listed Building should consider the advice from Historic England<sup>27</sup> and explain the level of energy efficiency, energy generation and reduction in CO<sub>2</sub> impacts that will be achieved.”**

*Page 40, figure 8*

60. There is no objection to showing existing facts outside the neighbourhood area provided this does not mislead or result in a policy applying outside the boundary. However, the description of the figure should be accurate.

Recommended modification 10

*Page 40, figure 8*

**Alter the description of the figure to “Electric vehicle charge points in and close to Salisbury”.**

3. Built Environment

*Page 44, paragraph 78*

61. The adopted Wiltshire Design Guide is a material consideration in the making of planning decisions. It should be mentioned to avoid confusion.

Recommended modification 11

*Page 44, paragraph 78*

**Add at the end “The adopted Wiltshire Design Guide is also a material consideration.”**

*Page 45, paragraph 83*

62. The statement “There are a total of 38 grade I and 644 grade II\* listed buildings within the city” is wrong. In addition to the 38 grade I listed buildings, there are 139 grade II\* and 464 grade II listed buildings in the neighbourhood area.

Recommended modification 12

*Page 45, paragraph 83*

**Replace the third sentence with “There are a total of 38 grade I, 139 grade II\* and 464 grade II listed buildings within the city.”**

*Page 46*

63. Wiltshire consider that paragraph 88 should also refer to the incidental appearance of buildings in the Salisbury historic central area faced in the ‘Fisherton Grey’ brick (a pale buff brick once quarried off the Wilton Road) and the notable virtual absence of flint facings other than on ecclesiastical buildings as key architectural characteristics of the area. SCC agrees. I noted Fisherton bricks on my site visit in many locations including in some buildings in the railway station and in the White Hart hotel and agree with Wiltshire and SCC.

Recommended modification 13

*Page 46,*

**Add between the 4<sup>th</sup> and 5<sup>th</sup> indents, “The facing of many older buildings with Fisherton bricks from the former quarry off Wilton Road and the virtual absence of flint-facings other than on ecclesiastical buildings”.**

*Page 48, paragraph 96*

64. Wiltshire points out that the Wiltshire Council Historic Environment Record is not fully comprehensive, and that its archaeology team should be consulted for completeness. Without modification the paragraph’s existing wording could mislead readers.

Recommended modification 14

*Page 48, paragraph 96*

**Add at the end of the paragraph: “Since the Record is not fully comprehensive, Wiltshire Council’s archaeology team should also be consulted.”**

*Page 52, paragraph 107*

65. There is not a total absence of commercial enterprise within the Close and its Liberty although this is limited and unobtrusive.

Recommended modification 15

*Page 52, paragraph 107*

**Replace “the absence of commercial enterprises” with “the unobtrusive nature of businesses”.**

*Pages 54 to 55, paragraph 118*

66. This paragraph suggests that the potential tension between visitor football and the protection of the setting is not well managed at present. There is no evidence to support this and it is disputed. Nor is there evidence to support a contrary point of view.

Recommended modification 16

*Pages 54 to 55, paragraph 118*

**Replace this paragraph with “Accommodating high visitor footfall whilst protecting this unique setting is managed by the Cathedral’s governing body, which works to achieve a sensitive balance in this regard. The SDNP provides an opportunity to support this.”.**

*Page 56, policy 7*

67. Policy 7’s requirement 2 is not correct. The Close includes the Cathedral, whose main purpose is religious and which is a major visitor attraction. It also includes some businesses. Requirement 4’s emphasis on tranquillity and contemplation relates to certain times, but not all and could change its current nature. The Close is sometimes used for ceremonies involving bands. Requirement 5 could be read as requiring an individual building to be outstanding. What is important is that new building should fit within the whole which may mean that it should be low key and understated. Given the requirements of policy 6 and of the Planning (Listed Buildings and Conservation Areas) Act 1990, requirement 5 is unnecessary.

68. The Close, along with other parts of the city, is within an Area of Special Control of Advertising. This results in stricter controls on advertising, but does not prevent all advertising. A stricter regime than imposed by statute and the requirement in policy 6 to have regard to the Salisbury Design and Advertising Guide has not been justified.

Recommended modification 17

*Page 56, policy 7*

**Replace requirement 2 with “Respect the character of the Close with its ecclesiastical, educational, cultural, residential, ceremonial and limited and unobtrusive business nature”.**

**Replace requirement 4 with “Avoid harm to the special character and distinctiveness of The Close as a place of national archaeological and architectural significance with a relatively low traffic environment.”**

**Delete requirement 5.**

**Delete “Proposals for advertising in The Close will normally be deemed inappropriate in this Area of Special Control of Advertising.”**

*Page 58, policy 8*

69. Wiltshire suggest that a modification is made to Policy 8 to clarify that schemes that respect the traditional Chequers layout must also be acceptable in respect of other design matters. I agree.

Recommended modification 18

*Page 58, policy 8*

**Add after “Proposals that seek to reintroduce the original street pattern in the Chequers where this has been eroded will be supported” “if they comply with other design policies”.**

*Pages 59 to 64*

70. These pages consider protecting views. WCS Core Policy 22: Salisbury Skyline provides that in the Salisbury Central Area as shown on the policies map, new development will be restricted to a height that does not exceed 12.2 metres above ground level. This is a smaller area than the city and an extension of the restriction to the whole city has not been justified.

Recommended modification 19

*Page 59, paragraph 129 and page 63 policy 9*

**Replace the first sentence of paragraph 129 with “Wiltshire Core Strategy Core Policy 22 requires that, in the Salisbury Central Area as shown on its policies map, new development will be restricted to a height that does not exceed 12.2 metres above ground level.”.**

**Replace the first sentence of policy 9 with “Within Salisbury Central Area as shown on the policies map of the Wiltshire Core Strategy planning permission will only be granted for development that does not exceed 12.2 metres in height, and only pitched roofs clad in traditional materials will be permitted.”**

*Page 61, paragraph 138*

71. The historical link with Old Sarum is with the cathedral, not specifically with its spire. Indeed, while construction of most of the cathedral began soon after the move from Old Sarum, the spire was not constructed until the following century.

Recommended modification 20

*Page 61, paragraph 138*

**Delete “Spire”.**

#### 4. Green and Blue infrastructure

*Page 69 and 70, paragraphs 151 and 153*

72. As Wiltshire has pointed out, the rivers that pass through Salisbury are all part of the same Special Area of Conservation (SAC), the River Avon SAC, not separate SACs as this paragraph says.

Recommended modification 21

*Page 69, paragraph 151*

**Replace “Special Areas of Conservation (SAC Sites)” with “part of the River Avon Special Area of Conservation”.**

*Page 70, paragraph 153’s 5<sup>th</sup> indent*

**Replace this with “The internationally important chalk river system of the Rivers Avon, the Nadder and Bourne, which are part of an SAC and SSSI.”**

*Page 71, figure 14*

73. An NDP cannot make policy outside its neighbourhood area, in this case the City of Salisbury. Since figure 14 is referred to in both policy and explanatory text, it should not include proposals for green and blue infrastructure (“GBI”) outside the neighbourhood and should be revised to exclude such proposals. Whether there should be policy in respect of these areas is a matter for others. What happens to land outside the neighbourhood area is not a matter for the NDP and not a matter for me.

