

## **Tysoe Neighbourhood Plan – Reg 17a submission**

### **Parish Council’s Justification for a revised Strategic Gap**

From the very early iterations Tysoe’s NDP has included a proposed Strategic Gap reflecting residents’ strongly held view (as articulated in the various consultations) that the open land between Lower and Middle Tysoe should be protected from development which would cause coalescence of the two settlements. This desire by residents to prevent coalescence is driven, in part, by the fact that coalescence of Middle and Upper Tysoe took place, probably in the 1960s, causing blurring of the differences in character between those two settlements from both the north and northwest.

Earlier versions (at Regulation 14 and Regulation 16 consultation stages) of the Strategic Gap encompassed a significant area of land to the east of Lower Tysoe Road, an area also protected by its status of being within the Cotswolds Area of Outstanding Natural Beauty (AONB). In an attempt to use only physical field boundaries, as far as practically possible, the area encompassed was relatively large.

The Examiner supported the need for a policy that protected the un-developed land between Lower and Middle Tysoe:

*“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”.*

However, he raised a number of objections relating to the boundary that was proposed around the Gap. These included:

1. The fact that the identified Gap extended east of Lower Tysoe Road, an area already protected by its AONB status.
2. In a number of areas indistinct footpaths were utilised to identify the Gap boundary.
3. The proposed Gap encompassed an area of land that was unnecessarily large to provide the protection required.

In addition the Examiner questioned whether there was evidence of a threat of development within the proposed Gap.

In an email dated 3<sup>rd</sup> March, 2020 the District Council stated that:

*“After careful consideration of the issues, officers are of the opinion we could support the Parish Council in relation to ..... the retention of a strategic gap between Middle and Lower Tysoe (of a reduced scale, but including the site at ‘Lower Grounds’)”*

Whilst not over-turning the Examiner’s objections the District Council, in this statement, were allowing the Parish Council to retain a specific boundary around a proposed Strategic Gap so long as this could take note of the Examiner’s objections.

The Parish Council entered discussions with the District Council regarding the identification of a revised boundary that would both provide the required protection and take on board the Examiner’s objections.

Several proposals were considered by the Parish Council. All of these recognised that adequate protection existed to the east of Lower Tysoe Road and therefore excluded any land within the AONB. The Parish Council proposed utilising a new fence that had been erected across the field immediately to the west of Church Farm Court/Meadow Lane as part of the Gap boundary however this was not felt to be satisfactory due to the temporary nature of the feature.

Following the Parish Council researching evidence of legal precedence on Strategic Gap boundaries, the Parish Council has submitted a revised boundary which encompasses all of the field to the west of Church Farm Court/Meadow Lane. This boundary, now included in the Regulation 17a submission Plan, has the following attributes:

1. It recognises that coalescence would occur not only if development took place along the road between Middle and Lower Tysoe but also in the field west of Church Farm Court/Meadow Lane and that this would be undesirable and against residents’ wishes.
2. It recognises that there is a significant risk of development in the southern area of the proposed Gap. That area includes a site proposed as a reserve site (site ‘E’) in the District Council’s Preferred Options

version of the Site Allocation Plan (SAP) 2019 which heightens the risk of development. That field is also in the same ownership as the recent adjacent development at Meadow Lane. (Development risk may reduce if Site E is excluded from the next draft of the SAP)

3. It utilises entirely physical and defensible field boundaries.
4. It encompasses the smallest area of land compatible with providing adequate protection against coalescence.
5. By extending as far as the school boundary it will also protect and preserve the unique and separate characters of Middle and Lower Tysoe and the settings of several important listed structures in keeping with the NPPF regarding the historic environment. Such different characters of Middle and Upper Tysoe have been compromised by the coalescence that occurred between those two settlements in the 1960s.

Whilst it could be suggested that the District Council's development policies AS.10 and CS.15 might provide adequate protection for the land between Middle and Lower Tysoe this protection would depend upon the interpretation of those policies on a case by case basis. The specific policy (Natural Environment Policy 6) in the Tysoe Neighbourhood Development Plan is an unambiguous statement of residents' wishes which requires no interpretation.

It unequivocally states that the open country between Middle and Lower Tysoe will be retained and only in certain very specific circumstances will development be supported.

The Parish Council believe that this policy now reflects the objections raised by the Examiner.

Tysoe Parish Council.

August 2020.