

# **Tysoe Neighbourhood Development Plan 2011-2031**

**A report to Stratford-on-Avon District Council on the  
Tysoe Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by Stratford-on-Avon District Council in June 2019 to carry out the independent examination of the Tysoe Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 13 November 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new homes can be accommodated. It proposes a strategic gap between Upper/Middle Tysoe and Lower Tysoe. It also proposes a series of local green spaces. It has a particular focus on maintaining the rural identity of the neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Tysoe Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**14 February 2020**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Tysoe Neighbourhood Development Plan 2011-2031 (the 'Plan').
- 1.2 The Plan has been submitted to Stratford-on-Avon District Council (SDC) by Tysoe Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms. It is also complementary to the Stratford-on-Avon District Core Strategy 2011 to 2031 and the emerging Site Allocations Plan. It has a clear focus on maintaining the distinctiveness of the different settlements and identifying sensitive opportunities for new development.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both SDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Consultation Statement appendices;
- the SEA and HRA Screening Document;
- the Parish Council's responses to my Clarification Note;
- the District Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Stratford-on-Avon District Core Strategy 2011 -2031;
- the emerging Site Allocations Plan 2011-2031;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 13 November 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Some of the representations suggested that elements of the Plan should be examined by way of a public hearing. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. In reaching this decision I took account of the very significant level of information available to me both within the Plan itself and in the representations from local persons, commercial organisations and SDC.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (July to September 2018). Its key feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices. The whole effect is very professional. It provides confidence about the extent to which those responsible for producing the Plan have sought to engage the wider population of the neighbourhood area.
- 4.3 Appendix 9 is particularly helpful in the way in which it reproduces elements of the consultation documents used throughout the plan-making process. They add life and depth to the Statement. The photograph of the neighbourhood plan group in 'Protect Tysoe' tee-shirts highlights the way in which the plan-making process sought to reach out to all elements of the community and at different events.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- open village meetings and consultation days;
  - the regular public meetings of the Neighbourhood Plan Group;
  - the monthly updates presented at Parish Council meetings;
  - the flyers delivered to houses in the parish;
  - the production of a Parish-wide questionnaire/survey in 2014;
  - the engagement with local businesses and statutory bodies;
  - the written comments on draft Plans received from residents;
  - the creation of a dedicated part of the Parish Council's website on the production of the Plan; and
  - the development of a Housing Needs Survey.
- 4.5 The Statement also provides details of the way in which the Parish Council engaged with statutory bodies (Appendix 7/Sections 3-6). It is clear that the process has been proportionate and robust.
- 4.6 Appendix 7 of the Statement provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. Due to the relationship between the emerging neighbourhood plan and the emerging Site Allocations Plan the plan-making process has been both complicated and challenging.

Nevertheless, the Parish Council has approached the relationship between the two Plans in a diligent and a comprehensive fashion.

- 4.7 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

#### *Representations Received*

- 4.9 Consultation on the submitted plan was undertaken by SDC for a six-week period that ended on 28 June 2019. This exercise generated comments from a range of organisations as follows:
- Sport England
  - Canal and River Trust
  - Highways England
  - Severn Trent Water
  - Network Rail
  - Natural England
  - Historic England
  - The Coal Authority
  - National Grid
  - Environment Agency
  - The White Family
  - Gladman Developments
  - Stratford-on-Avon District Council
- 4.10 Representations were also received from 57 local residents. I have taken all the various comments into account as part of the examination. Where it is appropriate to do so I comment about individual representations on a policy-by-policy basis in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Tysoe. Its population in 2011 was 1143 persons living in 511 houses. It was designated as a neighbourhood area on 10 February 2014. It is an irregular area located to the east of Shipston-on-Stour. The neighbourhood area is predominantly a rural parish and much of its area is in agricultural use.
- 5.2 The neighbourhood area has two very different elements of built development. The main element is Upper and Middle Tysoe. It is a traditional village with a range of commercial and community facilities. The majority of the historic core of both Upper and Middle Tysoe are designated Conservation Areas. In both cases there are several vernacular buildings constructed of the distinctive local ironstone. The second element of built development is in Lower Tysoe. It is located approximately 400 metres to the north of the main village. It consists of a looser structure of buildings located off Tysoe Road and Lane End and Badgers Lane running along a north-south alignment off Tysoe Road.
- 5.3 The remainder of the neighbourhood area consists of a very attractive agricultural hinterland. The south-eastern part of the neighbourhood area is within the Cotswold Area of Outstanding Natural Beauty. It is significantly higher than the remainder of the neighbourhood area and is particularly open and sylvan in its character.

### *Development Plan Context*

- 5.4 For neighbourhood planning purposes the principal element of the development plan covering the neighbourhood area is the Stratford-on-Avon Core District Strategy. The following policies in that Plan are particularly relevant to the various policies in the submitted Plan:

Policy CS5	Landscape
Policy CS6	Natural Environment
Policy CS9	Design and Distinctiveness
Policy CS11	Cotswold Area of Outstanding Natural Beauty
Policy CS15	Distribution of Development
Policy CS16	Housing Development
Policy CS18	Affordable Housing
Policy CS19	Housing Mix and Type
Policy CS22	Economic Development
Policy AS10	Countryside and Villages

- 5.5 Core Strategy policies in general, and Policies CS15 and 16 in particular, provide the strategic context for new residential development in the neighbourhood area. The distribution of development in Stratford-on-Avon District during the plan period 2011 - 2031 is based on a pattern of balanced dispersal, in accordance with the distinctive

character and function of the wide range of sustainable locations. It takes a hierarchical approach which seeks to concentrate the majority of planned growth in Stratford itself, Main Rural Centres, New Settlements and Local Service Villages. Tysoe is one of the identified Local Service Villages (LSVs) (Category 2). Policy CS16 identifies a need for approximately 700 homes in total in the Category 2 LSVs, of which no more than around 12% should be provided in any individual settlement. The LSVs as a whole are expected to deliver some 2,000 homes across the plan period 2011 to 2031. The Core Strategy is clear that only homes built within the identified LSVs will contribute to the LSV housing numbers; homes built in all other settlements or within the wider parish contribute to a residual housing number for the rural area. In this context Lower Tysoe is identified, by default, as one of a series of 'other rural settlements'

- 5.6 SDC is in the process of preparing its Site Allocations Plan. Its primary purpose will be to provide further detail to that already included in the adopted Core Strategy and to identify potential reserve housing sites and mechanisms for their release. Policies SAP1 and SAP2 respectively propose a series of reserve sites throughout the District and mechanisms for their release. Five reserve sites are identified in the neighbourhood area. Policy SAP6 also proposes built up area boundaries (BUABs). That policy acknowledges that during the process of progressing the Plan, a number of neighbourhood plans which have not yet reached an 'advanced stage' will change status as they progress through the various plan-making steps. Once 'made', the settlement boundary identified in a neighbourhood plan will prevail over the BUAB defined by the District Council in the Site Allocations Plan. SDC anticipates that the Site Allocations Plan will be submitted for examination and adopted in 2020.
- 5.7 The Plan has been prepared at the same time as SDC has been preparing its District-wide Site Allocations Plan that will accompany the adopted Core Strategy. It is good practice to align both strategic and neighbourhood plans and the Tysoe NDP is consistent with the broad scope of the adopted Core Strategy. In the circumstances relating to Tysoe, it has been more challenging given that the District Council and the Parish Council have taken different positions with regard to the appropriateness or otherwise of the proposed designation of a built-up area boundary for Lower Tysoe (as proposed in the neighbourhood plan). Nonetheless the submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This reflects key elements in Planning Practice Guidance on this matter. The recommended modifications included in Section 7 of this report seek to ensure that the relationship between the policies in the adopted development plan, the emerging neighbourhood plan and the emerging Site Allocations Plan is properly configured.
- 5.8 It is also clear that the submitted Plan has sought to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### *Unaccompanied Visit*

- 5.9 I visited the neighbourhood area on 13 November 2019.