74. Wiltshire has expressed concern that the areas mapped as GBI includes site proposed for what it considers to be strategically important development within the draft WLP and identify five sites:

- (1) Land North of Beehive Park and Ride (Policy 25 of the draft WLP);
- (2) Land North of Downton Road (Policy 26 of the draft WLP);
- (3) Land South of Harnham (Policy 27 of the draft WLP);
- (4) Land West of Coombe Road (Policy 28 of the draft WLP); and
- (5) Suitable Alternative Natural Greenspace, South Salisbury (Policy 29 of the draft WLP).

75. The land north of Beehive Park and Ride is outside the neighbourhood area in Laverstock parish and should not be in the draft NDP in any event. What should happen to this land is not a matter for the NDP and not a matter for me.

76. The land north of Downton Road is partly in Salisbury and partly in Britford parish. To the extent that it is in Britford parish, it should not be in the draft NDP in any event. It is bounded by a byway open to all traffic to the north, Lower Road Britford to the east, Downton Road (the A338) to the south and existing housing off Milton Lane Rowberrow to the west. I viewed it on my site visit from both roads and the byway. Policy 26 of the emerging Local Plan allocates it for 220 dwellings and specified that an eastern section of the site would remain undeveloped. The draft NDP's Figure 14 shows the whole of this site as 'Valley Corridor Park/Reserve'. The combination of this specification and the proportions of the site in Salisbury and Britford make it likely that it is intended that most of the 220 houses would be in Salisbury. I am satisfied that WLP policy 27 is strategic. There is insufficient robust evidence to show that the draft NDP's proposals for a 'Valley Corridor Park/Reserve' on this land are justified and that they would not impede sustainable development. What happens to this land should be left to the emerging WLP where the merits and demerits of sites for needed housing will be considered over Wiltshire as a whole. I recommend modification to exclude 'Valley Corridor Park/Reserve' on this site. Having walked it, I am satisfied that the Radial Greenway annotation on the north of this land should remain to the extent that it is in the city. Nothing else in this report should be read as favouring or opposing any particular proposal for the future of this land.

77. The land south of Harnham is partly in Salisbury and partly in Britford parish. To the extent that it is in Britford parish, it should not be in the draft NDP in any event. It is bounded by Coombe Road (the A354) and housing in Harnham to the north, countryside to the east and a bridleway (part of which is the Avon Valley Path) and countryside to the south. The restricted byway meets Coombe Road at the western tip of the site. A public footpath runs across it. I viewed it on my site visit from that public footpath, from the bridleway to the south and from the east. Policy 27 of the emerging Local Plan allocates it for approximately 265 dwellings and an early years' nursery. It provides that an eastern section of the site would remain undeveloped

to conserve and where possible enhance the heritage setting of the Woodbury Ancient Villages complex. This eastern section would be in Salisbury, but its extent is uncertain. The draft NDP's Figure 14 shows the whole of this site as 'Downland Country Park/Reserve' and shows a 'Peripheral Greenway' along its southern boundary. I am satisfied that WLP policy 27 is strategic. There is insufficient robust evidence to show that the draft NDP's proposals for this land are justified and that they would not impede sustainable development. What happens to this land should be left to the emerging WLP where the merits and demerits of sites for needed housing will be considered over Wiltshire as a whole. I recommend modification to exclude all the Downland Country Park/Reserve' on this site. Having walked it, I am satisfied that the Peripheral Greenway annotation on the south of this land should remain to the extent that it is in the city. Nothing else in this report should be read as favouring or opposing any particular proposal for the future of this land.

78. The land West of Coombe Road is outside the city in Britford parish and should not be in the draft NDP in any event. What should happen to this land is not a matter for the NDP and not a matter for me.<sup>79</sup> The Suitable Alternative Natural Greenspace ("SANG"), South Salisbury, is greenfield land within South Salisbury. It is bounded by housing to the north, Odstock Road to the east, a restricted byway and countryside to the south and countryside to the west. I viewed it on my site visit. Policy 29 of the emerging Local Plan allocates it for a SANG, which includes a car park. Figure 14 shows it as a Downland Country Park/Reserve with a radial greenway to the east and a peripheral greenway to the south. While not identical, both draft NDP and emerging WLP envisage that this land will remain substantially undeveloped with substantial public access. I do not consider that there are sufficient reasons to remove the annotations for this site from the draft NDP. Should the WLP's final version differ from the NDP and be adopted after it, the former will prevail.<sup>25</sup>

Recommended modification 22

*Page 71, figure 14*

**Delete all annotations outside the city boundary that relate to 'Valley Corridor Park/Reserve', 'Downland County Park Reserve', 'Peripheral Greenway', 'Radial Greenway' and 'Park & Ride'.**

**Delete the Valley Corridor Park/Reserve annotation that relate to the land North of Downton Road subject to draft WLP Policy 26.**

**Delete the Downland Country Park/Reserve annotation to the Land South of Harnham subject to draft WLP Policy 27.**

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<sup>25</sup> PCPA s38(5).



*Page 72, paragraph 159*

80. This paragraph requires modification to reflect the fact that an NDP cannot create policy for other parishes.

Recommended modification 23

*Page 72, paragraph 159*

**Replace the first sentence with:**

**“It is hoped to create a peripheral greenway linking Salisbury and communities in neighbouring parishes. Figure 14 illustrates those parts that lie within Salisbury. Figure 32 also illustrates aspirations outside the city as well as policy within it. The aspirations are not a matter for this Plan.”**

**Replace the third sentence with:**

**“The peripheral greenway could provide connections to main employment centres outside the city”.**

*Page 74, policy 1081.* The second sentence of the penultimate paragraph is confusing. All development must have at least ten per cent biodiversity net gain. Policies 11 and 12 apply where they say they apply. The final paragraph is too demanding. It would impede sustainable development in the vicinity of blue and green infrastructure.

Recommended modification 24

*Page 74, policy 10*

**Delete the second sentence of the penultimate paragraph.**

**Replace the final paragraph with, “Proposals for developments should bear in mind visual access to blue and green infrastructure and the quality of proposed greenways”.**

*Page 74, paragraph 169*

82. An NDP cannot tell the local planning authority and other parish councils what they should do outside the neighbourhood area.

Recommended modification 25

*Page 74, paragraph 169*

**Replace this paragraph with “It will be up to other councils to consider GBI outside the Salisbury neighbourhood area”.**

*Page 75, paragraph 172*

83. The Environment Bill is now the Environment Act 2021.

Recommended modification 26

Page 75, paragraph 172

**Replace “Environment Bill” with “Environment Act 2021”.**

Page 75, paragraph 173

84. This is now out of date. Biodiversity net gain (BNG) is no longer voluntary. a minimum of 10% BNG became mandatory for large sites in February 2024 and for small sites in April 2024.

