



DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Tysoe Neighbourhood Development Plan

- 1.1 I confirm that the Tysoe Neighbourhood Development Plan (TNDP), as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. A referendum could be held in April or May 2020.
- 1.2 I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink that reads "JCP Careford". The signature is written in a cursive style with a horizontal line underneath the name.

John Careford,
Policy Manager (Enterprise, Housing and Planning)

1. Background

- 2.1 The District Council confirms that for the purposes of Regulation 5 (1) of The Regulations, Tysoe Parish Council is the "Qualifying Body" for their area.
- 2.2 On 4 November 2013, Tysoe Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 ("The Regulations"), the Parish of Tysoe be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan will be prepared.
- 2.3 In accordance with Regulation 6 of the Regulations, Stratford-on-Avon District Council placed on their website this application, including a Parish boundary map, for a 6 week period between 28 November 2013 and 17 January 2014. In addition, it publicised the application by issuing a press release. Similarly, the relevant application, together with details of where

representations could be sent, and by what date, was advertised within the appropriate Parish via the Parish Council.

- 2.4 The District Council designated the Tysoe Neighbourhood Area by way of approval of The Cabinet on 10 February 2014.
- 2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Tysoe Neighbourhood Area was advertised on the District Council website together with the name, area covered and map of the area.
- 2.6 Tysoe Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 9 July and 16 September 2018 fulfilling all the obligations set out in Regulation 14 of The Regulations.
- 2.7 Tysoe Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council in April 2019 in accordance with Regulation 15 of The Regulations.
- 2.8 The District Council publicised the submitted Plan and its supporting documents for 6 weeks between 16 May and 28 June 2019 in accordance with Regulation 16 of The Regulations.
- 2.9 Mr Andrew Ashcroft was appointed by the District Council to independently examine the Neighbourhood Plan, and the Examination took place between November 2019 and January 2020, with the final Examiner's report being issued on 14 February 2020.
- 2.10 The Examiner concluded he was satisfied that the Tysoe Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report, as set out in the table below.
- 2.11 Schedule 4B s.12 of the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a Local Authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the Local Authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the 'making' (adoption) of the Plan by the Local Authority. If the Local Authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal. Should a referendum take place, a majority of residents who turn out to vote must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.
- 2.12 The Basic Conditions are set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Neighbourhood Plan must:
 1. Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 2. Contribute to the achievement of sustainable development;
 3. Be in general conformity with the strategic policies contained within the development plan for the area;
 4. Be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and

5. Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

Examiner's Recommendations and Local Authority's Response (Regulation 18(1))

[Text to be deleted ~~struck through~~; text to be added underlined]

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Other Matters – General Para 7.117 (p.37)			
<p>Modification of general text (where necessary) to achieve consistency with the modified policies:</p> <p>Amend Title of Housing Policy 1 to conform to recommended modification at para 7.26 of the report in order that it more correctly identifies its role and purpose.</p>	Contents (p.2)	<p><i>Modification agreed.</i></p> <p>Consequential amendment requested by the Examiner in order to achieve consistency with the modified policy [see detailed explanation as to reasons for the modification when commenting upon the policy itself later in this schedule].</p> <p>Officers are content with the proposed change to ensure accuracy and consistency of approach and agree the change as proposed is necessary and appropriate.</p>	<p>Amend title of Housing Policy 1 within Contents Page as follows:</p> <p><u>"Housing Growth Spatial Plan and the Location of New Development"</u></p>
Other Matters – General Para 7.117 (p.37)			
<p>Modification of general text (where necessary) to achieve consistency with the modified policies:</p>	Contents (p.3)	<p><i>Modification agreed.</i></p> <p>Consequential amendment requested by the Examiner in</p>	<p>Amend title of Community Assets Policy 1 within Contents Page as follows:</p> <p><u>"Community Assets Facilities"</u></p>