- 5.10 I drove into the neighbourhood area from the A422 to the north. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system and to that part of the Cotswold AONB in the eastern part of the neighbourhood area.
- 5.11 I looked initially at the layout of Lower Tysoe. I saw the attractive arrangement of houses and open space along the main road leading into Middle and Upper Tysoe. I saw the location of proposed housing site 1 off Tysoe Road.
- 5.12 Thereafter I drove into Middle and Upper Tysoe. Due to the compact nature of that part of the neighbourhood area I was able to carry out the majority of the visit on foot. I looked initially at the village centre. I saw the village green and the war memorial, the village hall, the post office, the shop and the Peacock Inn. I saw that the village centre was right at the heart of the community. In this context I understood better the importance of Community Assets Policy 1 to the wider context and role of the Plan. I walked along Saddledon Street towards the Church. In doing so I saw the 'Free to All-Comers' wall plaque. It reinforces the agricultural origins of the village. I looked around St Mary's church and the churchyard. Both were beautifully-maintained.
- 5.13 I then looked at the area to the immediate north of Middle Tysoe. I saw the new houses being built to the west of Tysoe Road. I then walked through that part of the proposed Strategic Gap to the east of Tysoe Road up to Lower Tysoe. I then crossed the road and looked at the Gap on the other side of the road. I looked in particular at the scale and nature of the overall strategic gap on the one hand, and its detailed boundaries on the other hand.
- 5.14 Once back in the village I looked at that part of Upper Tysoe to the south of the village centre. I looked at the various proposed local green spaces and proposed housing sites 2 and 3. I saw the Old Fire Station and its current occupation with a series of community uses.
- 5.15 During the visit I took the opportunity to look at the two proposed reserve housing sites. I saw the way in which they related to the built fabric of the village. I looked in particular at the traffic and highway matters identified in the Plan itself as potential issues to be overcome before they could be developed.
- 5.16 I finished my visit by driving into the more remote parts of the neighbourhood area. In doing so I saw the importance of Windmill Hill in the wider landscape. I left the neighbourhood area by driving into Oxhill along the road from Upper Tysoe.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Tysoe Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the Stratford-on-Avon District Core Strategy;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies on the scale, nature and location of new development. It identifies a built-up area boundary and proposes a series of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and small-scale employment development (Housing Policies 2-5 and Employment Policies 1 and 2 respectively). In the social role, it includes a policy on community facilities (Community Assets Policy 1) and on proposed local green spaces (Natural Environment Policy 4). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies in the Natural Environment and Built Environment parts of the Plan. The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Stratford-on-Avon District in paragraphs 5.4 to 5.8 of this report. It is both an up to date and an emerging context within which to prepare a neighbourhood plan.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications included elsewhere in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, the District Council commissioned a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It helpfully includes the responses from the three statutory consultees. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.15 The Screening Document included a separate Habitats Regulations Assessment (HRA) of the Plan. It identified that the nearest Natura 2000 site to Tysoe Parish is Bredon Hill SAC, which is located approximately 53km to the west of the neighbourhood area. Due to this distance and the nature of the policies contained within the submitted Plan, there is unlikely to be any impact on this SAC. On this basis the Screening Document concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site.
- 6.16 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.17 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial section of the Plan (Sections 1-5)*

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a very professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 Section 2 comments about the development of the Plan. It also provides background information on the wider planning policy context. Map 1 provides a very clear definition of the designated neighbourhood area.
- 7.10 Section 3 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its history, its built heritage and its demographic profile. In this context it is supported by Maps 2-7. It is a very helpful context to the neighbourhood area.
- 7.11 Section 4 comments about the Plan's ambition based on 'Keeping Tysoe special'. It provides a context to the policies which follow later in the Plan.

- 7.12 Section 5 sets out a summary of the policies. The summary is based around the following headings:
- Housing (5.1);
  - Environment and sustainability (5.2);
  - Protected areas (5.3);
  - Infrastructure (5.4); and
  - Employment, community and transportation (5.5).

- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Housing Policy 1 – Housing Growth

- 7.14 This policy sits at the heart of the Plan. In many respects its title does not directly relate to its purpose. Rather than directly promoting housing growth, its focus is on an overall spatial plan which identifies two built-up area boundaries (BUABs) within which development will be supported. The remainder of the neighbourhood is then identified as open countryside within which restrictive policies will apply.
- 7.15 The two proposed BUABs capture the bulk of built development in the neighbourhood area. They consist of Middle/Upper Tysoe and Lower Tysoe. The former is the principal concentration of built development in the wider parish.
- 7.16 The proposed identification of a BUAB for Lower Tysoe has been an important element of the wider preparation of the Plan. It has also generated a significant degree of representations from local persons both supporting and objecting to the approach taken. SDC has consistently raised concerns about this part of the Plan. Its officers have indicated to the Parish Council that the Council would not object to a BUAB for Lower Tysoe in circumstances where that approach was based on local preference and sufficient evidence.
- 7.17 The submitted Plan is running in parallel with the emerging Site Allocations Plan. In general terms this way of working is best practice. However, in this case these parallel processes have generated differing approaches to the definition of BUABs. Stratford-on-Avon is a large rural district with a dispersed settlement pattern comprising over a hundred parishes of small market towns and villages and hamlets of various sizes. As such the Stratford-on-Avon District Core Strategy (adopted July 2016) set out a strategy of dispersal in respect of meeting its housing requirement, establishing a 'hierarchy' of settlements; namely, Main Town, Main Rural Centres, new settlements, four categories of Local Service Villages (LSV) and lastly, all other settlements. Appendix 1 of the Core Strategy includes a methodology for categorising LSVs based on their size and range of specific services. The Core Strategy identifies Tysoe as a Category 2 LSV.
- 7.18 Although the Core Strategy itself does not define Built-up Area Boundaries (BUABs) for LSVs, the expectation was that BUABs would be identified through either the Site

Allocations Plan (currently at pre-submission stage) or individual neighbourhood plans. As part of the preparation of the Site Allocations Plan, SDC defined and consulted parish councils on draft BUABs for the LSVs for a six-week period in June/July 2017, prior to a six-week public consultation in February/March 2018. SDC's BUAB for Tysoe maintained the status quo (established by previous iterations of the Local Plan) by drawing a BUAB round Upper and Middle Tysoe only. In this context it has designated Lower Tysoe (by default) as an 'all other settlement'. This relationship between the submitted neighbourhood plan and the emerging Site Allocations Plan has generated the representation to the submitted neighbourhood plan from SDC referred to in paragraph 7.16 of this report.

7.19 The Plan sets out its reasoning for the approach taken in paragraphs 3.3.1.2 and Section 4.1 of the Plan. In summary a BUAB for Lower Tysoe has been proposed in the Plan for the following reasons:

- to provide a wider context to control development in the plan period;
- to provide a mechanism for limited infill development to take place in Lower Tysoe; and
- to reinforce a sense of 'one village'; taking account of the overall use of community facilities by local residents irrespective of the location of their homes.

7.20 I have considered this part of the Plan very carefully. I looked at the Lower Tysoe BUAB in detail when I visited the neighbourhood area. I also walked between the two proposed BUABs through the proposed Strategic Gap (Natural Environment Policy 6). Having considered all the evidence available to me, including the Parish Council's response to the clarification note, I have concluded that the proposed BUAB for Lower Tysoe does not meet the basic conditions. Three principal factors have affected this judgement. I address them in the following paragraphs of this report.

7.21 The first is the conformity or otherwise of this approach to the development plan. In a number of areas the submitted Plan is at odds with the emerging Site Allocations Plan. It is also at odds with previous local plan work which was replaced with the Core Strategy. However, neighbourhood plans are capable of taking a different approach within the broad scope of a higher tier plan. In the round the submitted Plan has sought to produce its own evidence and demonstrate local preferences.