Recommended modification 27

Page 75, paragraph 173

**Replace the whole of paragraph 173 with “10% biodiversity net gain is mandatory”.**

Page 76, policy 11

85. There is no basis for requiring money to be paid to SCC. The requirement that it is spent for habitat improvement within Salisbury City is not justified. The best location related to a development within the city may be outside the city boundary. The Environment Act empowers the Secretary of State to set up a national biodiversity credits scheme. This will allow developers to buy credits as a last resort at a higher than market price when onsite and local offsite provision of habitat cannot deliver the required BNG required. In phased developments, the need for a commuted sum may arise at a later stage of the development.

86. The primary legislation protecting wild birds, including swifts and their nests in England and Wales is the Wildlife and Countryside Act 1981. In response to a petition to parliament in 2019, the Government said:

*All local authorities have a duty to have regard to conserving biodiversity as part of their policy or decision making. As well as this duty, national planning policy states that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Specific biodiversity features, such as swift bricks, would normally be required of developments through either the relevant local plan or through the local authority’s development control team.<sup>26</sup>*

87. Hence there is clear governmental support for requiring the use of swift bricks in developments. Although this relates to the relevant local plan, there is no reason in principle why it should not apply to an NDP. Paragraph 176 records that the number of swifts in Salisbury as “30 now”. In the circumstances, the requirement to provide one swift integral nest

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<sup>26</sup> <https://petition.parliament.uk/archived/petitions/250845>

brick per residential unit is disproportionate. The expenditure required to achieve the required BNG would be better spent on other things than a large number of bird boxes for a particular species, the vast majority of which would be unlikely to be used.

Recommended modification 28

*Page 76, policy 11*

**Replace the third sentence of the first paragraph of this policy with “Where this is not achievable on site: either a commuted sum will be required for the purposes of biodiversity and habitat improvement; or (if these be available) appropriate biodiversity credits should be obtained.”**

**Replace the second paragraph with:**

**“Development proposals should aim to safeguard and enhance habitats for protected species, for instance by providing high quality green infrastructure within the development site and including features to support specific fauna, for example, bat boxes, hedgehog highways and swift and other specialist bird boxes. Landscaping proposals will pay regard to the Salisbury Design and Advertising Guide.”**

*Page 76, policy 12*

88. Some of the schemes which this policy supports are located adjacent to the River Avon SAC. There is the potential for the progression of such schemes to result in additional recreational pressure upon the habitats associated with the River Avon which in turn could lead to likely significant effects on the SAC. Unless modified, policy 12 cannot be screened out and must be subject to appropriate assessment. Such an assessment has not taken place.

Recommended modification 29

*Page 76, policy 12*

**Replace this with “Offsite biodiversity net gain is encouraged to be delivered at the SNDP habitat improvement and restoration schemes listed in paragraph 182 and as detailed in Appendix 2, Figures 46-52 to the extent that this does not cause significant effects on the River Avon Special Area of Conservation.”**

*Page 79, figure 17*

89. An NDP cannot make policy outside its area, in this case the City of Salisbury. Figure 17 includes one site outside the boundary, Cow Lane Allotments. There is no need to identify it and its inclusion could cause confusion. It should be removed from the figure.

Recommended modification 30

Page 79, figure 17

**Delete the colouring, numbering and key in respect of Cow Lane Allotments.**

Page 80-82

90. These include consideration of 131 proposed local green space designations (“LGSs”). Since 131 is surprisingly high number of LGSs for a settlement the size of Salisbury, I have taken particular care to ensure that the totality of LGS designation is not so extensive as to impede sustainable development.

91. The NPPF provides for LGSs in its chapter 8, which is headed “Promoting healthy and safe communities”. Under the sub-heading “Open Spaces and Recreation”, its paragraphs 105 to 106 state:

*105. The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*106. The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.<sup>27</sup>*

92. PPG chapter 37 gives key advice on LGS designation Among other things it states:

***How does Local Green Space designation relate to development?***

*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.<sup>28</sup>*

**What about public access?**

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<sup>27</sup> The consultation draft , does not propose any change to paragraphs 105 and 106, other than their numbering.

<sup>28</sup> Reference ID: 37-007-20140306.

*Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).*

*Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.<sup>29</sup>*

***Does land need to be in public ownership?***

*A Local Green Space does not need to be in public ownership. However... the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.<sup>30</sup>*

93. These paragraphs are central to any consideration of whether land should be designated as an LGS. They should be followed unless there is a sufficient good reason not to do so and none is apparent to me. In considering the proposed LGS designations, I have borne in mind and found helpful the judgment of the Court of Appeal in R. (Lochailort Investments Ltd) v Mendip District Council<sup>31</sup>. The phrase in paragraph 105 “*capable of enduring beyond the end of the plan period*” was given specific consideration. While this is a less demanding policy than applies to Green Belt designation where the stronger “*permanently*” is used, it is still important.

94. I have considered each proposed LGS and the reason for their designation in the papers that I have seen.

95. Cow Lane allotments (60) is outside the city and should not be covered

96. Some of the proposed LGSs (13, 63, 64, 73, 74, 75, 76, 77, 80, 81, 82, 83, 86, 87, 93, 95, 96, 106, 110, 114, 115, 116 and 122) are associated with schools. Wiltshire does not support the inclusion of such of these sites as it owns, as this risks restricting the potential for school development should this be required in future to meet educational needs, and has requested their removal as proposed LGSs. The same applies to other educational establishments. Loss of some open space at educational facilities comes under the control of the Secretary of State for Education, who is well placed to balance different factors including education needs. Within the Plan period, new educational needs, which would be prevented by

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<sup>29</sup> Reference ID: 37-017-20140306.

<sup>30</sup> Reference ID: 37-019-20140306.

<sup>31</sup> [2020] EWCA Civ 1259, 2<sup>nd</sup> October 2020.

an LGS designation, may emerge. Preventing the meeting of those needs could be inconsistent with planning for sustainable development. In the absence of evidence that this will not occur, I consider that it is better to leave matters to the local planning authority applying policy at the time of the decision and, where she has a role, to the Secretary of State for Education than to impose restrictions that would not otherwise apply to educational facilities.

97. Wiltshire states that some of the sites (15, 54, 126, 127, 128 and 129) are held by it for housing and opportunities for regeneration and I have no reason to doubt this. Including such sites as LGSs increases the pressure for development on less sustainable edge-of-city greenfield sites and so impede sustainable development. There is insufficient evidence to justify designating these sites as LGSs. Further in respect of Montgomery Gardens Open Space (126), which is partly owned by the Office of the Police and Crime Commissioner and may be suitable for 100% affordable housing, the consultation letter was sent to the wrong address and I am not satisfied that there was proper consultation in respect of this site.

98. Three of the proposed LGS sites, Riverside Tennis Club (92), Five Rivers Leisure Centre (97) and Five Rivers Leisure Centre Sports Pitches (98), are associated with formal sports and leisure operations and Wiltshire is concerned with their allocation which could limit opportunities for sport and leisure related development. I can see no sufficient reason why a Leisure Centre<sup>32</sup> should not be able to apply to expand and have an application for this determined in accordance with general policies and without the additional restriction of being an LGS. The same applies to a tennis club. If, for example, it wished to have a covered court for all-weather all-season play or social facilities, I can see no sufficient reason why it should not be able to apply to have an application for this determined in accordance with general policies and without the additional restriction of being an LGS.

