

Tysoe Neighbourhood Development Plan

Proposed amendments to modifications as set out in Examiner's Report

Original Text	Examiner's modification	Amended Text	Justification for amendment
<p><u>Housing Policy 3 [Strategic Reserve Housing sites]</u></p> <ul style="list-style-type: none"> Policy wording set out on p.32 of the Submission Version NDP (related to two sites: Herbert's Farm and Roses Farm) Explanatory text paragraph 6.4.0.1 set out on p.32 of the Submission Version NDP 	<p>Delete Housing Policy 3 and supporting explanatory text at paragraph 6.4.0.1 (as set out on p.21 of the Examiner's report).</p> <p><u>Examiner's reasoning:</u></p> <p>In the Examiner's opinion, the Plan offered no assurance on the eventual delivery of the two sites concerned or substantive information about how site specific design and access issues could be addressed. He made specific reference to the loss of 'exceptional' ridge and furrow at Roses Farm in particular (which he noted the NDP identified elsewhere as an historic feature).</p> <p>He considered the lack of evidence and justification was not sufficient for their retention in the NDP particularly with a lack of release mechanism (should they be required to come forward) and concerns relating to conflicts between the NDP and emerging SAP in terms of housing policy (against published Planning Practice Guidance) thus creating a lack of clarity within the Plan period due to inherent conflicts</p>	<ul style="list-style-type: none"> The Parish Council agreed to remove Roses Farm as a Reserve Housing site in the NDP, as per the Examiner's recommendation The Policy text has been amended, not deleted as recommended by the Examiner. The revised wording is set out below (amendments shown struck through for deletion and underlined for new text): <p>"The Plan supports the safeguarding of land at Herbert's Farm and Roses Farm as shown on Map 8 (numbers 4 and 5 respectively on page 30). These <u>This</u> safeguarded sites have <u>has</u> the potential for future residential development of up to 21 <u>16</u> houses. The above sites will only be released during the Plan period if it can be demonstrated through the submission of evidence that there is an identified housing need for their <u>it's</u> early release, for example in the event of a community led housing scheme (CS-16) <u>having regard to the criteria in Policy CS.16 of the Core Strategy 2011-2031</u>".</p>	<p>The Parish Council has agreed to remove Roses Farm from the Policy due to lack of evidence or justification, as recommended by the Examiner.</p> <p>In terms of retaining Herbert's Farm as a proposed Reserve Housing site, this is entirely consistent with the Site Allocations Plan, which included this site as an 'amber site' in the Proposed Submission version SAP in 2019. The 2020 Preferred Options SAP has retained Herbert's Farm as a proposed Reserve Housing site, following completion of technical evaluation work on all 'amber' Reserve Housing sites within the Site Allocations Plan to assess the potential impact of development on existing nearby heritage assets.</p> <p>Whilst the harm to the significance of the associated designated and non-designated heritage assets has been deemed to be 'less than substantial', it has been concluded that mitigation is potentially possible to ensure a well-designed re-development of the site may be appropriate. The fact that there is consistency between the SAP and NDP in proposing this particular site</p>

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	<p>between the housing policies within each Plan.</p> <p>Finally in terms of the lack of methodology for the eventual release of the sites, the Examiner acknowledged the Parish Council's comment that a similar mechanism to that included in the Site Allocations Plan but stated that the SAP had yet to be Examined and no such information or detail had been included in the submitted Plan for consideration.</p> <p>(See para's 7.36 to 7.44 of his report for full text).</p>	<ul style="list-style-type: none"> Paragraph 6.4.0.1 has been amended to take account of the omission of Roses Farm, not entirely deleted as recommended by the Examiner. 	<p>as a Reserve Housing site, it would seem appropriate for the District Council to support the Parish Council in retaining this site within their NDP, rather than remove it.</p> <p>Whilst the Examiner was unprepared to accept the Parish Council's revised policy wording to include reference to the four criteria outlined in Policy CS.16D of the Core Strategy (p.91) as a release mechanism for Reserve Housing sites, the revised policy echoes similar policies in other 'made' NDPs in this District (which also include Reserve Housing sites). These other NDPs have all passed Independent Examination with reference to Policy CS.16D as a release mechanism and it would seem entirely appropriate to accept a policy of the same wording within the Tysoe NDP.</p> <p>The District Council are therefore of the opinion that the removal of Roses Farm as a proposed Reserve Housing site and the amended Policy wording overcome the Examiner's concerns and are worthy of further consideration.</p> <p>For the reasons outlined above, it is therefore considered that this proposed amendment to the policy be incorporated into the NDP and the District Council considers that</p>

