

Tysoe Parish Council's (TPC's) responses to representations made by residents and others to TPC's Reg16 Neighbourhood Plan

This document should be read in conjunction with specific responses included in the Word document containing all representations made by consultees on TPC's Reg16 Neighbourhood Plan (NDP)

TPC are responding to representations in the following way:

- To representations made by Stratford on Avon District Council (SDC) we are responding point-by-point on their word document
- To representations made by all other consultees:
 - By separate discussion papers on specific topics – see below
 - By point-by-point responses on the large Word document provided by SDC titled Tysoe Neighbourhood Development Plan Regulation 16 Representations: By Contributor

The delay in the Plan process

Consultation of the submission Plan ended on 28th June, 2019. We received SDC's comments on 24th October, 2019 some 4 months after the consultation ended. During that long delay SDC published their Reg 19 Site Allocations Plan (SAP). It is our understanding that Plans that have been "made" would be unaffected by this document however there are examples in the SAP of villages with made Plans that have been allocated reserve sites in the SAP. It is likely that without the delay Tysoe's Plan would have been at a much more advanced stage at the time the SAP was published. As it is, the delay (apparently due to a lack of staff although the same staff managed to publish the SAP in July) means that Tysoe will now have foisted on it a number of reserve sites that it certainly doesn't need and a number of which have been subject to failed planning applications in the recent past. We have never been given a reasonable explanation for the 4 month delay but it seems that in common with several other villages in the same position SDC have trampled on the well trodden NDP process to allow them to publish their SAP. We, like other villages, believe that this is a denial of "Localism" and points to an unsound SAP process.

Brief background discussion

As can be seen from the Timeline document (Consultation Statement Appendix 1) the history of Tysoe's NDP can be traced back to its inception in September 2013. The Timeline shows several iterations of the Plan the most relevant being the May 2017 pre-submission version (a somewhat naive and poorly executed document which, nevertheless, incorporated many of the enduring principles and policy proposals), the July 2018 pre-submission version (a much more carefully drafted document which contained virtually all of the final policy proposals) and the May 2019 submission version of the Plan which

responded to many of the representations previously received at pre-submission stage. The Consultation Statement contains links to all representations on the two pre-submission versions and TPC's responses to those representations.

The TPC is grateful for the very full and enthusiastic participation in the Plan process by parish residents. Over 330 responses were received on the two pre-submission versions of the Plan and attendance at the numerous open days and other consultation meetings was gratifyingly high. As is to be expected views and opinions in the parish cover a very wide range and debate has been lively at most meetings where the Plan has been discussed. However, it is somewhat regrettable that there has been a small but vociferous pocket of objection and agitation represented by the Lower Tysoe Local Environment Group (LTLEG) which comprises, we believe, 25 or so residents of Lower Tysoe. The LTLEG is an informal group who initially would not declare their membership and have held closed meetings with what appears to be the purpose of thwarting the efforts of the TPC and the Neighbourhood Plan Group (NPG) to progress the Plan largely in the name of protecting Lower Tysoe from development. Its main contributors include ex-Parish Councillors and ex-members of the NPG who left both bodies when it became clear that their views on the inclusion of Lower Tysoe in the Tysoe LSV were not to prevail. TPC does not believe that the views of the LTLEG are representative of parish residents as a whole and only partially representative of residents' views in Lower Tysoe comprising less than 34% of the electoral roll in Lower Tysoe (approximately 75 in total), as they do, and less than 3% of the total parish electoral roll (approximately 980 in total). Discussions and debate between the TPC/NPG and the LTLEG have become difficult and ill-tempered on both sides, something that is to be deeply regretted. By way of further background information it should be pointed out that the Chairman of the Tysoe NPG and Parish Councillor – Cllr David Roche, has been a resident of Lower Tysoe for over 22 years and is as passionate about the maintenance of the unique character of Lower Tysoe as anyone. This difference of view between the LTLEG and the TPC/NPG is most certainly NOT a case of the rest of the village "ganging up" on Lower Tysoe.