99. The same does not necessarily apply Five Rivers Leisure Centre Sports Pitches (97). These lie northwest of the Leisure Centre between the river Avon and housing in streets off Stratford Road. Bearing in mind that NPPF paragraph 106 expressly mentions playing fields, there is no sufficient reason to recommend their removal from the list of LGSs. In particular the fact that a playing field is held for leisure and opportunities for wellbeing is not a ground for preventing LGS designation.

100. LGSs should not include substantial buildings. Hence, for example, while they may cover a churchyard, they should not extend to the church concerned, which is not a green area. This should be made clear. The relevant LGSs appear to be 45, 46, 47, 48, 49, 61, 68, 90, 94, 100, 104, 105, 107, 112, 121, and 124. I note that the cathedral has rightly been excluded from the proposed Cathedral Green LGS.

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<sup>32</sup> I note that this is not coloured green on Figure 18.

101. The designation of unnumbered areas of green on Figure 17 has not been properly justified. This includes the land in RPS's objection on behalf of Persimmon Homes in respect of policy 14 in respect of land to the west of parcels 116 and 117 adjacent to the A360. All unidentified and unnamed sites should be removed from Figure 17.

102. Bourne Hill House Gardens (19) is a Grade II Park and Garden adjoining Bourne Hill. Bourne Hill House itself is listed Grade II\* and the gardens form part of its curtilage. The gardens contain numerous features mentioned in the listing.<sup>33</sup> Any works that require planning permission would be better considered solely under the law and policy that applies to listed buildings and their curtilages and settings and to listed parks and gardens than under LGS policy.

103. I have concluded that a substantial number of proposed LGSs should be removed from the list and that others should be limited to exclude buildings. This still leaves a substantial number of proposed LGSs. I am satisfied that with the modification that I recommend the remaining LGSs would not impede sustainable development.

104. Wiltshire has made the point that the extent of the numbered sites is unclear without well-defined boundaries and that the clarity of Policy 14 would be improved with the introduction of a new appendix that shows each LGS site in more detail to better define its boundaries at closer scale. I agree. There should be an appendix with separate maps for each LGS. This should have clearly defined boundaries. Figures 46 to 51 of the draft NDP show the level of detail that would be appropriate. More than one LGS may be included in each plan provided this leaves clear boundaries. Substantial buildings such as places of worship and electricity substations should be excluded. Sheds should not be excluded.

Recommended modification 31

*Page 80, figure 18*

**Delete the colouring, numbering and key in respect of proposed local green spaces 13, 15, 19, 54, 60, 63, 64, 65, 73, 74, 75, 76, 77, 80, 81, 82, 83, 86, 87, 92, 93, 95, 96, 106, 110, 114, 115, 116, 122, 126, 127, 128 and 129.**

**Remove any colouring that relates to a site that has not been named.**

**Add the following note to the figure "No designation of a churchyard, cemetery or crematorium as a local green space includes the church, chapel or other place-of-worship building."**

**Add an appendix with separate maps with clearly defined boundaries for each LGS that remains.**

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<sup>33</sup> List Entry Number:1001700.

Page 82

105. I note Wiltshire’s concerns about various policies having the potential ultimately to impact on the River Avon SAC. While I doubt that these could lead to habitat regulation assessment being evaded or that SEA is needed for such policies, it is better to adopt a cautious approach.

Recommended modification 32

*Page 82, policy 15*

**Add at end, “No policy in the Plan should be interpreted as favouring development that would have required strategic environmental assessment or habitat regulation assessment during the emergence of this Plan had the Plan specifically included it” .**

*Page 85, paragraph 201*

106. The second sentence of this paragraph suggests that the River Park Masterplan applies to all development near the Avon and its tributaries. This is not correct and should be corrected. It only applies to within the River Park and River Park Interface Zone.

107. The second indent is too demanding. It is the development as a whole that should achieve a minimum ten per cent biodiversity net gain.

Recommended modification 33

*Page 85, paragraph 201*

**Insert after “the Avon and its tributaries”, “within the River Park and River Park Interface Zone”.**

**Delete the second indent.**

5. Living

*Page 89, paragraph 204*

108. Paragraph 204 might cause readers to believe that the total housing requirement for Salisbury was 60, which is not what emerging WLP policy 22 says.

Recommended modification 34

*Page 89, paragraph 204*

**Replace this with, “Emerging local plan policy 22 makes provision for housing and employment land in and close to Salisbury and also states that the neighbourhood area designation requirement is 60 dwellings.”**



*Page 91, paragraph 214*

109. This paragraph is out of date and contains contentious figures that are not necessary in the draft NDP.

Recommended modification 35

*Page 91, paragraphs 214 and 215*

**Delete the heading above this paragraph.**

**Replace paragraph 214 “214 The emerging Wiltshire Local Plan has specified a neighbourhood area designation requirement is 60 dwellings for the City of Salisbury and provides for other new dwellings in and close to the City in its policy 22.”**

*Page 91 paragraph 215*

110. Similarly, paragraph 215 is now out of date. I am not satisfied that the surprising high figure of 2,250-2,850 new dwellings will be realised at Salisbury from windfall development. I have no doubt that the neighbourhood area designation requirement of 60 dwellings can be achieved by windfalls.

Recommended modification 36

*Page 91, paragraph 215*

**Replace paragraph 215 with: “NPPF para. 72 states that where an allowance is made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Windfall and small sites are considered in the emerging Wiltshire Local Plan paragraphs 3.36 to 3.41 and 4.180. These matters will be considered in the Local Plan process.”**

*Page 92, paragraph 218.*

111. I do not agree that site allocation for 410 additional homes in a settlement the size of Salisbury is a non-strategic matter. Such matters are rightly often treated as strategic matters. Paragraph 218 requires substantial re-writing.

Recommended modification 37

*Page 92, paragraph 218*

**Replace this paragraph with “Advice on strategic policies is contained in the NPPF and the PPG.”**

*Page 97, policy 16*

112. Policy 16 deals the important matter of the unquestionable need for affordable homes. I am however concerned about the absolute nature of its wording. It is important not to prevent the deliverability of sustainable brownfield sites which may have substantial costs to render them suitable for housing (*e.g.* decontamination).

113. The specifying the percentage of one-bed affordable units is too restrictive. It is not conducive to the creation of mixed and balanced communities and could restrict Wiltshire in negotiating a mix which reflects demonstrable need. It is not justified by robust evidence and should be deleted from the policy.

Recommended modification 38

*Page 97, policy 16*

**Replace “Residential development proposals” with “Provided this does not prevent delivery of housing, residential development proposals”.**

**Delete the final sentence.**

*Page 98 and 99 Churchfields*

114. I viewed Churchfields on my site visit. It is an active and well-used employment site. Wiltshire point out that Churchfields is a complex and strategic-scale site on which there have been longstanding ambitions for regeneration, which include moving the existing heavier industrial uses which cause HVG traffic through the city. Viability, particularly as a result of subsoil contaminants is a serious issue and has resulted in Wiltshire revising the draft WLP’s proposals for the Churchfields Industrial Estate (excluding the Engine Sheds site) to provide for the retention of the site for employment generating uses. I share Wiltshire’s view that, as strategic site, Policy 17 and the supported Churchfields Masterplan are beyond the scope of the draft NDP and introduce conflict with the emerging WLP policy position. A proposal which would require the relocation or replacement of employment uses should say where those uses would go. It is important that members of the general public are not led into thinking that placing housing on Churchfields would avoid land-take elsewhere if relocation or replacement of employment uses requires new employment land. Further, in the absence of sufficient evidence on contamination, the housing proposals in the Masterplan have not been shown to be deliverable.