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<p>Amend Title of Community Assets Policy 1 to conform to recommended modification at para 7.116 of the report in order that it more correctly identifies its role and purpose.</p>		<p>order to achieve consistency with the modified policy [see detailed explanation as to reasons for the modification when commenting upon the policy itself later in this schedule].</p> <p>Officers are content with the proposed change to ensure accuracy and consistency of approach and agree the change as proposed is necessary and appropriate.</p>	
<p>Other Matters – Detailed Para 7.119 (p.37)</p>			
<p>Modifications to various sections of the Plan insofar as they are necessary to ensure that it meets the Basic Conditions:</p> <p>Amend title of Map 8 to more accurately reflect its purpose.</p>	<p>List of Maps (p.4)</p>	<p><i>Modification agreed.</i></p> <p>Consequential amendment requested by the Examiner to achieve consistency with the associated policy and meet the 'Basic Conditions'.</p> <p>Officers are content with the proposed change to ensure accuracy and consistency of approach and agree to the change as proposed.</p>	<p>Amend title of Map 8 as follows:</p> <p>"Proposals <u>Policies</u> Map"</p>

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Other Matters – General Para 7.117 (p.37)			
<p>Modification of general text (where necessary) to achieve consistency with the modified policies:</p> <p>Amend title of Map 9 to more accurately reflect its purpose.</p>	List of Maps (p.4)	<p><i>Modification Agreed.</i></p> <p>Consequential amendment requested by the Examiner to achieve consistency with the modified policy and meet the 'Basic Conditions'.</p> <p>Officers are content with the proposed change to ensure accuracy and consistency of approach and agree to the change as proposed.</p>	<p>Amend title of Map 9 as follows:</p> <p>“Valued Landscape Views”</p>
Other Matters – Detailed Para 7.119 (p.37)			
<p>Modifications to various sections of the Plan insofar as they are necessary to ensure that it meets the Basic Conditions:</p> <p>Paragraph 2.0.0.3: update the housing figure to take account of planning permission 19/01529/FUL.</p>	Section 2 (p.7)	<p><i>Modification Agreed.</i></p> <p>Application 19/01529/FUL for 5 dwellings was granted planning permission after the submission of the NDP to SDC but prior to the conclusion of the Examination.</p> <p>Officers agree with the Examiner that the most up-to-date housing figures</p>	<p>Amend final sentence of para 2.0.0.3 to read:</p> <p>“In addition, applications for a further 20 <u>26</u> houses have been granted but not yet built”.</p>

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		<p>should be included within the referendum version of the Plan.</p> <p>Officers are content with the proposed change to ensure accuracy and continuity of approach and agree to the change as proposed and ensure compliance with the Basic Conditions.</p>	
<p>Other Matters – General Para 7.117 (p.37)</p>			
<p>Modification of general text (where necessary) to achieve consistency with the modified policies:</p> <p>Para 2.0.0.4: delete final sentence of the paragraph relating to the potential overall yield of the allocated sites listed at Housing Policy 2.</p>	<p>Section 2 (p.7)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner did not agree with the potential yields for the sites retained in the Plan and removed relevant text from associated Housing Policy 2. As such, this was an associated request for any explanatory text relating specifically to these yields be removed from the Plan.</p> <p>Officers are content with the proposed change to ensure accuracy and continuity of approach and agree to the change as proposed and</p>	<p>Delete final sentence of para 2.0.0.4 as follows:</p> <p>“These sites were assessed to have the potential to yield approximately 18 new dwellings at an appropriate density of development”.</p>