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			the policy as re-drafted still complies with National and Local Plan policy and is also compliant with the Basic Conditions test.
<p><u>Natural Environment Policy 6 [Protected Strategic Gap]</u></p> <ul style="list-style-type: none"> Policy wording set out on p.49 of Submission Version NDP Explanatory text paragraph 8.7.0.1 set out on p.49 of the Submission Version NDP Map 8 (Proposals Map) set out on p.30 of the Submission Version NDP including the Strategic Gap as a yellow hatched area between Middle and Lower Tysoe 	<ul style="list-style-type: none"> Replace policy wording (as set out on p.31 of the Examiner's report) Replace Explanatory text paragraph 8.7.0.1 (as set out on p.31-32 of his report) Delete the Strategic Gap hatching and the associated element within the Legend on Map 8 [Proposals map]. <p><u>Examiner's Reasoning:</u></p> <p>The Examiner was satisfied that in general terms there was a clear purpose intended in the policy and confirmed the continued separation of the two settlements would reflect and acknowledge their historic development and separation (para 7.85 of his report).</p> <p>However, the Examiner was not satisfied that the Strategic Gap as proposed was a small gap between settlements which are under pressure of coalescence. He felt that there was no direct evidence that land within the proposed Strategic Gap was</p>	<ul style="list-style-type: none"> Policy wording amended as recommended by the Examiner Explanatory text replaced as recommended by the Examiner Strategic Gap on Map 8 [Proposals Map] replaced, not deleted as recommended by the Examiner (see p.30 of Reg.17A consultation version NDP to view extent of revised Strategic Gap) <p><u>Parish Council's response:</u></p> <p>The Parish Council were content to accept the new policy wording and revised text for the explanatory paragraphs. However, they wished to retain a 'physical embodiment' of a gap on the Proposals Map within the NDP since they were of the view that there was evidence to suggest that land between the two settlements was under significant risk of incremental development which would gradually reduce the effectiveness of the existing separation between the two settlements and lead to coalescence.</p>	<p>The District Council were not averse to the creation of a Strategic Gap between Middle and Lower Tysoe. Indeed, the Authority's comments on the NDP's proposed Strategic Gap was as follows:</p> <p>"The community's wish to have a strategic gap to prevent possible future coalescence is understood but it is unclear from the Map what parameters were used to inform the shape/size of the gap. For example why does the gap need to go beyond the southern edge of Lower Tysoe, but extend up the eastern side? Additionally, the gap does not follow natural boundaries (such as hedgerows) in some areas and appears to follow an arbitrary alignment without any explanation as to why. The boundary could be smaller and more precise and still perform the function the community desire".</p> <p>The District Council has always been of the opinion that in order for the Strategic Gap to be 'defendable' it needed to follow boundaries that are 'clearly defined and permanent'.</p> <p>Strategic gaps are a planning tool to</p>