115. As far as the Engine Sheds site is concerned, in a late representation, which I decided to admit, Network Rail, the owner of the Engine Shed site, objected to this policy, stating that the site “*is likely to play a key role in the identification of land to support railway needs over the next 20 years and its loss to any other use should be resisted*” and that “*The Engine Shed*

*site is one of several areas of land that are being considered to support the railway*". Faced with opposition from its owner, a site can only be made available for other uses by compulsory acquisition. In most cases the acquiring authority is the local planning authority, in this case Wiltshire. I have no reason to believe that Wiltshire will seek to acquire the Engine Sheds site compulsorily and no reason to believe that, were it to do so, it would be successful.

116. I have concluded that the draft NDP's proposals for Churchfields and the Engine Shed Site are aspirations that have not been shown to be deliverable. I recommend the removal of the whole of this section of the draft NDP. This would result in renumbering following paragraphs, figures and policies. I shall however use existing numbering in this report. I do not consider it necessary to recommend any modification to the broadly worded vision for Churchfields in Figure 3.

Recommended modification 39

*Page 98 and 99 policy 17*

**Delete the title paragraphs 247 to 250, figure 17 and policy 17.**

**Make corresponding alterations to the numbering of paragraphs, figures and policies.**

*Page 105, policy 19*

117. While the phrase 'major residential development' is clear,<sup>34</sup> the phrase 'larger major residential development' is very imprecise and, in my opinion, too imprecise for the matter to be resolved satisfactorily by planning judgment. The phrase "sufficient community infrastructure" is also very imprecise. Examples of community infrastructure are given in Appendix 5. They include sports provision for a range of sports and other recreational activities, places of worship for some of the less numerous religious bodies. It is not realistic to expect all these to be within walking distance of even the largest development that might be expected in Salisbury. Also, payment for infrastructure should relate to need arising from the proposal and not to making good all pre-existing unmet need. I have insufficient information to redraft the second paragraph of policy 19 to render it satisfactory and consider that the matter is better left to the emerging WLP process.

Recommended modification 40

*Page 105, policy 19*

**Delete the whole of the second paragraph.**

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<sup>34</sup> The definition of "major development" in The Town and Country Planning (Development Management Procedure) (England) Order 2015 article 2(1) is normally used.

*Pages 106 to 109*

118. An NDP cannot make policy outside its area, in this case the City of Salisbury. Cow Lane allotments are outside the area and therefore cannot be covered by policy. Policy 20 when read with its supporting text could easily be read as applying to Cow Lane. The draft NDP should be modified to correct this.

Recommended modification 41

*Pages 106 paragraph 266*

**Replace “in Salisbury” with “in and adjacent to Salisbury”.**

*Page 109 policy 20*

**Add after “The loss of allotment land”, “in Salisbury”.**

*Page 109, policy 20*

119. While I note that the second sentence of this policy does not require the allotment to be on the housing site, it could make an excessive demand of developers in some cases and should be more limited.

Recommended modification 42

*Page 109, policy 20*

**Replace “Major residential developments” with “Where a major development will result in an increased demand for allotments that cannot be met from existing allotments, it”.**

*Page 110, footnote 86 and page 116*

120. The footnote reference is incorrect. Since the footnote is unnecessary, it can be deleted.

Recommended modification 43

*Page 110, footnote 86 and reference page 116*

**Delete this footnote and its reference on page 116.**

6. Transportation and Movement

*Page 121, paragraph 304*

121. The third sentence of this paragraph is out of date and unnecessary. It should be removed

Recommended modification 44

*Page 110, paragraph 304 and reference page 134*

**Delete the third sentence of this paragraph and its reference on page 134.**

*Page 122, policy 22*

122. I agree with Persimmon Homes that the word “challenging” is imprecise. In itself that does not necessarily place a policy in breach of a basic consideration, since many adjectives in planning policy require the use of planning judgment. However it is unnecessary, given the preceding word appropriate; and, in applying to all developments however small and whatever their transport impact, it is excessive.

123. The second paragraph is also excessive in that it is a blanket requirement that would apply to a development that does not have an adverse transport impact

Recommended modification 45

*Page 122, policy 22*

**Delete “, challenging” in the first sentence.**

**In the second paragraph replace “Developments will support” with “Developments that have an adverse transport impact will support”.**

*Page 125, figure 33*

124. This contains matters that are outside the neighbourhood area.

Recommended modification 46

*Page 125 figure 33*

**Delete all annotations to the figure outside the neighbourhood area.**

*Page 132 paragraph 339*

125. The reference to Wilton and London Roads in the first sentence goes beyond the title of the section and does not follow from the paragraphs that precede it . Wiltshire has objected to the inclusion of these roads as it does not consider car-free developments are acceptable in them, pointing out air quality issues in these areas are primarily caused by a high flow of through traffic, in particular freight. It is wrong and should be deleted.

Recommended modification 47

*Page 132, paragraph 339*

**Replace this paragraph with:**

**“Car journeys within Salisbury’s city centre should be reduced where possible. Setting maximum parking standards for it, and allowing for car-free housing, will enable better use of limited land and a more people-friendly street-scene and will encourage the use of alternative means of transport.”**

*Page 133, paragraph 342*

126. Wiltshire considers that resident-/permit- controlled car parking schemes should not be used as an alternative for private off-street car parking. I see no reason to disagree. Paragraph 342 is not a necessary explanation of policy and has the potential to confuse. It should be deleted with consequential renumbering of alter paragraphs

Recommended modification 48

*Page 133, paragraph 342*

**Delete this paragraph and renumber subsequent paragraphs.**

*Page 133, policy 26*

127. The title of the policy should not extend beyond the title of the section. The first paragraph of this policy goes beyond the title of the section and to the extent that it does it is opposed by Wiltshire. It not supported by adequate evidence. The second paragraph should also make clear that it applies to the city centre. Neither the support for on-street purpose-built parking bays, nor the absolute prohibition of other on-street parking has been justified. The rest of the third paragraph is unduly onerous. This paragraph should be deleted.

Recommended modification 49

*Page 133, policy 26*

**Replace the title with “City Centre Residential Parking”**

**Replace the first paragraph with “Planning applications for residential developments without allocated parking spaces within the central area, will be supported according to the provisions of Core Policy 64 (i)(d).”**

**Replace “Residential” in the second paragraph with “City centre residential”.**

**Delete the final paragraph.**

*Page 136 and policy 27*

128. These deal with homeworking and live-work infrastructure. The level of demand for off-site home-work hubs has not been shown and their impact on viability is uncertain. Possibility is not an appropriate basis for adding costs to needed housing development and consequential costs to purchasers. Policy 27 is too absolute. Conditions are imposed on a case-by-case basis and should not normally be imposed through policy.