TPC 1 – The Lower Tysoe issue

A recurring theme raised by some residents including those associated with the LTLEG is the proposal in the NDP to include Lower Tysoe in the Tysoe LSV with its own defined BUAB.

Currently SDC regard Lower Tysoe as an "all other settlement", i.e. it is not included in the Tysoe LSV despite its close juxtaposition and association which is more than just in name only. This definition appears to date back some years when, presumably, SDC's Planning Policy officers drew BUABs around the various Market Towns and Local Service Villages (LSVs) in the district. The implication of this definition is that there is a presumption against development except in certain exceptional cases within Lower Tysoe whilst there is a presumption in favour of development within the Tysoe LSV. This difference between the current status of Lower Tysoe and that of Upper/Middle Tysoe is something that has never been hidden from residents – see para 4.1.0.3 p23 of the submission Plan. It is fully

recognised that the NDP's proposed change to this status, by including Lower Tysoe in the LSV, will change the planning status to one where development is presumed acceptable.

SDC argues that given the NDP proposes a change to Lower Tysoe's status then it should demonstrate acceptance of this by residents. TPC recognises and accepts this but maintains that by the process of preparing the Plan they have received such acceptance. This is ultimately a 'people's choice' which will be decided at referendum.

TPC starts from the premise that both culturally and historically "Tysoe" comprises the three settlements – Upper, Middle and Lower, see para 3.3.1.2 p19 submission Plan which refers to the 2014 residents' survey. This admittedly did not refer to BUABs or LSVs but, there again, very few residents are sufficiently conversant with planning terminology to use those terms with confidence. TPC felt justifiably confident that residents were expressing the sentiment that the three settlements, in practice, acted as one cohesive neighbourhood. The fact that one settlement, Lower Tysoe, is separated from the rest by a small area of undeveloped land should not indicate that it is any way separate in cultural or other practical terms. In fact TPC would argue that had the gap between Lower and Middle Tysoe been filled with housing (as is the case with Middle and Upper Tysoe) then SDC would never have regarded Lower Tysoe as anything other than part of the "Tysoe LSV". It is a matter of historical interest, not irrelevant to this discussion, that the original market cross for Tysoe, dating back to Medieval times, is still located in Lower Tysoe.

TPC argues that the so called separate nature of Lower Tysoe should not and cannot be defended by reference to distances measured in metres. Whilst TPC fully understands that some arbitrary measure may be useful or relevant in some similar cases it is simply not relevant here. What is the distance to be measured – certainly many parts of Lower Tysoe are closer, even by pavement, to the church or school or even the shops in Middle Tysoe than are parts of Upper Tysoe. Equally there are parts of Upper Tysoe that are nearer to the post office than are parts of Lower Tysoe – this demonstrates that using arbitrary measures is dangerous and misleading. Certainly residents of Lower Tysoe look to the facilities in Middle Tysoe rather than the facilities in, say, Kineton, the next nearest "commercial centre".

Whilst mentioning Kineton, it is worth highlighting this village as a material precedent to the Lower Tysoe issue. Historically SDC only considered Kineton as being part of the LSV electing to include Little Kineton in the category of all other settlements. However, Kineton Parish Council with the overall support of their community have given Little Kineton a BUAB and it is very much part of the LSV. Kineton PC's decision was not without its localised objections but was supported by the Independent Examiner and the community at referendum. The Kineton Maps are attached for reference. The Kineton NDP was 'made' in October 2016. There are distinct similarities with Kineton and Tysoe.

The argument often used by SDC and LTLEG in promoting the separate nature of Lower Tysoe is one of sustainability. No similar argument is ever made about Upper Tysoe which, as described above, can be argued to be equally remote from facilities as Lower Tysoe. However, a more precise ruling on the sustainability argument can be found in SDC's own determination of planning application 19/01529/FUL and its predecessor application 17/03634/FUL which failed at appeal. In the appeal decision the Inspector determined that the location in Lower Tysoe was indeed sustainable but ruled against the design. In application 19/01529/FUL SDC's planning officer relied upon this Inspector's determination in proposing grant which was confirmed in a Planning Committee meeting in September 2019 (the fact that TPC believe that the determination was unsound on the basis of failing to comply with policy CS19 is not entirely irrelevant to the discussion about the NDP). Thus SDC's own planning officers have determined that at least this location in Lower Tysoe is sustainable and acceptable for development so why do SDC still appear to maintain the argument that Lower Tysoe is an "all other settlement"?