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		ensure compliance with the Basic Conditions.	
Other Matters – Detailed Para 7.119 (p.37)			
<p>Modifications to various sections of the Plan insofar as they are necessary to ensure that it meets the Basic Conditions:</p> <p>Para 2.0.0.5: update the housing figure to take account of planning permission 19/01529/FUL.</p>	Section 2 (p.7)	<p><i>Modification Agreed.</i></p> <p>The paragraph should be amended to take account of the removal of allocated site 1 from the Plan and the Examiner's conclusion that the potential housing capacity/yield for the remaining two sites should be removed from Housing Policy 2, thus providing flexibility for higher yields if deemed to be acceptable in the fullness of time.</p> <p>Officers are content with the proposed change to ensure accuracy and continuity of approach and agree to the change as proposed and ensure compliance with the Basic Conditions.</p>	<p>Amend para 2.0.0.5 as follows:</p> <p>"This capacity for a further 18 new <u>15</u> dwellings, in addition to the applications already granted, would potentially give <u>41</u> new houses in the balance of the Plan period...[to end]".</p>

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Other Matters – Detailed Para 7.122 (p.38)			
<p>At the end of paragraph 2.0.0.6 add the following additional sentence to confirm the timescale within which the NDP will be reviewed:</p> <p>“Within the context provided by the emerging Stratford-on-Avon Site Allocations Plan 2011-2031 the Parish Council will assess the need or otherwise for a review of the Neighbourhood Plan within 12 months of the adoption of the emerging Site Allocations Plan”.</p>	<p>Section 2 (p.7-8)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner reported that, in the round, the Plan was silent on how it would be monitored and the need or otherwise for a review in due course. He felt that, given the circumstances which exist between the respective timings of the emerging Site Allocations Plan and of the submitted Neighbourhood Plan, the Parish Council should consider the need for a review of any ‘made’ neighbourhood plan within twelve months of the adoption of the emerging Site Allocations Plan.</p> <p>Officers are content with the proposed changes to the Examiner’s wording as proposed by the Parish Council (as set out in the final column of this schedule). The new</p>	<p>Insert a new paragraph 2.0.0.7 as follows (and re-number subsequent paragraphs accordingly):</p> <p><u>“Within the context provided by the emerging Stratford on Avon District Council Site Allocation Plan (SAP), the Parish Council will assess the need or otherwise for a review of the Neighbourhood Plan once the SAP has been adopted”.</u></p> <p>[N.B. This wording is not entirely consistent with that recommended by the Examiner. However, a review of the NDP immediately following the adoption of the SAP would still meet with the Examiner’s basic request].</p>

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		<p>paragraph confirms how the NDP will be monitored against the emerging SAP. Indeed, the Examiner states at para 7.122 of his report that "how the PC proceeds will be a matter for its own judgement". Officers therefore agree to the new paragraph as proposed and consider the wording ensures compliance with the Basic Conditions.</p>	
<p>Other Matters – Detailed Para 7.119 (p.37)</p>			
<p>Map 7 (Community Assets): Replace reference to page 55 with page 57.</p>	<p>Map 7 (p.18)</p>	<p><i>Modification Agreed.</i></p> <p>Amendment requested by the Examiner to correct a factual error in the Plan.</p> <p>Whilst not considered to be a 'Basic Conditions' matter, officers are content with the proposed change to ensure accuracy and continuity of approach and agree to the change as proposed.</p>	<p>Amend sub-text to Title of Map 7 to read: "see page 55 <u>57</u> for list of facilities".</p>

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Other Matters – Detailed Para 7.119 (p.37)			
<p>Modifications to various sections of the Plan insofar as they are necessary to ensure that it meets the Basic Conditions:</p> <p>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 the Plan.</p>	Map 8 (p.30)	<p><i>Modification Agreed.</i></p> <p>Map 8 is the most important map in the Plan, yet is the poorest in quality. It is agreed that this map should be replaced with one of much better quality. A number of other modifications recommended by the Examiner will affect the content of Map 8 and as such, should also be made, where appropriate.</p> <p>Officers are content with the proposed change to ensure accuracy and continuity of approach and agree to the change as proposed and ensure compliance with the Basic Conditions.</p>	Replace Map 8 with a version (including all other proposed modifications as set out elsewhere in this schedule) that is 'crisper' and better quality to ensure all land uses are captured accurately and clearly and other modifications proposed by the Examiner are also included.
Housing Policy 1 [Housing Growth] (p.17)			
Amend Title of Housing Policy 1 to conform to recommended modification at para 7.26 of the report in order that it more	Section 6 (p.29)	<p><i>Modification agreed.</i></p> <p>Consequential amendment requested by the Examiner in</p>	Amend title of Housing Policy 1 as follows: "Housing Growth Spatial Plan and the Location of New Development"