7.22 The second is the evidence in the submitted Plan to justify the designation of the proposed Lower Tysoe BUAB (and as summarised above in paragraph 7.19). Whilst the approach taken by the Parish Council reflects its wish to reinforce a sense of one village based on the broader use of community facilities, that approach is not underpinned with any detailed information or information about either the character and/or layout of Lower Tysoe in general and the likely effects of designating a BUAB on future levels of development in that settlement in particular. In forming this view on the appropriateness or otherwise of the evidence for a Lower Tysoe BUAB I have taken account of the Parish Council's responses to the clarification note on this matter and its comments about the scale and nature of the different comments that have been received on this important element of the Plan. I can see that there is a case to be

made both for and against a BUAB for this part of the neighbourhood area. Within that balance my judgement has been influenced by the third factor addressed in the next paragraph.

- 7.23 The third factor is the nature of the proposed BUAB itself. The form of Lower Tysoe is 'H' shaped with development along the two verticals and grouped in three small clusters 'hanging off' the horizontal axis of Tysoe Road. The proposed BUAB for Lower Tysoe runs parallel to the horizontal east-west axis. However, this approach is contrary to the fabric of the settlement where development is largely based around five minor roads/access tracks running south from Tysoe Road to groups of dwellings. The approach in the submitted Plan would include parcels of land within the BUAB in an artificial way. In addition, they would have the potential to encourage new development proposals that would inherently conflict with the character and layout and form of the settlement. These comments overlap to some extent with the comments of local residents who have objected to the proposed Lower Tysoe BUAB.
- 7.24 On this basis I recommend the deletion of the Lower Tysoe BUAB from the Plan and from Map 8. Given the significance of this matter to the wider Plan there will be several consequential implications elsewhere in the document. For the purposes of the examination I highlight the principal implications and, where appropriate and necessary, recommend modifications accordingly. Otherwise SDC and the Parish Council should make the appropriate technical modifications to address this matter in the referendum version of the Plan. The flexibility to do so is provided in paragraph 7.117 of this report.
- 7.25 The wording of the policy itself is appropriate for the neighbourhood area. I am satisfied that in general terms that it would remain appropriate with a single BUAB rather than the two proposed in the submitted Plan. It takes account of the concentrated nature of the settlements and the quality and nature of the surrounding countryside. Whilst some commentators consider that the policy approach to the countryside is too restrictive, in my view it properly captures the types of development which are supported in such locations by national policy. I recommend detailed modifications to the policy wording so that it has the clarity required by the NPPF. In particular they provide clarity to the generality of the support in principle for development within the BUAB.
- 7.26 Finally I recommend that its title is modified so that it more correctly identifies its role and purpose.

**Replace the first sentence of the policy with:**

**'The neighbourhood plan defines a built-up area boundary for Middle/Upper Tysoe. It is shown on Map 8. Within the built-up area proposals for new housing will be supported where they otherwise conform with other development plan policies in general, and Built Environment Policies 1 and 2 of this Plan in particular'**

**In the second sentence of the policy replace 'Boundaries' with 'Boundary'**

**In the third sentence delete ‘or otherwise.... such issues’**

*Modify the policy title to read: ‘Housing Policy 1 – Spatial Plan and the location of new development’*

*In paragraph 6.2.0.2 delete ‘and are based on the following principles (including the three bullet points)’*

*Delete Section 4.1 and replace with new supporting text which clarifies that new development will be focused within the Middle/Upper Tysoe BUAB.*

*Delete paragraph 3.3.1.2.*

*Remove the BUAB for Lower Tysoe from Map 8*

Housing Policy 2 – Site Allocations

- 7.27 This policy proposes the allocation of three housing sites. In addition, it sets out general criteria for the development of the sites concerned. The sites identified, and their indicative capacities, are as follows:
- Land to the south of Orchards, Lower Tysoe (3 homes);
  - Land to the west of Sandpits Road, Middle Tysoe (2 homes); and
  - Land to the west of Sandpit Road, Middle Tysoe (13 homes).
- 7.28 The proposed allocation of housing sites seeks to respond to the general requirement in Policy CS16 of the Core Strategy. That policy sets out an overall requirement for at least 14,600 additional homes in the District of which approximately 2000 homes are expected to be in Local Service Villages.
- 7.29 A representation has been made which suggests that a site identified in the emerging Site Allocations Plan should be allocated for development in the neighbourhood plan. Such an approach would have a degree of merit. However, the Site Allocations Plan remains to be examined and may be subject to change and refinement. In any event reserve sites which emerge from that process will be complementary to those included in the submitted neighbourhood plan. In addition, they could be contributing towards meeting the same minimum overall target for the District as included in Policy CS16 of the Core Strategy.
- 7.30 Gladman Developments makes comments about the scale of the proposed new housing development proposed in the Plan, and the extent to which it would practically contribute towards meeting the overall strategic housing requirement for the District. In particular it comments that the Plan is unclear how the Parish Council has derived a housing requirement figure and whether the sites identified will be sufficient to meet this need. The representation consider that the Parish Council should have requested an indicative figure from SDC as recommended by national policy.

- 7.31 I have considered this matter very carefully given the importance of housing delivery in national planning policy. Having considered all the information available to me I am satisfied that the Plan has taken a proportionate approach to this important matter. In particular:
- work on the Plan has been ongoing since 2013 and its basic components were in place before the publication of the most recent updates to the NPPF earlier this year;
  - the overall composition of the Core Strategy does not define specific target figures for individual Local Service Villages and SDC has not sought to apply any such figure through the neighbourhood plan making process;
  - any housing growth which arises directly from the submitted Plan has the ability to be supplemented by any released reserve sites which may arise from the Site Allocations Plan as eventually adopted; and
  - in any event I have I recommend elsewhere in this report (paragraph 7.122) that the Parish Council may wish to consider the need for a review of any made neighbourhood plan within twelve months of the adoption of the emerging Site Allocations Plan.
- 7.32 I looked at the proposed sites as part of my visit. I am satisfied that they are appropriate to the format and scale of the settlements concerned. The Orchards site in Lower Tysoe now has planning permission. On this basis I recommend that it is deleted from the policy. I also recommend consequential modification to how the site is shown on Map 8.
- 7.33 I am satisfied that the four criteria included in the policy are appropriate for and relevant to the neighbourhood area. They are formatted in a general way and do not seek to be prescriptive towards the development of the sites concerned. Nevertheless, I recommend the removal of the reference to the specific example of footway access in the third criterion.
- 7.34 I also recommend the inclusion of an additional criterion in relation to the need for developments to provide affordable housing on any particular site where its yield would exceed the threshold for such provision set out in the development plan. Whilst the matter is addressed in the supporting text (paragraph 6.3.0.6) it does not have any policy status.
- 7.35 The information about potential yield of the sites included in the policy is very detailed. Whilst I recognise that the information derives from the site assessment work it has the potential to be misinterpreted through the development management process. In addition, it could stifle the development of otherwise well-designed sites which might result in a slightly higher yield. On this basis I recommend that the reference to potential site capacities is repositioned into the supporting text.

**Delete proposed site 1 (and renumber 2 and 3 accordingly).**

**Delete the sections on ‘for approximately 2 or 13 dwellings’ in Sites 2 and 3 (as submitted).**

**Delete ‘Total 18 potential dwellings’**

**In the part of the policy on criteria for development replace ‘will be expected to’ with ‘should’**

**Insert an additional criterion between b) and c) to read: ‘as appropriate to their overall yield that they deliver affordable homes to development plan standards’**

**In c) delete the text in brackets.**

*On Map 8 show site 1 (as submitted) as a ‘Site with planning permission granted’ rather than as an ‘Allocated Site’*

*In paragraph 6.3.0.3 (penultimate sentence) replace ‘These three sites’ with ‘The two sites identified in Housing Policy 2’ and ‘site assessments 2, 4 and 6’ with site assessments 4 and 6’*

*In paragraph 6.3.0.4:*

- *Delete the first sentence.*
- *In the second sentence replace ‘continue to grow.... per year’ with ‘grow at a modest level’*
- *Add at the end: ‘The specific yield of the two allocated sites will be determined by detailed design and development work. However, at this stage it is anticipated that site 1 may yield approximately two dwellings and site 2 may yield approximately 13 dwellings’*

*In paragraph 6.3.0.5 replace ‘three’ with ‘two’.*

*At the end of paragraph 6.3.0.6 add: ‘The general requirement for the delivery of affordable homes on larger sites is included within the list of site development criteria in Housing Policy 2’.*

### Housing Policy 3 – Strategic Reserve

7.36 This policy builds on the approach taken in Housing Policy 2. In this case it proposes two reserve housing sites. In a broader context the policy sets out to keep an eye on the future. In particular it anticipates the potential for an overall increase in the need for new homes in the wider District within the Plan period. The proposed sites are Herbert’s Farm and Roses Farm.

