

Tysoe Neighbourhood Development Plan

Independent Examiner's Clarification Note

Context

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan is very well-presented. The quality of the photographs and the maps is very good. It results in a very readable and interesting document. The distinction between the policies and the supporting text is very clear.

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification. They are predominantly for the Parish Council. There are also specific questions for the District Council.

The responses to the various questions will be used to assist in the preparation of my report. They will also inform any potential modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

Points for Clarification (for the Parish Council)

General

Several policies incorporate both policy and supporting text within the policy box.

I am minded to recommend the repositioning of the text into the relevant sections of 'Explanation' associated with the policy or to delete the text where the matter is already addressed in the 'Explanation'

Does the Parish Council have any observations on this proposition?

Housing Policy 1

Lower Tysoe is both smaller and physically separate from Middle and Upper Tysoe. I saw from my visit that it has a different character and appearance.

As such on what basis has the Parish Council chosen to define a built-up area boundary for this part of the neighbourhood area?

How does the proposed approach relate either to the adopted Core Strategy or to the emerging Site Allocations Plan?

Housing Policy 2

In what way has the Plan sought (directly or indirectly) to make a meaningful contribution towards the need for 700 new homes within Local Service Villages (Category 2) as identified in Policy CS16 of the Core Strategy?

Should site 1 be removed from the schedule now that planning permission has been granted?

Does the note at the end of site 3 refer to paragraph 6.3.0.6?

Housing Policy 3

The Plan acknowledges that there are constraints to the development of the two sites. Are they available for development and deliverable?

In any event how would the sites be released for development? In particular has the Parish Council considered release mechanisms similar to those proposed in the District Council's Site Allocations Plan (Policy SAP2)?

Employment Policy 1

In the final part of the policy does 'extensions' refer to individual buildings or to the extension of industrial sites/areas?

Did the Parish Council specifically decide not to include any reference to the development of new businesses in the policy?

Employment Policy 2

The section on homeworking comments that new dwellings will be 'encouraged' to include space for home working. Does this mean that the provision of such space will be supported? Or that such provision should be provided?

Otherwise this is an excellent policy

Natural Environment Policy 4

Has the Parish Council undertaken an assessment of each Local Green Space (LGS) against the criteria in the NPPF at some point in the plan-making process?

The allotments in Shenington Road (Site 9) appear to occupy an extended area (in its eastern corner) that does not correspond with that on Map 8. Please can the Parish Council clarify this matter.

The final paragraph goes well beyond the matter of fact approach in the NPPF. I am minded to recommend that the national approach is applied to LGSs and that the final part of the policy becomes supporting text. Does the Parish Council have any comments on this proposition?

Natural Environment Policy 5

In the final sentence the policy comments about the need or otherwise for a landscape and visual impact assessment. How would the word 'may' be interpreted in the development management process? In particular how would both the District Council and developers understand when such work was required?

Natural Environment Policy 6

Is saw the physical distinction between Tysoe and Lower Tysoe when I visited the neighbourhood area.

However, to what extent is the designation of a Strategic Gap necessary beyond the controls already included within existing local planning policies?

The Basic Conditions Statement indicates that this policy has a relationship with Policy CS9 of the Core Strategy. However, as I read that policy and the supporting text its focus is on the design of the built environment. Please can the Parish Council advise on this matter.

How did the Parish Council define the proposed boundaries?

In particular at the time of preparing Map 8 were the diagonal lines in the south west and south east of the proposed Gap the lines of the footpaths through the fields? When I visited the neighbourhood area the footpath in the south east of the proposed Gap now runs around the western and northern side of that field. In addition, the footpath to the immediate north of the School now appears to have been redefined by a new post and wire agricultural fence.

Please can the Parish Council clarify this detailed matter.

Is there a specific reason why the proposed Strategic Gap extend to the immediate east of Lower Tysoe?

Built Environment Policy 1

This policy takes an appropriate approach to this important matter.

However, to what extent is it required and distinctive beyond national policy?

Built Environment Policy 6

The role of this policy is unclear. In particular it incorporates empty homes and redundant agricultural buildings in the same policy.

Is the empty homes part of the policy necessary as bringing empty homes back into use does not in itself need planning permission?

Does the agricultural buildings part of the policy apply to all agricultural buildings irrespective of their age and location?

Community Assets Policy 1

Is the final part of the policy either necessary or land use in its format?

Points for Clarification (for the District Council)

Is the Council still working to the programme for the adoption of the Site Allocations Plan as shown in the Local Development Scheme (December 2018)?

Representations made to the Plan

Does the Parish Council wish to make observations on any of the representations made to the Plan?

In particular does it have any observations on representations raised on the following matters:

- the proposed built-up area boundary for Lower Tysoe (Housing Policy 1); and
- the consultation processes and the way in which the Parish Council engaged with local residents?

Protocol for responses

I would be grateful for comments on the various questions by 29 November 2019. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by the District Council and make direct reference to the policy/issue concerned.

Andrew Ashcroft

Independent Examiner

Tysoe Neighbourhood Development Plan

14 November 2019