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correctly identifies its role and purpose.		<p>order to achieve consistency with the modified policy.</p> <p>Whilst not considered to be a 'Basic Conditions' matter, officers are content with the proposed change to ensure accuracy and continuity of approach and agree to the change as proposed.</p>	
Housing Policy 1 [Housing Growth] (p.16)			
<p>Replace the first sentence of the policy with:</p> <p>"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".</p> <p>In the second sentence of the policy replace "Boundaries" with "Boundary".</p>	Section 6, Policy H1 (p.29)	<p><i>Modification Agreed.</i></p> <p>After consideration of all the evidence available to him, the Examiner concluded that the proposed BUAB for Lower Tysoe does not meet the Basic Conditions and should be deleted from the Plan for the following reasons:</p> <p>Lack of conformity of this approach to the development plan, emerging Site Allocations Plan and previous Local Plan work.</p> <p>Lack of evidence in the NDP</p>	<p>Amend Policy H1 to read as follows:</p> <p>"Within the village there will be two Built-up Area Boundaries within which new housing will be supported in principle (Map 8, page 30). 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.</p> <p>Outside the designated Built-up Area Boundaries <u>Boundary</u> the remainder of the parish is defined as open countryside. New housing in the open countryside will be strictly controlled and limited to rural exception sites (see Housing Policy 4),</p>

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<p>In the third sentence of the policy delete "or otherwise...such issues".</p>		<p>to justify the designation of the proposed Lower Tysoe BUAB. The 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 Lower Tysoe.</p> <p>The proposed BUAB for Lower Tysoe is contrary to the fabric of the settlement and as proposed, would include parcels of land within the BUAB in an artificial way. This approach would have the potential to encourage new development proposals that would inherently conflict with the character and layout and form of the settlement.</p> <p>Whilst the Examiner concluded that the policy itself was appropriate in general terms, he recommended modifications</p>	<p>replacement dwellings, the conversion of rural buildings, dwellings for rural workers and houses with exceptional and ground-breaking design, or otherwise permitted under Core Strategy A.10 which deals with such issues."</p>

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		<p>to ensure clarity required by the NPPF, in particular to provide clarity on the 'support in principle' for development within the BUAB.</p> <p>Officers agree with the Examiner on this issue and as such, the BUAB for Lower Tysoe has been deleted from the Plan (and removed from Map 8) due to lack of justification for its retention. It is considered the Policy and Map 8 (as amended) are now in conformity with Local and National Policy and meet the Basic Conditions tests.</p>	
Housing Policy 1 Explanatory Text (p.17)			
In paragraph 6.2.0.2 delete "and are based on the following principles (including the three bullet points)".	Section 6.2, Explanatory Text para 6.2.0.2 (p.29)	<p><i>Modification Agreed.</i></p> <p>Consequential amendments requested by the Examiner in order to reflect the modifications proposed to the policy itself.</p> <p>Officers are content with the</p>	<p>Revised para 6.2.0.2 to read as follows:</p> <p>"There is a limit to which existing settlements should be expected to grow during the Plan period. This is due to the importance of retaining their character and also because of specific constraints in relation to infrastructure and services. The built-up area boundaries of the village are therefore a cornerstone of the Plan</p>