Recommended modification 50

*Pages 136 and 139*

**Replace paragraphs 344 with:**

**“344 This is a new pattern and it is expected to continue. However, many properties in Salisbury are smaller than average, as discussed above. It may be necessary to make provision for better on-site home working opportunities achievable through the design of new homes, and provision of off-site home-work-hubs. The latter would enable home workers to access office equipment, refreshments and to hold meetings and might well also facilitate business start-ups and smaller businesses to thrive.**

**Delete the second sentence of paragraph 1 of policy 27.**

**Delete the first sentence of paragraph 2 of Policy 27.**

*Page 138 and policy 29*

129. While the intention behind the policy on post offices is understandable, it is misconceived. Post offices fall within Class E of the Use Class Order and an NDP cannot change the law.

Recommended modification 51

*Page 138 and policy 30*

**Delete the whole of page 138, the first column of page 139 and the whole of policy.**

**Make corresponding alterations to the contents (page 3), the policy index (page 6), Figure 3 and the numbering of paragraphs and policies.**

Consequential recommendations

130. As a result of the above recommended modifications, modifications are needed to the Contents, Table of Figures, Policy Index and Document Layout.

Recommended modification 52

*Page 3, Contents*

**Delete the entries in respect of Churchfields and Post Offices.**

**Make such changes to the pages numbers as arise from these and other modifications**

*Page 4 Table of Figures*

**Delete “Figure 24 Churchfields and Engine Shed, Salisbury 98”.**

**Make such changes to the pages numbers and figure numbers as arise from this and other modifications.**

*Page 6 Policy Index*

**Delete the entries in respect of Churchfields and the Engine Shed site and of Post Offices.**

**Make such changes to the pages numbers and policy numbers as arise from this and other modifications.**

*Page 11 Document layout*

**Delete “7: Churchfields master plan”.**

*Pages 19 and 20*

**Delete mentions of policies 17 and 29 and make necessary changes to policy numbers.**

*Page 25, figure 4* **Delete the rows relating to SNDP polices 17 and 29 and renumber policies accordingly.**

**10. Updating**

130. In addition to the updating mentioned above, various references to the NPPF require updating.

Recommended modification 53

*Page 17, paragraph 23*

**Replace “July 2021” with “December 2023”.**

**Replace “130” with “paragraph 136”.**

*Page 29, paragraph 44*

**Replace “July 2021” with “December 2023”.**

**Replace “130” with “paragraph 136”.**

*Page 64, footnote 32*



**Replace “2021, para 126” with “December 2023 para. 131”.**

*Page 87, footnote 63*

**Replace “2021, para 179(b)” with “December 2023 para. 185(b)”.**

*Page 116, Chapter 5 References*

**Replace all mentions of “NPPF 2021” with “NPPF December 2023”.**

**Replace “92 c and 93 b” with “96(c) and 97(b)”.**

**Replace “93 a” with “97(a)”.**

**Replace “93 c” with “97(c)”.**

131. It may be that other passages in the draft NDP need updating. Nothing in this report should deter or delay appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact. An example of this may be the resurfacing of multi-use games areas mentioned in paragraph 289. If this has occurred by the time the making of the draft NDP is considered, the paragraph’s first indent can be removed.

## **11. The Referendum Area**

132. I have considered whether the referendum area should be extended beyond the designated plan area.<sup>35</sup> However, I can see no sufficient reason to extend the area and therefore recommend that the referendum area be limited to the neighbourhood area, the parish of the City of Salisbury.

## **12. Summary of Main Findings**

133. I commend the Draft NDP for the great effort that has gone into its creation. It shows a commendable commitment to the city and its environment.

134. I recommend that the Draft NDP be modified in the terms specified in Appendix A to this report to meet basic conditions and to correct errors. I am satisfied with all parts of the Draft NDP to which I am not recommending modifications.

135. With those modifications, the Draft NDP will meet all the basic conditions and human rights obligations. Specifically:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it will be appropriate to make the NDP;
- The making of the NDP will contribute to the achievement of sustainable development;

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<sup>35</sup> PPG Reference ID: 41-059-20140306.

- The making of the NDP will be in general conformity with the strategic policies contained in the development plan for the neighbourhood area;
- The making of the NDP will not breach, and will not otherwise be incompatible with, retained EU obligations;
- The making of the NDP will not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- The modified Draft NDP will in all respects be fully compatible with Convention rights contained in the Human Rights Act 1998.

136. I recommend that the modified NDP proceed to a referendum, the referendum area being the area of the Draft NDP, *i.e.* the parish of the City of Salisbury.

Timothy Jones, Barrister, FCI Arb,  
Independent Examiner,  
No 5 Chambers  
24<sup>th</sup> September 2024.

## Appendix A: Recommended Modifications

### Recommended modification 1

*Page 20*

**Replace “The SNDP shows that windfall development within the City’s development boundary will be sufficient to meet the City’s identified housing requirement and that no greenfield development at the edges of the city will be required in the plan period” with “Sufficient green space will be retained to ensure Salisbury’s separate identity”.**

### Recommended modification 2

*Page 21, paragraph 30, final sentence*

**Delete “The Core strategy contains a number of policies that are more appropriately dealt with through a neighbourhood plan and are now dealt with in the SNDP.”**

### Recommended modification 3

*Page 30, policy 1*

**Replace the first paragraph with “Major development should incorporate trees in developments to enhance their overall quality and character and ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible”.**

### Recommended modification 4

*Page 31, paragraph 49 and footnote 15*

**Replace “July 2022” with “August 2023” and update footnote 15.**

**Replace the final sentence with “Nitrogen dioxide (NO<sub>2</sub>) is a cause of concern within the Local Air Quality Management Area.”**

### Recommended modification 5

*Page 32, paragraph 54*

**Replace “Environment Bill” with “Environment Act 2021”.**

### Recommended modification 6

*Page 34, paragraph 57*

**Replace the first sentence of this paragraph with “In April 2024, Wiltshire Council formally adopted an Air Quality Action Plan.”**

Recommended modification 7

*Page 34, policy 2*

**Replace the first paragraph with “When fulfilling the requirements of Core Policy 55 in Salisbury, particular regard will be had to how the scheme design avoids a net increase in NO<sub>2</sub> in Air Quality Management Areas.”**

**Replace the first sentence of the second paragraph with “When fulfilling the requirements of Core Policy 55, transport assessments should address how the transport impacts of the development will impact on air quality locally and will not lead to a significant worsening of air quality within an existing Air Quality Management Area.”**

Recommended modification 8

*Page 35, paragraphs 59 and 60*

**Replace the whole of paragraph 59 with “Wiltshire Council acknowledged a climate emergency, and seeks to make its operations carbon neutral by 2030<sup>21</sup>.”**

**Replace the whole of paragraph 60 with “A reduction of greenhouse gases can be achieved by using a mixture of strategies that include planning, mitigation, monitoring, cultural shifts and transport realignment.”**

Recommended modification 9

*Page 37, policy 3*

**Replace Policy 3 with:**

**“Carbon neutral development**

**When fulfilling the requirements of Core Policy 41 proposals for major developments that require a Sustainable Energy Strategy will address the following:**