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	<p>under significant risk of incremental development which would reduce the effectiveness of the existing separation between the two settlements and result in coalescence.</p> <p>He felt the proposed Strategic Gap was disproportionately large in relation to its intended purpose; the boundaries of the gap were difficult to determine; the gap extended to the east of Lower Tysoe and also included land within the Cotswolds Area of Outstanding Natural Beauty.</p> <p>He concluded the specific identification of a Strategic Gap was not supported by evidence or circumstances on the ground and should be removed from the NDP.</p> <p>(See para's 7.78 to 7.95 of his report for full text).</p>	<p>Two examples highlighted by the Parish Council were:</p> <p>Land at Lower Grounds, on the northern edge of Middle Tysoe – a site subject to a number of planning applications for development over recent years. The last application (ref: 18/03330/FUL) for 5 dwellings was refused and dismissed at appeal, but the threat of development remains, which would reduce the gap between the two settlements.</p> <p>The inclusion of land to the west of Church Farm Court/north of Tysoe C of E Primary School within the 2019 Preferred Options SAP as a potential Reserve Housing site, the development of which would also reduce the gap between the settlements.</p> <p>The Parish Council has submitted a justification statement providing evidence as to why a revised Strategic Gap should be retained within the NDP. The revised Strategic Gap can be found on Map 8 at p.30 of the Reg.17A version NDP. The revised gap has taken account of the Examiner's observations and is now significantly reduced in size. The new gap has removed all land previously shown to the east of</p>	<p>prevent coalescence of settlements and maintain their separate identity. The following criterion should therefore be used to select locations for the designation of strategic gaps:</p> <p>a) The land to be included within the gap is open and provides a sense of separation between settlements; b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence; c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included, having regard to maintaining their physical and visual separation.</p> <p>Whilst the Examiner recommended the gap be removed from the Proposals Map, he concluded the basis for such a policy was accepted. Furthermore, it is considered that the Examiner leaves the door open to a more 'focussed' gap based on appropriate evidence and defensible boundaries 'on the ground' in his assessment of the Strategic Gap policy.</p> <p>At para 7.82 of his report, the Examiner uses the silence of the NPPF on the matter of Strategic Gaps to conclude (given the lack of</p>

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		<p>Lower Tysoe and within the Cotswolds AONB; has removed some agricultural land to the south of Lower Tysoe and uses permanent physical features on the ground as boundaries for the gap.</p>	<p>justifiable evidence submitted by the PC) that a gap was not necessary or required, although he acknowledges historic use of 'gaps' in Local Plans...</p> <p>However, just because the NPPF is silent on an issue, this does not rule something out, as long as whatever it is, does not contravene the principles of the NPPF. At least in part, the Examiner came to the decision to delete the gap in the NDP due to lack of evidence. However, strategic gaps are a recognised planning 'tool' and are not deemed to be inappropriate by the NPPF. Therefore, in the opinion of the District Council, as long as there is sound evidence to support an appropriate gap, a revised scenario could be supported.</p> <p>Whilst it is important to ensure that the revised Strategic Gap is not unnecessarily large it must be fit for purpose. It is considered that the revised Strategic Gap has looked to tackle the concerns outlined by the Examiner in terms of: supporting evidence; overall scale; use of appropriate boundaries and the inclusion of appropriate land within the Strategic Gap.</p> <p>The District Council has recently concluded technical evaluation work on all 'amber' Reserve Housing sites</p>

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			<p>within the Site Allocations Plan to assess the potential impact of development on existing nearby heritage assets. Following this heritage assessment work, it can be confirmed that site TYS.E (as promoted through the 2019 Proposed Submission SAP) north of Tysoe C of E Primary School is no longer deemed appropriate to remain in the 2020 Preferred Options version of the SAP as a Reserve Housing Site in its own right.</p> <p>This is due to the unacceptable impact development of this land would have on designated and non-designated heritage assets on, and adjacent to the site. As such, this parcel of land has been removed from the SAP. Therefore, this is no longer a barrier to the land being included within a revised Strategic Gap within the NDP.</p> <p>It is considered the PC has provided further evidence to support the retention of a revised (smaller) Strategic Gap within the NDP, worthy of further consideration. The revised Strategic Gap looks to overcome the Examiner's concerns in terms of scale.</p> <p>For the reasons outlined above, it is therefore considered that this</p>

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			proposed amendment to the policy be incorporated into the NDP and the District Council considers that the policy as re-drafted still complies with National and Local Plan policy and is also compliant with the Basic Conditions test.