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		proposed change to ensure accuracy and continuity of approach and agree to the changes as proposed in order for the policy and explanatory text to ensure compliance with the Basic Conditions test.	and are based on the following principles: <ul style="list-style-type: none"> • The Parish Plan (2010) which states: "Tysoe itself is made up of the three small hamlets of Lower, Middle and Upper Tysoe" • The views of the respondents to the Plan questionnaire of August 2014 (where 78% of respondents that answered Question 25(a) stated that they believed Tysoe comprised all of the three villages) • The boundaries should be within an acceptable walking distance of the village services (assumes an 'average' person to be able to walk 500m in ten minutes)"
Section 4 'Keeping Tysoe Special' (p.17)			
Delete Section 4.1 and replace with new supporting text which clarifies that new development will be focused within the Middle/Upper Tysoe BUAB.	Section 4.1 titled 'One Village' (p.23 to 24)	<p style="text-align: center;"><i>Modification Agreed.</i></p> <p>Consequential amendments to 'context' text requested by the Examiner in order to reflect the modification proposed to delete the BUAB for Lower Tysoe from the NDP.</p> <p>Officers agree that changes are required to Section 4.1 of the Plan to ensure the text providing context to the</p>	<p>This modification will result in the deletion of para's 4.1.0.1 to 4.1.0.6 and the drafting of appropriate replacement text to take account of the omission of the proposed BUAB for Lower Tysoe, thus clarifying that development will be focussed within Middle and Upper Tysoe. It would also require a new title for Section 4.1 given the omission of reference to Lower Tysoe.</p> <p>The Examiner has not provided any wording and as such a new section will need to be created. The following text has been submitted by the Parish Council and agreed by the LPA:</p>

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		<p>principles of housing distribution in the LSV mirrors the approach of the modified policy.</p> <p>Officers are content with the proposed changes submitted by the Parish Council which ensure the revised explanatory text reflects the omission of a BUAB for Lower Tysoe.</p> <p>Officers conclude that the revised paragraphs 4.1.0.1 to 4.1.0.3 are acceptable, meet the requirements set out by the Examiner and ensure compliance with the Basic Conditions test.</p>	<p>Revised section:</p> <p>4.1 One village <u>Building for the Future</u></p> <p>4.1.0.1 Within the village two <u>one</u> Built-up Area Boundaries <u>Boundary</u> are <u>is</u> proposed in which new development may <u>will</u> be supported in principle. One boundary will surround Lower Tysoe and another will surround Upper and Middle Tysoe. A new Strategic Gap will be designated between Lower and Middle Tysoe (Map 8, page 30). Safeguards will be put in place to ensure that the open countryside defined by this Strategic Gap is preserved in order to prevent coalescence between the settlements and to protect the distinct and individual character of each settlement (see also Core Strategy AS.10). <u>This boundary will surround Middle and Upper Tysoe. A new Strategic Gap will be designed between Lower and Middle Tysoe (Map 8, page 30). Safeguards will be put in place to ensure that the open countryside defined by this Strategic Gap is preserved in order to prevent coalescence between the settlements and to protect the individual character of each settlement.</u></p> <p>4.1.0.2 The proposed Built-up Area Boundaries <u>Boundary</u> have <u>has</u> been drawn around Lower, Middle and Upper Tysoe in order to define the built up area of the village and establish where</p>

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			<p>development is acceptable in principle. In addition to the allocated sites, opportunities for new development within the Built-up Area Boundaries <u>Boundary</u> will be limited to 'windfall' sites determined on a case by case basis in accordance with the relevant development plan policies.</p> <p>4.1.0.3 Currently the District Council regards Lower Tysoe as a hamlet which is separate from Upper and Middle Tysoe. Historically it has never had a Built-up Area Boundary of its own which means that there has always been a presumption against certain forms of development in Lower Tysoe unless supported by the Parish Council, although a number of new houses have been built there in recent years. Formally recognizing that Lower Tysoe is part of the village of Tysoe and drawing a Built-up Area Boundary around it will mean that the principle of limited infill development may be acceptable as it is in Middle and Upper Tysoe. Any development will, of course, need to demonstrate that it is acceptable in all other respects. <u>The built-up area boundary is intended to preserve the existing settlement character, building lines, and the linear and rural nature of the current built environment.</u></p> <p>4.1.0.4 Given that Lower Tysoe is inherently part of the larger village, that its residents share the facilities located in Middle Tysoe and that those</p>