7.37 The intended approach runs in parallel with the emerging Site Allocations Plan which has identified proposed reserve sites in the District in general terms, and within the neighbourhood area. The Herbert’s Farm proposed site directly overlaps with one of

the proposed reserve sites in the emerging Site Allocations Plan. The Roses Farm site does not feature in the Site Allocations Plan. The Parish Council has reached its own conclusions regarding the suitability of sites as presented in the emerging Site Allocations Plan.

- 7.38 Paragraph 6.4.0.1 acknowledges that there are access issues that need to be overcome with both of the proposed reserve sites in the submitted Plan. It also comments about their respective locations within a conservation area. However, it anticipates that these matters could be overcome with detailed design considerations. In its response to the clarification note the Parish Council comments that ‘.....both sites are available for development. Site 4 is included in (the) Site Allocation Plan as a reserve site and is considered by SDC as deliverable. Although this site is currently occupied by farm buildings the Parish Council believes that the buildings could easily be accommodated further back on the site if development were approved. The owner of Site 5 already has an outline plan of how this site could be developed if circumstances allowed. This plan has anticipated the problem of safe pedestrian access and has proposed a means of safe vehicular access also’. The Parish Council also commented that ‘any small harm done by the development of this site would be outweighed by the potential provision of affordable homes on the site’.
- 7.39 In its comments on the policy SDC drew my attention to a potential implication of the development of the Roses Farm site which would involve the loss of ‘exceptional’ ridge and furrow which the Plan identifies elsewhere as an historic feature. The Parish Council’s response to this representation does not provide any compelling evidence that this is not the case.
- 7.40 The policy itself comments that the sites ‘have the potential for future residential development’. It also comments that the sites will ‘only be released during the Plan period where it can be demonstrated that there is an identifiable housing need for their early release, for example in the event of a community-led housing scheme’. I sought advice from the Parish Council on how any release mechanism would work in practice. I was advised that a similar mechanism to that proposed in the emerging Site Allocations Plan would be appropriate for this purpose.
- 7.41 I have considered the policy very carefully given its potential to contribute towards the delivery of additional housing sites. I also looked carefully at the proposed sites when I visited the neighbourhood area. On the basis of all the information available to me I recommend that the policy is deleted from the Plan. I have reached this conclusion for three reasons.
- 7.42 The first reason is that the Plan offers no assurance on the eventual delivery of the two sites concerned. In both cases there are conservation area, design and access issues to be overcome. Whilst by definition reserve sites are not expected to come forward immediately and there may well be detailed matters to address, the Plan provides no substantive information about the way in which such issues would be resolved. I acknowledge that the Herbert’s Farm site is also proposed as a reserve site in the emerging Site Allocations Plan. Nevertheless, that Plan will be subject to its own examination. In any event further information may be available at that time on its deliverability.

- 7.43 The second reason for the recommended deletion of the policy is that the proposed two sites are different from the wider package proposed in the emerging Site Allocations Plan. Plainly the two Plans are separate processes and will be assessed on their own merits. In this context whilst the Parish Council has attempted to find appropriate sites, in my judgement the evidence and justification is not sufficient for their retention, particularly with reference to the lack of release mechanism. This conclusion overlaps with Planning Practice Guidance (PPG). Paragraph ID:41-009-20190509 comments that there should be relationship between the adopted development plan, an emerging neighbourhood plan (here the submitted Plan) and an emerging local plan (here the Site Allocations Plan) where two plans are being prepared at the same time. In particular it comments that ‘the local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.’ I am not satisfied that the submitted Plan has achieved this outcome. It has an ability to generate a lack of clarity within the Plan period and to create precisely the type of situation which PPG seeks to avoid.
- 7.44 The third reason for the recommended deletion of the policy is that it provides no specific methodology for the eventual release of the sites. Whilst the Parish Council comments that the mechanism could be similar to that included in the emerging Site Allocations Plan that approach has yet to be tested at examination. In any event ‘a similar approach’ has not directly been tested as part of the examination of the neighbourhood plan as no such information or detail was included in the submitted Plan.

**Delete the policy.**

*Delete paragraph 6.4.0.1.*

Housing Policy 4 – Rural Exception Sites

- 7.45 This policy comments about rural exception housing sites. It provides a positive context within which proposals for small-scale community-led housing schemes could come forward within the context of four criteria.
- 7.46 A second part of the policy provides a degree of flexibility for the incorporation of an element of market housing within such schemes to subsidise the delivery of affordable housing and to make such provision viable.
- 7.47 The general approach in the policy is both appropriate to the neighbourhood area and has regard to both national and local policy. I recommend modifications on the structure of the policy, to clarify the fourth criterion and the second part of the policy. Otherwise it meets the basic conditions.

**Replace the ‘and’ at the end of criterion b) so that it appears at the end of c).**

**Replace d) with ‘that the properties will be allocated on the basis of a cascade system with an initial priority to households with a qualifying connection to Tysoe parish and then to other households in the wider area in the event that there are no applicants with a qualifying local connection to Tysoe’.**

**In the second part of the policy (second sentence) replace ‘a chartered surveyor’ with ‘an independent chartered surveyor’.**

#### Housing Policy 5- Market Housing Mix

- 7.48 This policy provides advice on the mix of housing that should come forward on proposed housing sites in the Plan period. Its approach seeks to vary the approach set out in tabular format in Policy CS19 of the Core Strategy and which provides a percentage guidance figure for both market and affordable housing based on the number of bedrooms in the dwelling types.
- 7.49 In summary the neighbourhood plan seeks to refine the Core Strategy policy approach by increasing the number of two-bedroom homes and reducing the number of four-bedroom homes on development sites. The supporting text refers to the 2011 Census and feedback from the 2014 community questionnaire as the evidence to support the intended variation from the approach in the Core Strategy.
- 7.50 Whilst I understand the approach taken by the Parish Council the Plan does not provide any substantive evidence to depart from the Core Strategy approach. In addition, the three housing sites as proposed in the submitted Plan (and as recommended to be reduced to two sites in this report) are of a limited nature. As such the somewhat prescriptive approach in the policy would be disproportionate to their scale. It may conflict with detailed design considerations on the sites concerned.
- 7.51 In these circumstances I recommend that the policy is modified so that it:
- reinforces Policy CS19 of the Core Strategy;
  - supports developments which directly address and respond to an assessment of housing needs in the parish; and
  - in particular, offers support to the development of either two- or three-bedroom houses.

#### **Replace the policy with:**

**‘Proposals for new housing development should deliver a housing mix which conforms with Policy CS19 of the Stratford-on-Avon District Core Strategy. Proposals which directly address and respond to an assessment of housing needs in the parish and/or propose the development of two- or three-bedroom houses will be particularly supported’**

*At the end of paragraph 6.6.0.3 add:*

*‘Housing Policy [insert number] aims to support development proposals which take account of these important local circumstances. It also recognises that the proposed sites included elsewhere in this Plan are of a modest size. On this basis it offers*

*particular support to the development of smaller homes rather than seeking to establish a prescriptive approach either in general, or on a site-by-site basis in particular.'*

#### Employment Policy 1 – Protecting and Enhancing Local Employment Opportunities

- 7.52 This policy sets out the Plan's approach to protecting and enhancing its existing local employment base. It also offers support to the extension/expansion of existing businesses.
- 7.53 The first substantive part of the policy appropriately identifies the limited circumstances where proposals that would change the use of employment sites and premises would be supported. I recommend a detailed change to the wording of this part of the policy. Otherwise it meets the basic conditions.
- 7.54 I also recommend modifications to the wording of the second substantive part of the policy. In doing so I have taken account of the Parish Council's comments to the clarification note.
- 7.55 The policy begins with extensive supporting text. Whilst it provides a context to the policy it is not policy in its approach. I recommend that it is deleted from the policy and repositioned into the supporting text.