**Climate change adaptation:**

- **How the proposal will perform in respect of the zero-carbon target.**

**Sustainable construction:**

- **How energy use and generation CO<sub>2</sub> emissions will be metred; and**
- **How the use of metred data will demonstrate that the building or modification for the first three years of the development will prioritise energy efficiency through the building fabric.**

**Existing buildings:**

- **Whether alternatives for heating should be used to maximise onsite energy generation;**

- **How planning applications to modify existing building demonstrate that the proposal has improved the energy efficiency of the building; and**
- **Planning proposals for modifications of buildings in a Conservation Area or to a Listed Building should consider the advice from Historic England<sup>27</sup> and explain the level of energy efficiency, energy generation and reduction in CO<sub>2</sub> impacts that will be achieved.”**

Recommended modification 10

*Page 40, figure 8*

**Alter the description of the figure to “Electric vehicle charge points in and close to Salisbury”.**

Recommended modification 11

*Page 44, paragraph 78*

**Add at the end “The adopted Wiltshire Design Guide is also a material consideration.”**

Recommended modification 12

*Page 45, paragraph 83*

**Replace the third sentence with “There are a total of 38 grade I, 139 grade II\* and 464 grade II listed buildings within the city.”**

Recommended modification 13

*Page 46,*

**Add between the 4<sup>th</sup> and 5<sup>th</sup> indents, “The facing of many older buildings with Fisherton bricks from the former quarry off Wilton Road and the virtual absence of flint-facings other than on ecclesiastical buildings”.**

Recommended modification 14

*Page 48, paragraph 96*

**Add at the end of the paragraph: “Since the Record is not fully comprehensive, Wiltshire Council’s archaeology team should also be consulted.”**

Recommended modification 15

*Page 52, paragraph 107*

**Replace “the absence of commercial enterprises” with “the unobtrusive nature of businesses”.**

Recommended modification 16

*Pages 54 to 55, paragraph 118*

**Replace this paragraph with “Accommodating high visitor footfall whilst protecting this unique setting is managed by the Cathedral’s governing body, which works to achieve a sensitive balance in this regard. The SDNP provides an opportunity to support this.”**

Recommended modification 17

*Page 56, policy 7*

**Replace requirement 2 with “Respect the character of the Close with its ecclesiastical, educational, cultural, residential, ceremonial and limited and unobtrusive business nature”.**

**Replace requirement 4 with “Avoid harm to the special character and distinctiveness of The Close as a place of national archaeological and architectural significance with a relatively low traffic environment.”**

**Delete requirement 5.**

**Delete “Proposals for advertising in The Close will normally be deemed inappropriate in this Area of Special Control of Advertising.”**

Recommended modification 18

*Page 58, policy 8*

**Add after “Proposals that seek to reintroduce the original street pattern in the Chequers where this has been eroded will be supported” “if they comply with other design policies”.**

Recommended modification 19

*Page 59, paragraph 129 and page 63 policy 9*

**Replace the first sentence of paragraph 129 with “Wiltshire Core Strategy Core Policy 22 requires that, in the Salisbury Central Area as shown on its policies map, new development will be restricted to a height that does not exceed 12.2 metres above ground level.”**

**Replace the first sentence of policy 9 with “Within Salisbury Central Area as shown on the policies map of the Wiltshire Core Strategy planning permission will only be granted for development that does not exceed 12.2 metres in height, and only pitched roofs clad in traditional materials will be permitted.”**

Recommended modification 20

*Page 61, paragraph 138*

**Delete “Spire”.**

Recommended modification 21

*Page 69, paragraph 151*

**Replace “Special Areas of Conservation (SAC Sites)” with “part of the River Avon Special Area of Conservation”.**

*Page 70, paragraph 153’s 5<sup>th</sup> indent*

**Replace this with “The internationally important chalk river system of the Rivers Avon, the Nadder and Bourne, which are part of an SAC and SSSI.”**

Recommended modification 22

*Page 71, figure 14*

**Delete all annotations outside the city boundary that relate to ‘Valley Corridor Park/Reserve’, ‘Downland County Park Reserve’, ‘Peripheral Greenway’, ‘Radial Greenway’ and ‘Park & Ride’.**

**Delete the Valley Corridor Park/Reserve annotation that relate to the land North of Downton Road subject to draft WLP Policy 26.**

**Delete the Downland Country Park/Reserve annotation to the Land South of Harnham subject to draft WLP Policy 27.**

Recommended modification 23

*Page 72, paragraph 159*

**Replace the first sentence with:**

**“It is hoped to create a peripheral greenway linking Salisbury and communities in neighbouring parishes. Figure 14 illustrates those parts that lie within Salisbury. Figure 32 also illustrates aspirations outside the city as well as policy within it. The aspirations are not a matter for this Plan.”**

**Replace the third sentence with:**

**“The peripheral greenway could provide connections to main employment centres outside the city”.**

Recommended modification 24

*Page 74, policy 10*

**Delete the second sentence of the penultimate paragraph.**

**Replace the final paragraph with, “Proposals for developments should bear in mind visual access to blue and green infrastructure and the quality of proposed greenways”.**

Recommended modification 25

*Page 74, paragraph 169*

**Replace this paragraph with “It will be up to other councils to consider GBI outside the Salisbury neighbourhood area”.**

Recommended modification 26

*Page 75, paragraph 172*

**Replace “Environment Bill” with “Environment Act 2021”.**

Recommended modification 27

*Page 75, paragraph 173*

**Replace the whole of paragraph 173 with “10% biodiversity net gain is mandatory”.**

Recommended modification 28

*Page 76, policy 11*

**Replace the third sentence of the first paragraph of this policy with “Where this is not achievable on site: either a commuted sum will be required for the purposes of biodiversity and habitat improvement; or (if these be available) appropriate biodiversity credits should be obtained.”**

**Replace the second paragraph with:**

**“Development proposals should aim to safeguard and enhance habitats for protected species, for instance by providing high quality green infrastructure within the development site and including features to support specific fauna, for example, bat boxes, hedgehog highways and swift and other specialist bird boxes. Landscaping proposals will pay regard to the Salisbury Design and Advertising Guide.”**



Recommended modification 29

*Page 76, policy 12*

**Replace this with “Offsite biodiversity net gain is encouraged to be delivered at the SNDP habitat improvement and restoration schemes listed in paragraph 182 and as detailed in Appendix 2, Figures 46-52 to the extent that this does not cause significant effects on the River Avon Special Area of Conservation.”**

Recommended modification 30

*Page 79, figure 17*

**Delete the colouring, numbering and key in respect of Cow Lane Allotments.**

Recommended modification 31

*Page 80, figure 18*

**Delete the colouring, numbering and key in respect of proposed local green spaces 13, 15, 19, 54, 60, 63, 64, 65, 73, 74, 75, 76, 77, 80, 81, 82, 83, 86, 87, 92, 93, 95, 96, 106, 110, 114, 115, 116, 122, 126, 127, 128 and 129.**

**Remove any colouring that relates to a site that has not been named.**

**Add the following note to the figure “No designation of a churchyard, cemetery or crematorium as a local green space includes the church, chapel or other place-of-worship building.”**