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			<p>facilities are really no further from Lower Tysoe than they are from Upper Tysoe, we believe that this is an entirely logical proposal.</p> <p>4.1.0.5 The Built-up Area Boundaries are intended to preserve the existing settlement character, building lines, and the low density, linear and rural nature of the current built environment. In order to maintain this, and in particular in Lower Tysoe, it has been necessary, exceptionally, for the BUAB to dissect a number of the residential plots which are unusually large.</p> <p>4.1.0.6 The District Council have agreed, in correspondence in February 2018 to work with the Parish Council to agree a suitable Built-up Area Boundary for Tysoe including Lower Tysoe [9]. They have also confirmed that, in the spirit of "localism" it is entirely up to the residents of the parish to decide whether Lower Tysoe should be included in the Tysoe Local Service Village with its own Built-up Area Boundary.</p>
Section 3.3 'Shaping the Future – Housing' (p.17)			
Delete paragraph 3.3.1.2. [N.B. 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 recommended	Paragraph 3.3.1.2 (p.19)	<i>Modification Agreed.</i> Consequential amendments to 'context' text requested by the Examiner in order to reflect the modification	Delete the following text: "3.3.1.2 The Steering Group has considered carefully whether Lower Tysoe should be given its own BUAB and is aware that not everyone in the village will be in agreement on this issue.

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modification to delete this paragraph from the Plan].		<p>proposed to delete the BUAB for Lower Tysoe from the NDP.</p> <p>Officers agreed with the Examiner that changes were required to section 3.1 of the Plan to reflect the removal of the proposed Lower Tysoe BUAB and agreed that para 3.3.1.2 as drafted in the Submission version Plan should be omitted.</p> <p>The Parish Council requested the opportunity to replace the text to reflect the outcome of the Examination and inform the community of the reasons for the consequential changes. SDC were content with the replacement of the paragraph with a factual statement. Whilst the Examiner recommended omission of the paragraph, he did not state that a replacement could not be inserted.</p>	<p>However, the decision to give Lower Tysoe a BUAB has been made, in part, on the basis of the evidence obtained in the 2014 residents' survey where a large majority of respondents said Tysoe comprised the three settlements (see paragraph 6.1.0.2 below). The inclusion of Lower Tysoe in the Tysoe LSV will also bring into the total for the Tysoe LSV those houses already built and those granted planning permission in Lower Tysoe (some 11 dwellings since 2011)".</p> <p>Replace the paragraph with the following text:</p> <p><u>"3.3.1.2 – Despite the views expressed by the majority of parish residents during the consultation on the Plan and submitted formally at Regulation 14 and 16 supporting the view that 'Tysoe' comprised the three settlements of Upper, Middle and Lower Tysoe, it is not proposed to include Lower Tysoe within the Local Service Village of Tysoe with its own BUAB. A proposal to include Lower Tysoe within the Local Service Village was not supported by either the Examiner or the District Council. Lower Tysoe will therefore continue to enjoy a different planning status from the rest of Tysoe as it is designated as an 'other settlement' where a presumption against most forms of development exists."</u></p>

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		As such, the amended text to Section 3.3 provides the post-examination context for the issue relating to the Tysoe BUAB and officers conclude that the revised paragraph is acceptable, meets the requirements set out by the Examiner and ensures compliance with the Basic Conditions test.	
Map 8 – Proposals Map (p.17)			
Remove the Built-up Area Boundary for Lower Tysoe from Map 8.	Map 8 (p.30)	<p><i>Modification Agreed.</i></p> <p>Consequential amendment to the Proposals Map requested by the Examiner in order to reflect the proposed modification to delete the BUAB for Lower Tysoe from the NDP.</p> <p>Officers agree with the Examiner on this issue and as such, the BUAB for Lower Tysoe has been deleted from the Plan (and removed from Map 8) due to lack of justification for its retention.</p>	Amend the policies Map (map 8) by removing the proposed Built-up Area Boundary drawn around Lower Tysoe in the submission version Plan.