#### **Delete the opening part of the policy.**

**In the first substantive part of the policy replace 'will not be supported unless' with 'will only be supported where'.**

**In the second substantive part of the policy replace 'sites' with 'premises' and 'providing.... other Plan policies' with 'where such proposals would otherwise conform with policies in the development plan'.**

*Insert the deleted opening part of the policy at the beginning of paragraph 7.2.0.1.*

#### Employment Policy 2 – Home Working and Live Work units

- 7.56 This policy is another important component of the Plan. It addresses both homeworking proposals and those for live work-units. The part of the policy on live-work units makes its own connection to Housing Policies 1 and 2.
- 7.57 The homeworking part of the policy as submitted does not use appropriate language for a development plan policy. I recommend modifications to remedy this matter. In doing so I have taken account of the Parish Council's comments to the clarification note.
- 7.58 The second part of the policy on live-work units meets the basic conditions. Whilst I have recommended modification to both Housing Policies 1 and 2 this policy remains consistent with those two policies as recommended to be modified.

**In the first part of the policy replace ‘All new dwellings....to include’ with ‘Proposals for new dwellings which include’ and add at the end ‘will be supported’.**

#### Natural Environment Policy 1 – The Cotswold Area of Outstanding Natural Beauty

- 7.59 This policy addresses the Cotswold Area of Outstanding Natural Beauty (AONB). As Map 1 helpfully shows the eastern part of the neighbourhood area falls within the AONB.
- 7.60 The policy takes an appropriate approach towards the AONB. In particular it makes reference to the series of valued views and landscapes as identified in Natural Environment Policy 5 of this Plan. I recommend modifications to this section of the policy so that it is consistent with recommended modifications to Natural Environment Policy 5.
- 7.61 I recommend detailed modifications to its wording and to its spatial effect. As submitted the policy would apply generally throughout the neighbourhood area rather than within the AONB itself. Otherwise the policy meets the basic conditions.
- 7.62 I also recommend an addition to the supporting text so that it properly explains the nature and the extent of the policy.

#### **Replace:**

- **‘All developments.... need to’ with ‘Insofar as planning permission is required development proposals within the Area of Outstanding Natural Beauty should’; and**
- **‘the Area of Outstanding Natural beauty’ with ‘the designated area’**
- **‘Valued Landscapes and Views’ with ‘Valued Views’**

*At the end of paragraph 8.1.0.1 add: ‘Natural Environment Policy 1 provides a local context to the national approach towards AONBs. The eastern part of the neighbourhood area is within the Cotswold AONB. It makes reference to the series of valued views and landscapes as identified in Natural Environment Policy 5 of this Plan’.*

#### Natural Environment Policy 2 – Tranquillity and Dark Skies

- 7.63 This policy seeks to safeguard the tranquillity of the neighbourhood area in general, and its dark skies in particular. Its approach is that external lighting should be kept to a minimum consistent with highway safety and general security.
- 7.64 As submitted the format of the policy is slightly confusing. Whilst it appears as though there are three criteria that apply to the policy, they are simply separate parts of the policy. I recommend modifications to the format of the policy accordingly. I also recommend detailed modifications to the wording of the final parts of the policy. In the case of the second new paragraph I recommend that the references to the dark skies

policy of the CPRE is captured in the supporting text. Otherwise the policy meets the basic conditions.

**At the end of the first part of the policy delete ‘The Plan should ensure that’**

**Retaining the associated wording delete the letters a), b) and c) and create three separate paragraphs in the policy with the retained wording.**

**In the first new paragraph (formerly a)) replace ‘ensure’ with ‘demonstrate’.**

**In the second new paragraph (formerly b)) delete ‘as part of.....skies policy’.**

**In the third new paragraph (formerly c)) delete ‘on planning balance’.**

*In paragraph 8.3.0.1 after the first sentence add: ‘The policy adds support to the CPRE’s dark skies policy’.*

Natural Environment Policy 3 -Flooding and Drainage

- 7.65 This policy comments about drainage and flooding. Whilst the neighbourhood area is primarily within the lowest flood risk area (Flood Zone 1), it includes watercourses which eventually lead into the River Stour and which fall within flood zone 3. The policy’s focus is on the incorporation of sustainable drainage systems (SUDS) into development where it is possible to do so. The policy indicates that development will only be supported where it complies with five criteria listed in the policy. The criteria are generally appropriate for the neighbourhood area. They are technically-based and are principally designed to minimise surface water runoff from new development.
- 7.66 I recommend a series of detailed modifications to the policy so that it would have the clarity required by the NPPF. The first is to clarify that the five criteria would be applied as they are relevant to the development. Clearly different developments will have different implications for the various criteria. I also recommend that some of the criteria include commentary about the potential implications of their implementation on the wider viability of the development concerned. Otherwise it meets the basic conditions.

**In the opening part of the policy:**

- **replace ‘possible’ with ‘practicable’.**
- **replace ‘Proposals will only be supported if’ with ‘As appropriate to their nature, scale and location proposals will be supported subject to the following criteria:’**

**In criterion d) add ‘and viable’ after ‘feasible’**

**In criterion e) replace ‘they ensure.... watercourse should be’ with ‘as appropriate to the development concerned and its potential to generate surface water runoff they are’.**

#### Natural Environment Policy 4- Designated Local Green Space

- 7.67 This policy seeks to designate a series of six local green spaces (LGSs) in the neighbourhood area. They are shown on the Proposals Map (Map 8). In summary they are a series of formal recreational facilities or more informal open spaces. The policy has two parts. The first designates the proposed LGSs. The second applies a policy approach to the proposed designated areas.
- 7.68 The explanatory text makes reference to the national approach on this matter in the NPPF and the three criteria in particular which proposed LGSs need to meet. The Parish Council has undertaken early work to assess the way in which the proposed LGSs meet the three criteria (in reference 31 of the Plan). This work is both comprehensive and proportionate to the task involved.
- 7.69 In their different ways I am satisfied that the six proposed LGSs conform to the three criteria in the NPPF.
- 7.70 The proposed LGS at the allotments is shown on Map 8 as being a smaller area than that currently in use as allotments. The Parish Council confirmed that it had made an error in preparing Map 8. I recommend that the area is correctly shown. In doing so I am satisfied that no-one has been disadvantaged by this error. In any event no negative comments have been made to the designation of the allotments as LGS.
- 7.71 In addition, I am satisfied that the designation of the proposed LGSs accords with the more general elements of paragraph 99 of the NPPF. Firstly, the package of sites is consistent with the local planning of sustainable development. In this context the Parish Council has positively considered the development of new housing and has allocated specific sites for housing development. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces in ways appropriate to their particular uses.
- 7.72 The second part of the policy seeks to identify the types of development which might be acceptable within designated LGSs. I can understand the positive approach taken. However, it goes well beyond the matter-of-fact approach expected in national policy. In any event SDC will be able to come to its own view on a case-by-case basis on the extent to which any development proposal would represent the restrictive approach identified in the NPPF. I recommend that the second part of the policy is modified so that it takes the matter of fact approach in the NPPF and that the supporting text is expanded to provide a degree of guidance on how any development proposals would be assessed and determined.