TPC understands that, in recent correspondence with a Tysoe resident, John Careford, Senior Planning Policy Officer of SDC, has described the determination of 19/01529/FUL as anomalous and one which should not be taken as setting a new planning precedent for Lower Tysoe . TPC maintains that the determination of 19/01529/FUL, which relied as heavily as it did on the Inspector's comments regarding sustainability in the appeal of 17/03634/FUL, cannot be an anomaly; it is either a sound decision, in which case it sets precedent, or it is unsound, in which case it should be withdrawn by SDC.

Another argument mounted by the LTLEG is that Lower Tysoe's current status provides it with a greater level of protection from development than it would enjoy within a BUAB in the LSV. This argument is completely illusory. Whilst it is correct to say that currently there is a presumption against development in Lower Tysoe the fact is that there have been 15 houses either built or with permission and yet to be built since 2011; that is an increase of approximately 40% in the housing stock in that time period. Whilst most of these new houses or permissions have been with TPC support the latest permission, 19/01529/FUL, was made against the very robust objections of residents, parish council and ward member. This convincingly demonstrates that SDC planners will ignore local sentiment as expressed in the emerging NDP, will ignore TPC's and residents' objections and will grant permission for what many regard as inappropriate development even in an "all other settlement" where there is a presumption against development – the protection afforded by such status is illusory. The irony is that had Tysoe's NDP been made at the time of the determination of 19/01529/FUL it is likely that the application would have failed as it encroached beyond the BUAB as proposed in the submission Plan – TPC contends that protection would be greater for Lower Tysoe within a tightly drawn BUAB.

An additional argument used by objectors to the inclusion of Lower Tysoe is that the proposed BUAB exposes large tracts of undeveloped land to potential inappropriate

development. An examination of the proposed BUAB would indicate this not to be the case. The submission Plan proposes 3 houses on allocated site 1 in Lower Tysoe. The proposed BUAB is drawn in such a way as to accommodate 3 small houses in linear form on this site. SDC chose to ignore this in granting permission for 5 houses in a cul-de-sac on a site which extends beyond the proposed BUAB. Other than this example and literally one or two other locations where single dwellings or conversions could conceivably be built as in-fill development it is very difficult to see where any other houses could be built within the proposed BUAB around Lower Tysoe. TPC therefore maintain that the proposed BUAB as drawn around Lower Tysoe provides a very strong protection for the character and existing built form in the settlement so long as the BUAB is respected by planners.

Finally, addressing the argument that residents have not been sufficiently consulted on the proposed inclusion of Lower Tysoe in the LSV. The concept of including Lower Tysoe was included in the May 2017 pre-submission Plan, albeit with a slightly different proposed BUAB, it was included again in the July 2018 pre-submission Plan with virtually the same BUAB as included in the submission Plan. These Plans have been subject to extensive consultation by means of public open days, parish council meetings and NPG meetings all of which have been open to the public where residents' views have been sought and expressed. Many of these meetings have been dominated by exhaustive discussions about the status of Lower Tysoe almost to the exclusion of other matters. During the statutory consultations on the two pre-submission Plans and the Submission Plan representations have been sought. TPC believes that residents have had ample opportunity to make their sentiments known and have taken those opportunities to make representations in unprecedented numbers. The fact is that by far the majority of those objecting to the disposition of Lower Tysoe are representatives of the LTLEG, a minority action group whose main focus has been to change the proposed disposition by maintaining that the TPC/NPG has no authority or mandate to make the proposal that is included in the Plan. Other residents, in some significant number, have either indicated support for the proposal or have remained silent on it. Indeed many parish residents do not recognise that there is an issue having concluded for many years that the parish (the "LSV" in planning parlance) comprises the three settlements. Readers should not be swayed by the vociferousness of the argument or the accusation that the Plan represents the view of a minority "clique" within the village. TPC maintains that the Plan represents the views of the overwhelming majority of Tysoe residents and reflects the reality of the *status quo* in real, practical terms that residents understand and possibly without reference to the exact planning terms such as "BUAB" or "LSV" which many residents may find alien. Whilst in some quarters there seems to be a belief that proposals made in the NDP which differ from those views that particular respondents hold are therefore necessarily wrong the TPC/NPG believe that the proposals enshrine, as far as possible, the consensus view of the parish.