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		It is considered the Policy and Map 8 as amended are now in conformity with Local and National Policy and meet the Basic Conditions tests.	
Housing Policy 2 [Site Allocations] (p.18-19)			
<p>Delete proposed site 1 (and re-number sites 2 and 3 accordingly).</p> <p>Delete the wording "for approximately 2 or 13 dwellings" listed for sites 2 and 3 (as submitted).</p> <p>Delete "Total 18 potential dwellings".</p> <p>In the part of the policy on criteria for development replace "will be expected to" with "should".</p> <p>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" and re-label final two</p>	<p>Housing Policy 2 (p.31)</p>	<p><i>Modification Agreed.</i></p> <p>After consideration of all the evidence available to him, the Examiner was satisfied that the Plan had taken a proportionate approach to housing delivery. The Examiner was also satisfied that the promoted sites were appropriate to the form and scale of the settlements concerned.</p> <p>He acknowledged that planning consent had recently been granted on the 'Orchards' site and reference to it should be omitted from the Plan and removed from Map 8.</p> <p>He recommended the</p>	<p>Amend policy wording to read as follows:</p> <p>"The following sites, as identified as nos. 1, 2 and 3 on Map 8 (page 30), are allocated for residential development within the Plan period:</p> <p>1. Land to south of Orchards for approximately 3 dwellings (Site assessment no. 2)</p> <p>2. 1. Land to west of Sandpits Road for approximately 2 dwellings (Site assessment no. 4)</p> <p>3. 2. Land to the west of Sandpits Road for approximately 13 dwellings. See note paragraph 6.3.0.6 below regarding potential affordable housing scheme. (Site assessment no. 6)</p> <p>Total 18 potential dwellings.</p> <p>All developments on allocated sites will be expected to <u>should</u> demonstrate:</p> <p>a) an appropriate landscape led design in</p>

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<p>critera as d) and e).</p> <p>In original criteria c) delete the text in brackets relating to the footway along Oxhill Road.</p>		<p>removal of the specific example of footway access along Oxhill Road since it was not necessary.</p> <p>He also recommended the inclusion of an additional criteria relating to the need for developments to provide affordable housing in appropriate circumstances, to give the text policy status, not just supporting text.</p> <p>Finally, he had concerns that the information relating to the potential yield of the sites could be misinterpreted or could stifle the development of well-designed sites which might result in higher yields. He therefore recommended the reference to potential site capacities be re-positioned in the supporting text.</p> <p>Officers are in agreement with the Examiner on all these issues and as such, the policy has been amended to</p>	<p>accordance with the Village Design Statement;</p> <p>b) an appropriate density and layout which reflects and respects local character;</p> <p>c) <u>as appropriate to their overall yield that they deliver affordable homes to development plan standards</u></p> <p>e) <u>d) appropriate access for vehicles and pedestrians (e.g. footway access along Oxhill Road to Site 3) and adequate parking arrangements; and</u></p> <p>e) <u>e) suitable and sustainable drainage proposals."</u></p>

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		comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.	
Map 8 – Policies Map (p.19)			
On Map 8 show site 1 (as submitted) as a "Site with planning permission granted" rather than as an "Allocated Site".	Map 8 (p.30)	<p><i>Modification Agreed.</i></p> <p>Consequential amendment to the Proposals Map requested by the Examiner in order to reflect the proposed modification to amend the designation of site 1 at Lower Tysoe from an allocated site to a site with planning consent.</p> <p>Officers are in agreement with the Examiner on this issue and the Map has been amended to comply with the Examiner's proposed modification. It is considered the amendments are in conformity with Local and National Policy and meets</p>	Remove the number '1' from the site at Lower Tysoe and re-shade the site as a 'site with planning permission granted' as set out in the associated map Legend.