#### **Replace the second part of the policy with:**

**‘Proposals for development within designated Local Green Spaces will only be supported in very special circumstances’**

*Amend the boundary of LGS 9 to include the full extent of the allotments.*

At the end of paragraph 8.5.0.1 add:

*'Natural Environment Policy 4 identifies that development will only be supported with the designated spaces in very special circumstances. The District Council will be able to come to its own view on a case-by-case basis on the extent to which any development proposal would comply with this important component of national planning policy. However, in general terms proposals which would enhance existing uses in the designated spaces whilst retaining their open character and community value have the ability to be considered as very special circumstances. Permitted development rights are unaffected by this policy.'*

Natural Environment Policy 5 – Valued Landscapes and Views

- 7.73 This policy comments principally about valued views in the neighbourhood area. The views are shown on Map 9. Each view is also shown in a series of photographs within the Plan.
- 7.74 In general terms I am satisfied that a policy of this nature is distinctive to the neighbourhood area and appropriate to its circumstances. The identified views are genuine public vistas. The policy requires that new development 'safeguards' the identified views. I recommend a modification to the approach taken given that 'safeguarding' is open to different interpretations. I recommend that new development should 'take account' of the identified views. I also recommend that the views are identified in the body of the policy itself. As submitted the policy requires anyone reading the Plan to relate the policy with Map 9.
- 7.75 A detailed representation has been made by a landowner about the position from which the photograph for view 6 was taken. On the balance of the evidence I am satisfied with the Parish Council's response that the photograph was taken from the road itself.
- 7.76 The final part of the policy takes on a more general approach. It comments that development proposals which would be observed from or which would impinge on the AONB may need a Landscape and Visual Impact Assessment. In process term this may well be the case. Nevertheless, it would be impracticable for SDC to attempt to apply a policy of this type with any sense of consistency and clarity within the Plan period. In these circumstances I recommend the deletion of this part of the policy.
- 7.77 Finally I recommend that the title of the policy is modified so that it takes account of the wider recommended modifications to the details of the policy.

**In the first sentence of the policy replace 'must' with 'should'.**

**Separate the second sentence from the first sentence so that they form separate paragraphs within the same policy.**

**Replace the second sentence with:**

**'The neighbourhood plan identifies the following valued views in the neighbourhood area:**

<b>View 1</b>	<b>To the north east of Lower Tysoe</b>
<b>View 2</b>	<b>From Centenary Way towards Middle Tysoe</b>
<b>View 3</b>	<b>From Tysoe Road towards Centenary Way</b>
<b>View 4</b>	<b>From Lower Tysoe towards Middle Tysoe</b>
<b>View 5</b>	<b>From the footpath south of Lower Tysoe towards Middle Tysoe</b>
<b>View 6</b>	<b>From Tysoe Hill to Middle/Upper Tysoe</b>
<b>View 7</b>	<b>From the edge of Middle Tysoe towards the Edgehill escarpment</b>
<b>View 8</b>	<b>From Manor House towards the windmill</b>

**New development proposals should take account of the identified valued views and should be designed to respect their significance in the wider neighbourhood area. Proposed developments that would have an unacceptable impact on the character or integrity of a valued view will not be supported.'**

**Delete the third sentence.**

*Replace the wording in the policy title and in Map 9 to read: 'Valued Views'.*

Natural Environment Policy 6 – Protected Strategic Gap

- 7.78 This policy is another important component of the submitted Plan. It proposes a protected strategic gap in order to prevent coalescence between Middle Tysoe and Lower Tysoe. The policy comments that new development within the strategic gap will be restricted to the reuse of rural buildings, agricultural and forestry-related development and other open land uses.
- 7.79 The supporting text provides further clarification on its purpose. It comments about the role of a strategic gap in serving as a visual break between the two rural settlements and to provide protection to the settlements concerned.
- 7.80 The proposed strategic gap runs between the two settlements both to the west and to the east of Tysoe Road. The part of the proposed strategic gap to the east of the Tysoe Road is within the Cotswold AONB.
- 7.81 I looked at the proposed strategic gap when I visited the neighbourhood area. I walked along the various footpaths and field boundaries so that I could understand how its boundaries had been defined. I saw the sensitive nature of the gap between the two settlements.
- 7.82 The identification of strategic gaps/local gaps is an approach that has historically been used in local plans. However, the 2019 version of the NPPF is largely silent on the acceptability or otherwise of this approach to planning and development in rural areas. This is reflected in the lack of a direct NPPF reference to this policy in the otherwise well-populated table in Section 2 of the submitted Basic Conditions Statement.
- 7.83 In addition the concept of a Strategic gap between Middle Tysoe and Lower Tysoe is not addressed in the adopted Core Strategy. It is neither included as one of a series of

Special Landscape Areas (Policy CS12) nor as an Area of Restraint (Policy CS13). In addition, the reference in the Basic Conditions Statement to the relationship with Core Policy CS9 (Design and Distinctiveness) is unclear about the way in which it supports the principle of the designation of a strategic gap between the two settlements given that its focus is on detailed design and distinctiveness.

- 7.84 This matter is further reinforced given that whilst the purpose of the policy is very distinctive, its effect is little different from the wider approach to development in the countryside in the adopted Core Strategy. In this context I sought advice from the Parish Council in the clarification note about the extent to which the designation of a Strategic Gap is necessary beyond the controls already included within existing local planning policies. The Parish Council commented that:

*'the area of undeveloped land between Middle and Lower Tysoe is highly valued by many residents who believe that this should remain undeveloped. Whilst there is protection afforded by the AONB on the east side of the road that protection does not extend to the west of the road.....The village would not like to see this specific protection diluted in any way. The area of highest sensitivity – close to the school and church, we consider the most vulnerable as it is adjacent to and in the same ownership as the recently developed site immediately north of Church Farm Court. The Parish Council therefore believes that special, specific protection is required'*

- 7.85 On balance, I am satisfied that in general terms there is a clear purpose intended in the policy. The sensitivity of the gap between the two settlements brings a different set of issues than those encountered more generally within the countryside in the neighbourhood area. The continued separation of the two settlements would reflect and acknowledge their historic development and separation. It would also take account of the community's views on this matter.

- 7.86 I now turn to the proposed boundaries of the strategic gap and the extent to which they meet the basic conditions. As part of my visit I found it difficult to establish elements of the western and eastern boundaries of the proposed strategic gap. In particular 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. This results in a lack of clearly defined and permanent features to define the proposed Gap.

- 7.87 I sought advice from the Parish Council on these specific matters. I was advised that:

*'All of the footpaths used to define the boundaries of the Strategic Gap are maintained and marked. After harvest and while new planting is being established the footpath diagonally to the lower eastern end of the Gap is not established, as soon as crops emerge the farmer clears the footpath and maintains it across the cropped field. The footpath on the western lower edge of the Gap has recently had a wire fence erected across it, however the route of the footpath has remained unchanged and gates in the new fence have been placed to enable the path to remain in place'*

- 7.88 In addition I sought advice from the Parish Council on whether there was a specific reason why the proposed Strategic Gap extend to the immediate east of Lower Tysoe. I was advised that:

*'...this is the most expedient way of utilising existing boundaries to define the Gap. It could be said that the extension east of Lower Tysoe is somewhat redundant but is the only viable option if field boundaries are to be used'*

- 7.89 I have considered the proposed boundaries and the spatial extent of the Strategic Gap very carefully. In my judgement the case for a specific definition of the Strategic Gap is not convincing. Gap-type policies traditionally work effectively where one or both of two circumstances arise. The first is where the gaps between the settlements concerned are small in their size and scale. The second is where the gaps concerned are in multiple ownership and where the risk of incremental and/or piecemeal development would be significant. Either of these two circumstances would be heightened where the gaps concerned were the subject of significant development pressures.
- 7.90 On the first point I am not satisfied that the proposed Strategic Gap is a small gap between settlements which are under pressure of coalescence. Rather as proposed it is a tract of land that, whilst not large, is of a scale that is often found between adjacent settlements in the countryside. In this case the gap between the two settlements is approximately 200 metres to the west of Tysoe Road, and approximately 300 metres to the east to Tysoe Road.
- 7.91 On the second point the majority of the land within the proposed gap is in agricultural use and consists of large open fields. Whilst two of the proposed reserve sites in the emerging Site Allocations Plan would be within the proposed Gap there is no direct evidence that they are any significant risk of incremental development which would gradually reduce the effectiveness of the existing separation between the two settlements and result in coalescence. Similarly, the type of development that would otherwise bring about the coalescence of the two settlements is well beyond the type of development that is anticipated for the neighbourhood area in the development plan.
- 7.92 This conclusion is reinforced by four other related factors. The first is that the proposed Strategic Gap is partly within the Cotswold AONB. As such there are already strong national policy restrictions that would restrict the type of built development that the Parish Council is seeking to achieve by designating a specific strategic gap. The second is that in general terms the proposed strategic gap is disproportionately large in relation to its intended purpose. The third is that in several cases the boundaries of the strategic gap are difficult to determine, or in some case vary on a seasonal basis. This does not bring the clarity required for a development plan policy. The fourth is that the proposed strategic gap extends to the east of Lower Tysoe. Whilst I acknowledge the Parish Council's comment in its response to the clarification note about its use of field boundaries to identify this boundary, such parcels of land would have no effect in securing the intended purpose of maintaining separation between Middle Tysoe and Lower Tysoe.