In summary, TPC believes that there is an almost total absence, other than as expressed by the LTLEG, of evidence that the village would support a proposal that in any way treated

Lower Tysoe differently from Upper or Middle Tysoe, whether for planning or any other purpose. TPC maintains that this view is borne out by evidence on the ground in the way that residents of Lower Tysoe behave, and by the support, or lack of objection, expressed by the majority of respondents to consultations during the Plan process.

TPC 2 – The consultation process

Concerns have been raised by some residents of the village, including by respondents associated with the LTLEG, regarding the consultation process that the TPC/NPG engaged in during the preparation of the NDP. A study of the Timeline document linked to the Consultation Statement will show that the consultation has been very extensive. There have been 138 separate occasions where the Plan, in its various iterations, has been discussed and residents' views have been sought and heard. The fact that Tysoe's NDP appears to have attracted far more formal representations than almost any other Plan in the District would also seem to support a high level of public awareness and engagement in the process. In excess of 330 separate representations were made on the two pre-submission Plans, an unprecedented level of response. The NPG ensured that all residents were aware of the Plan, its process timetable and the opportunities they had to make their concerns known to the TPC/NPG. Flyers were used to inform all households in the parish of progress, posters and banners informed residents of consultation periods and open-days and drop-in sessions, manned by members of the TPC/NPG, were arranged which allowed for active participation by residents.

The concern has been raised that comments and concerns were not taken into consideration by the NPG, this is incorrect. The NPG and TPC are only too aware of the need to draft a Plan which will eventually be successfully supported in a referendum. As such it would have been folly to ignore the sentiments of the constituents who will be voting in that referendum. However, the NPG were also mindful of the fact that the Plan is for the entire parish and should not just reflect the narrow interests of one group of residents or another. During the Plan process a number of petitions were raised and narrow interest groups attempted to generate momentum for their own causes. The NPG had to take a pragmatic view and seek a consensus which often disappointed the narrow interest groups. In some, fortunately rare, instances this debate and discussion resulted in ill-feeling and more than robust debate. Whilst it is understandable that strongly held beliefs will be expressed strongly it is regrettable that this, on a few occasions, has soured relations with a few residents.

The TPC/NPG believes that the guidelines for preparation of Neighbourhood Plans have been fully complied with and that the Statement of Basic Conditions properly states the Plan's compliance with all relevant statutes and guidelines. We would encourage any reader or respondent to examine the Timeline document, the meeting minutes linked therein and the visual images of consultations included in the Consultation Statement which we believe

demonstrate full compliance and a full consultancy and involvement with the residents of Tysoe parish.

Underlying all of this, the TPC has engaged the services of an independent planning consultant who has advised impartially throughout the process.

TPC 3 – The Lower Tysoe BUAB

SDC and others have commented on the BUAB around Lower Tysoe as proposed in the NDP and questioned why it cuts across open ground in a few instances. TPC believes that it has answered this matter several times by referring to the mostly large plots on which properties are built in Lower Tysoe. The need to keep the BUAB tightly drawn so as to provide only limited opportunity for incremental development conflicts in a few places with the need to draw the BUAB along existing, physical boundaries. There are two places on the proposed BUAB where the BUAB does not follow such physical boundaries. To do so, in these instances, would lead to large tracts of undeveloped land being exposed to future inappropriate development.

SDC have proposed, in its representations (see separate map included with these documents), an alternative drawing of the Lower Tysoe BUAB and TPC propose to consider this once the Examiner has had the chance to review the NDP and visit the village. If the Examiner considers that the SDC proposed BUAB is preferable to TPC's then TPC is quite willing to adopt this in its NDP and make the few necessary amendments in the text that this would require.