**Add an appendix with separate maps with clearly defined boundaries for each LGS that remains.**

Recommended modification 32

*Page 82, policy 15*

**Add at end, “No policy in the Plan should be interpreted as favouring development that would have required strategic environmental assessment or habitat regulation assessment during the emergence of this Plan had the Plan specifically included it” .**

Recommended modification 33

*Page 85, paragraph 201*

**Insert after “the Avon and its tributaries”, “within the River Park and River Park Zone”.**

**Delete the second indent.**

Recommended modification 34

*Page 89, paragraph 204*

**Replace this with, “Emerging local plan policy 22 makes provision for housing and employment land in and close to Salisbury and also states that the neighbourhood area designation requirement is 60 dwellings.”**

Recommended modification 35

*Page 91, paragraphs 214 and 215*

**Delete the heading above this paragraph.**

**Replace paragraph 214 “214 The emerging Wiltshire Local Plan has specified a neighbourhood area designation requirement is 60 dwellings for the City of Salisbury and provides for other new dwellings in and close to the City in its policy 22.”**

Recommended modification 36

*Page 91, paragraph 215*

**Replace paragraph 215 with: “NPPF para. 72 states that where an allowance is made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Windfall and small sites are considered in the emerging Wiltshire Local Plan paragraphs 3.36 to 3.41 and 4.180. These matters will be considered in the Local Plan process.”**

Recommended modification 37

*Page 92, paragraph 218*

**Replace this paragraph with “Advice on strategic policies is contained in the NPPF and the PPG.”**

Recommended modification 38

*Page 97, policy 16*

**Replace “Residential development proposals” with “Provided this does not prevent delivery of housing, residential development proposals”.**

**Delete the final sentence.**

Recommended modification 39

*Page 98 and 99 policy 17*

**Delete the title paragraphs 247 to 250, figure 17 and policy 17.**

**Make corresponding alterations to the numbering of paragraphs, figures and policies.**

Recommended modification 40

*Page 105, policy 19*

**Delete the whole of the second paragraph.**

Recommended modification 41

*Pages 106 paragraph 266*

**Replace “in Salisbury” with “in and adjacent to Salisbury”.**

*Page 109 policy 20*

**Add after “The loss of allotment land”, “in Salisbury”.**

Recommended modification 42

*Page 109, policy 20*

**Replace “Major residential developments” with “Where a major development will result in an increased demand for allotments that cannot be met from existing allotments, it”.**

Recommended modification 43

*Page 110, footnote 86 and reference page 116*

**Delete this footnote and its reference on page 116.**

Recommended modification 44

*Page 110, paragraph 304 and reference page 134*

**Delete the third sentence of this paragraph and its reference on page 134.**

Recommended modification 45

*Page 122, policy 22*

**Delete “, challenging” in the first sentence.**

**In the second paragraph replace “Developments will support” with “Developments that have an adverse transport impact will support”.**

Recommended modification 46

*Page 125 figure 33*

**Delete all annotations to the figure outside the neighbourhood area.**

Recommended modification 47

*Page 132, paragraph 339*

**Replace this paragraph with:**

**“Car journeys within Salisbury’s city centre should be reduced where possible. Setting maximum parking standards for it, and allowing for car-free housing, will enable better use of limited land and a more people-friendly street-scene and will encourage the use of alternative means of transport.”**

Recommended modification 48

*Page 133, paragraph 342*

**Delete this paragraph and renumber subsequent paragraphs.**

Recommended modification 49

*Page 133, policy 26*

**Replace the title with “City Centre Residential Parking”**

**Replace the first paragraph with “Planning applications for residential developments without allocated parking spaces within the central area, will be supported according to the provisions of Core Policy 64 (i)(d).”**

**Replace “Residential” in the second paragraph with “City centre residential”.**

**Delete the final paragraph.**

Recommended modification 50

*Pages 136 and 139*

**Replace paragraphs 344 with:**

**“344 This is a new pattern and it is expected to continue. However, many properties in Salisbury are smaller than average, as discussed above. It may be necessary to make provision for better on-site home working opportunities achievable through the design of new homes, and provision of off-site home-work-hubs. The latter would enable home workers to access office equipment, refreshments and to hold meetings and might well also facilitate business start-ups and smaller businesses to thrive.**

**Delete the second sentence of paragraph 1 of policy 27.**

**Delete the first sentence of paragraph 2 of Policy 27.**

Recommended modification 51

*Page 138 and policy 30*

**Delete the whole of page 138, the first column of page 139 and the whole of policy.**

**Make corresponding alterations to the contents (page 3), the policy index (page 6), Figure 3 and the numbering of paragraphs and policies.**

Recommended modification 52

*Page 3, Contents*

**Delete the entries in respect of Churchfields and Post Offices.**

**Make such changes to the pages numbers as arise from these and other modifications**

*Page 4 Table of Figures*

**Delete “Figure 24 Churchfields and Engine Shed, Salisbury 98”.**

**Make such changes to the pages numbers and figure numbers as arise from this and other modifications.**

*Page 6 Policy Index*

**Delete the entries in respect of Churchfields and the Engine Shed site and of Post Offices.**

**Make such changes to the pages numbers and policy numbers as arise from this and other modifications.**

*Page 11 Document layout*

**Delete “7: Churchfields master plan”.**

*Pages 19 and 20*

**Delete mentions of policies 17 and 29 and make necessary changes to policy numbers.**

*Page 25, figure 4*

**Delete the rows relating to SNDP polices 17 and 29 and renumber policies accordingly.**

Recommended modification 53

*Page 17, paragraph 23*

**Replace “July 2021” with “December 2023”.**

**Replace “130” with “paragraph 136”.**

*Page 29, paragraph 44*

**Replace “July 2021” with “December 2023”.**

**Replace “130” with “paragraph 136”.**

*Page 64, footnote 32*

**Replace “2021, para 126” with “December 2023 para. 131”.**

*Page 87, footnote 63*

**Replace “2021, para 179(b)” with “December 2023 para. 185(b)”.**

*Page 116, Chapter 5 References*

**Replace all mentions of “NPPF 2021” with “NPPF December 2023”.**

**Replace “92 c and 93 b” with “96(c) and 97(b)”.**

**Replace “93 a” with “97(a)”.**

**Replace “93 c” with “97(c)”.**

## **Appendix B: Abbreviations**

The following abbreviations are used in this report:

Convention	European Convention on Human Rights
CO <sub>2</sub>	Carbon dioxide
Draft NDP	Submission draft of the Salisbury Neighbourhood Development Plan 2020-2038 (September 2023)
ECtHR	European Court of Human Rights
EU	European Union
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	local green space
NDP	Neighbourhood Development Plan
NO <sub>2</sub>	Nitrogen dioxide
NPPF	National Planning Policy Framework (December 2023)
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
s	section
SAC	Special Area of Conservation
SANG	Suitable Alternative Natural Greenspace
SCC	Salisbury City Council
Sch	Schedule
SSSI	Site of Special Scientific interest
TCPA	Town and Country Planning Act 1990 (as amended)
WLP	the emerging Wiltshire Local Plan
WCS	Wiltshire Core Strategy, 2006-2026 (January 2015)
Wiltshire	Wiltshire Council

Where I use the verb *'include'*, I am not using it to mean *'comprise'*. The words that follow are not necessarily exclusive.