- 7.93 In summary I consider that the specific identification of a Protected Strategic Gap in the neighbourhood area is not supported by evidence or circumstances on the ground. In addition, existing and emerging local plan policies do not anticipate development of a scale in the neighbourhood area that would justify the need to establish an extensive and specifically-designated Strategic Gap as proposed in the submitted Plan.
- 7.94 Nevertheless as I mentioned in paragraph 7.85, I am satisfied that in general terms that a policy which highlights the importance of preventing coalescence of the two settlements has the ability to meet the basic conditions. As such I recommend that the objective of the policy remains but that it is captured in a replacement policy which does not specifically define a strategic gap. In this context I also recommend a consequential modification to the supporting text.
- 7.95 I have considered carefully any potential relationships that might exist between the recommended modification to this policy and the recommended removal of the BUAB for Lower Tysoe in Housing Policy 1. I am satisfied that the two recommended modifications are separate and that there are no consequential implications. In particular the recommended removal of the proposed BUAB for Lower Tysoe neither affects its role and status in existing development plan policies nor its relative position with Middle Tysoe in the wider landscape.

**Replace policy with:**

**‘Development proposals should ensure the retention of the open character of the countryside between Middle Tysoe and Lower Tysoe.**

**Proposals for the re-use of rural buildings, agricultural and forestry-related development, playing fields, other open land uses and minor extensions to existing dwellings in the area between the two settlements off Tysoe Road will be supported where they would preserve the separation between the two settlements and retain their individual character and appearance.’**

*Delete the Strategic Gap hatching and the associated element within the Legend on Map 8 – Proposals map*

*Replace 8.7.0.1 with:*

*‘This policy seeks to protect the essential countryside character of the important area between the settlements of Middle Tysoe and Lower Tysoe. Its ambition is to prevent coalescence between these separate settlements and to protect their distinctive individual character and setting. In doing so, it will conserve the way that the main settlements sit within the wider landscape, retaining the open agricultural landscape in order to keep a clear ‘rural’ buffer between settlements.*

*This policy does not seek to prevent development that may otherwise be suited to a countryside location. Nevertheless, it seeks to ensure that the scale, massing and height of proposals do not result in the integrity of the separation between existing settlement and other groups of built development being undermined. Development that is consistent with this policy might include minor extensions to existing buildings, the*

*creation of playing fields, or other open land uses. As a policy it will have effect in a complementary fashion with other development policies'*

#### Natural Environment Policy 7 – Trees and Hedgerows

- 7.96 This policy takes account of the role which trees and hedgerows play in the neighbourhood area. It comments that existing trees and hedgerows should be retained and that new developments should incorporate sympathetic planting of such natural features.
- 7.97 I recommend three modifications to the policy. The first and second relate the policy to the development management process and recognises that in some cases the retention of all trees and hedgerows may not be practicable (for example where this is required to provide vehicular access where no other options exist). The third repositions the five outcomes of the incorporation of planting new vegetation in order to complement the existing networks to the supporting text. In effect it is a description of effects rather than policy. I also recommend consequential modifications to the supporting text. Otherwise the policy meets the basic conditions,

**After 'be retained' add 'within new development proposals where it is practicable to do so'. Thereafter replace the semi colon with a full stop**

**In the following part of the policy insert 'arranged in a fashion' between 'hedgerows' and 'to'.**

**Delete 'This network will....to the end of the policy'**

*At the end of paragraph 8.8.0.2 add: 'The policy recognises that in some cases the retention of all trees and hedgerows may not be practicable (for example where this is required to provide vehicular access where no other options exist). The intended approach towards the planting of new trees and hedgerows to complement the existing network has been designed to [thereafter add a) to e) from the submitted policy]*

#### Built Environment Policy 1 – Designated and Non-Designated Heritage Assets

- 7.98 This is a comprehensive policy which addresses designated and non-designated heritage assets. It has a specific focus on the neighbourhood area's listed buildings and the conservation areas. It has regard to national policy on this matter. In several areas it overlaps with national policy.
- 7.99 In this context I sought comment from the Parish Council on the extent to which the policy added value to national policy. It advised that its intention was to produce a distinctive policy which reinforced the national approach. On balance I am satisfied that the policy has achieved this ambition. I recommend modifications to consolidate the local distinctiveness of the policy and to reposition Historic England advice notes into the supporting text. Otherwise the policy meets the basic conditions.
- 7.100 I also recommend an addition to the supporting text so that it properly explains the nature and the extent of the policy.

**In the opening sentence replace ‘Proposals’ with ‘Development proposals in the neighbourhood area’ and ‘may’ with ‘would’**

**In the second sentence delete ‘as recommended by Historic England (below)’**

**In the penultimate paragraph (final sentence) replace ‘must’ with ‘should’.**

**In the final paragraph:**

- **delete ‘as recommended.... Planning Note 3’**
- **replace ‘the Conservation Areas’ with ‘the Tysoe (Middle and Upper) Conservation Area**

*At the beginning of paragraph 9.2.0.1 add:*

*‘Policy BE 1 provides a locally-distinctive response to national policy on this important matter. It has a specific focus on listed buildings and the conservation areas. In implementing this policy, the Parish Council anticipates that both the District Council and developers will prepare and determine proposals in accordance with relevant development plan policies and Historic England’s advice in Historic Environment Good Practice Advice in Planning Note 3’.*

Built Environment Policy 2 – Responding to Local Character

- 7.101 This policy follows on from the previous policy. In this case its approach is more general and relates to the overlaps between new development and local character. It identifies four criteria which would apply to new development. I am satisfied that they are appropriate and distinct to the neighbourhood area.
- 7.102 An ancillary part of the policy offers a degree of support for buildings with a high degree of sustainability or which are of an innovative design. As submitted, it comments that such proposals ‘may be viewed sympathetically’. I recommend modifications to this part of the policy so that it has the clarity required for a development plan policy. In particular the recommended modifications separate out the different elements of the policy approach.

**In the first part of the policy replace ‘They’ with ‘Development proposals’.**

**In the second part of the policy insert a full stop after ‘supported’. Thereafter replace the remainder of the policy with: ‘Development proposals which incorporate high levels of building sustainability or are of an innovative design will be supported where they otherwise conform with this policy or where their environmental or design credentials are demonstrably sufficient to outweigh any areas where such designs may conflict with elements of this policy’.**

Built Environment Policy 3 – Energy Efficiency and Renewable Energy

- 7.103 This policy seeks to offer encouragement to housing proposals which would comply with Home Quality Mark principles.

- 7.104 As submitted the policy is not written as a policy. I recommend modifications to address this matter. Energy efficiency and renewable energy matters are now increasingly determined through the Building Regulations. However, I am happy that the policy can offer support to developments which meet this appropriate standard rather than require that they do so. I recommend modifications so that the policy has the required clarity for a development plan policy.

**Replace the policy with: ‘Proposals for housing development which comply with Home Quality Mark principles will be supported’.**

#### Built Environment Policy 4 – Car Parking

- 7.105 This policy comments about car parking requirements and other related issues in the neighbourhood area.
- 7.106 I recommend that the first and third sections of the policy are deleted. The first adds no value to the second section of the policy. The third is not written in a policy format. In any event, whilst its ambitions are laudable, it is neither a land use matter nor is it directly enforceable.
- 7.107 I recommend modifications to the retained part of the policy so that it applies to all types of development and makes specific reference to the SDC Development Requirements Supplementary Planning Document that is more loosely described in the policy.

**Delete the first section of the policy.**

**Replace the second section of the policy with ‘New development proposals should provide off-road car parking in accordance with the standards in the District Council’s adopted Development Requirements Supplementary Planning Document. In the case of new dwellings this should be one off-road parking space per bedroom up to a maximum of three spaces’**

**Delete the third section of the policy.**

#### Built Environment Policy 5 – Replacement Dwellings

- 7.108 This policy addresses proposals for replacement dwellings. It comments about the need for such dwellings to respect the character of its immediate locality and to be of a neighbourly design.
- 7.109 As submitted the policy includes elements of policy and supporting text. I recommend modifications that delete the supporting text from the policy itself. I also recommend detailed modifications to the wording used so that it has the clarity required by the NPPF. I recommend that some of the deleted elements of the policy are repositioned within the supporting text. Otherwise it meets the basic conditions.

**In the first sentence replace ‘must’ with ‘should’.**

**Replace the second sentence with the following (and which would follow on as part of the first sentence) with: ‘in general, and where they are within a conservation area or affect the setting of a listed building in particular’.**

**Replace the third sentence with: ‘Proposals for replacement dwellings will be supported where they would not result in the overdevelopment of the site concerned or where they would generate an unacceptable impact on the residential amenity of adjacent properties’**

**In the fourth sentence:**

- **delete ‘As with new developments’**
- **replace ‘replacement developments’ with ‘replacement dwellings’**
- **replace ‘wherever possible’ with ‘wherever practicable’**
- **insert ‘unacceptable’ before ‘harm or damage’**

**Delete the final sentence.**

*At the end of paragraph 9.6.0.1 add ‘This policy does not apply to caravans or to mobile homes’*

#### Built Environment Policy 6 – Empty Homes and Redundant Agricultural Buildings

- 7.110 This policy seeks to provide a positive context within which empty homes and redundant agricultural buildings can be brought back into beneficial use. In principle its approach has a degree of merit. However, the details of the policy are both confusing and attempt to apply a similar set of criteria to the two different types of buildings. In particular it seeks to apply a policy approach to the reuse of empty homes which in itself is not development.
- 7.111 In addition the proposed policy approach on agricultural buildings is not fully developed. As SDC comment in its representation the policy effectively encourages all agricultural buildings to be brought back into any use. The policy places no restrictions on the use, the length of time the building was previously used for, the materials to be used for the building and/or its architectural merit. In these circumstances it would be possible to convert a redundant modern steel framed metal clad barn, which has not been used for a year, into a dwelling within the neighbourhood plan area. SDC has advised the submitted policy is in direct conflict with Policy AS.10 of the Core Strategy and fails to meet the basic conditions test.
- 7.112 I have considered this policy very carefully. I have concluded that it does not meet the basic conditions in general terms, and is not in general conformity with the Core Strategy in particular. I have also concluded that in order to ensure that the policy met the basic conditions it would need to be rewritten. This approach is not within my remit.

In any event the outcome would largely repeat existing development plan policies. In these circumstances I recommend that the policy is deleted.

**Delete the policy.**

*Delete the supporting text.*

Community Assets Policy 1 – Community Assets

7.113 This policy is an important part of the Plan. It identifies a series of community assets in the neighbourhood area. The policy has four related parts as follows:

- an approach to safeguard community facilities;
- an approach which offers support to new community facilities;
- identifying the community facilities in the neighbourhood area; and
- commenting about how Community Infrastructure Levy (CIL) monies will be used to support the various facilities.

7.114 The generality of the approach taken is appropriate to the neighbourhood area. I saw first-hand the way in which the various facilities contributed to its social well-being during my visit. However, as submitted, the policy is structured in a confusing fashion. In addition, several of its elements are not written as a planning policy. I recommend modifications to address these matters as follows:

- reordering the policy so that the defined community facilities appear at the beginning of the policy;
- separating the elements of the policy which refer to existing and new facilities; and
- deleting the supporting text elements of the policy.

7.115 I also recommend the deletion of the final element of the policy which comments about the future use of CIL monies. It is not directly a planning policy matter. I recommend however that a revised format of wording is inserted into the supporting text.

7.116 Finally I recommend that the title of the policy is modified so that it refers to community facilities. The submitted use of ‘community assets’ has an ability to be confused with any defined ‘assets of community value’ which are designated through separate legislation.

*Modify the Policy title to read ‘Community Assets Policy 1 – Community facilities’*

**Insert a new paragraph at the beginning of the policy to read:**

**‘The neighbourhood plan identifies the following community facilities in the neighbourhood area:**

**[at this point list a) to j)’**

**In the first sentence of the submitted policy replace ‘existing’ with ‘the identified’**

**Replace ‘New community facilities.....j)’ with ‘Proposals for the development of new community facilities will be supported where they comply with other development plan policies in general, and would not generate unacceptable impacts on the residential amenities of properties in their immediate locality’**

**Delete the final part of the policy (on the CIL).**

*At the end of paragraph 10.12.0.1 add: ‘The Parish Council will consider the application of the local element of CIL funding to assist and support community facilities within the Plan period’*

Other matters - General

- 7.117 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for SDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

Other matters – Detailed

- 7.118 In its comments on the Plan SDC has raised a series of detailed points included in the earlier sections of the Plan. These are in addition to the more specific comments on the various policies and their supporting text.
- 7.119 This commentary has been very helpful as part of the examination. I recommend modification to the various sections of the Plan insofar as they are necessary to ensure that it meets the basic conditions. They are as follows:

*Page 4 List of Maps: Modify 9 to read ‘Valued Views’.*

*Paragraph 2.0.0.3: Update the figures to take account of 19/01529/FUL.*

*Paragraph 2.0.0.5: As with 2.0.0.3.*

*Map 7: Replace reference to page 55 with page 57.*

*Paragraph 3.3.1.2: There is an error in the reference to another paragraph 6.1.0.2 which does not exist. This matter is otherwise resolved by the earlier recommended modification to delete this paragraph from the Plan.*

*Map 8: The Map has less cartographic clarity than the other maps in the Plan. Given its importance as the Policies Map it should be produced to the same standard as the other maps.*

*In Map 8 replace the title with 'Policies Map'.*

#### Monitoring and Review of the Plan

- 7.120 Paragraph 2.0.0.6 of the Plan comments about potential uncertainty in terms of the delivery of the strategic housing requirements for the wider District. On this basis the Plan proposes reserve sites. Whilst this is a helpful approach in principle, I have recommended that the two proposed reserve sites are deleted from the Plan.
- 7.121 In the round the Plan is silent on how it would be monitored and the need or otherwise for a review in due course. In the circumstances which exist between the respective timings of the emerging Site Allocations Plan and of the submitted Plan I recommend that the Parish Council considers the need for a review of any 'made' neighbourhood plan within twelve months of the adoption of the emerging Site Allocations Plan.
- 7.122 How the Parish Council proceeds will be a matter for its own judgement. On the one hand, the recommended modifications incorporated within this report have been designed to future-proof the Plan. On the other hand, the adoption of the emerging Site Allocations Plan (as it currently exists) includes a different set of housing allocations/reserve sites than those in the submitted Plan. These matters may form the basis of a review of the neighbourhood plan.

*At the end of paragraph 2.0.0.6 add: 'Within the context provided by the emerging Stratford on Avon Sites Allocation Plan 2011-2031 the Parish Council will assess the need or otherwise for a review of the neighbourhood plan within twelve months of the adoption of the emerging Site Allocations Plan'.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Tysoe Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to Stratford-on-Avon District Council that subject to the incorporation of the modifications set out in this report that the Tysoe Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 10 February 2014.
- 8.5 I am grateful to everyone who has provided information and assistance throughout the examination.

**Andrew Ashcroft**  
**Independent Examiner**  
**14 February 2020**