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		the Basic Conditions tests.	
Section 6.3: Explanatory Test to Housing Policy 2 (p.19)			
In paragraph 6.3.0.3 (penultimate sentence) replace "These three sites" with "The two sites identified in Housing Policy 2" and replace "site assessments 2, 4 and 6" with "site assessments 4 and 6".	Paragraph 6.3.0.3 (p.31)	<p><i>Modification Agreed.</i></p> <p>Consequential amendments requested to the supporting text to take account of the Examiner's proposed modifications to the associated Housing Policy 2 and Policies Map.</p> <p>Officers are content with the proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.</p>	Amend the final part of the paragraph to read as follows: "These three sites <u>These two sites</u> were all assessed as providing a good opportunity for development (see site assessments 2, 4 and 6). All other sites were assessed as providing either moderate or poor opportunities".
Section 6.3: Explanatory Test to Housing Policy 2 (p.19)			
In paragraph 6.3.0.4: <ul style="list-style-type: none"> • Delete the first sentence. • In the second sentence 	Paragraph 6.3.0.4 (p.31)	<p><i>Modification Agreed.</i></p> <p>Consequential amendments to the supporting text of</p>	Amend the paragraph to read as follows: "The three chosen sites are considered to provide capacity for approximately 18 new dwellings. If

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<p>replace "continue to grow.... per year" with "grow at a modest level"</p> <ul style="list-style-type: none"> • 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". 		<p>Housing Policy 2 to take account of the Examiner's proposed modifications to the associated Policy.</p> <p>Officers are content with the proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.</p>	<p>these sites are developed in the Plan period, together with the sites for which planning has already been granted but on which no houses have yet been built, then the market housing stock in Tysoe will continue to grow at around three houses per year <u>grow at a modest level.</u> Such growth should be sustainable and will support the various amenities already provided in the village (the shop, post office, sports and social clubs etc.) as well as potentially providing an increased population of children needed to maintain the school's viability. <u>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."</u></p>
Section 6.3: Explanatory Test to Housing Policy 2 (p.19)			
<p>In paragraph 6.3.0.5 replace "three" with "two".</p>	<p>Paragraph 6.3.0.5 (p.32)</p>	<p><i>Modification Agreed.</i></p> <p>Consequential amendments to the supporting text of Housing Policy 2 to take account of the Examiner's proposed modifications to the associated Policy.</p> <p>Officers are content with the</p>	<p>Amend the paragraph to read as follows:</p> <p>"The three <u>two</u> identified sites are all within the current envelope of the built environment of the village, a condition which was identified by many residents as being an important factor in any future development".</p>

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		proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.	
Section 6.3: Explanatory Test to Housing Policy 2 (p.19)			
<p>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".</p> <p>[N.B. the reduction of three sites to two also requires the re-numbering of the sites within this paragraph].</p>	Paragraph 6.3.0.6 (p.32)	<p><i>Modification Agreed.</i></p> <p>Consequential amendments to the supporting text of Housing Policy 2 to take account of the Examiner's proposed modifications to the associated Policy.</p> <p>Officers are content with the proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.</p>	<p>Amend the paragraph to read as follows:</p> <p>"The owner of Site 3 2 has agreed to consider developing a scheme to provide affordable housing units together with a number of market houses on the site. Site 3 2 may be developed in conjunction with Site 2 1 which is adjacent to it and in the same ownership. The Parish Council would support in principle such an affordable scheme and would seek to manage the units through a local Housing Association for the benefit of Tysoe residents. <u>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</u>".</p>

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Housing Policy 3 [Strategic Reserve] (p.21)			
Delete the policy.	Housing Policy 3 (p.32)	<p><i>Modification Not Agreed.</i></p> <p>The Examiner noted that the Herbert's Farm site directly overlapped with a proposed Reserve Housing site in the emerging Site Allocations Plan (SAP), but Roses Farm did not feature in the SAP.</p> <p>The Examiner recommended deletion of the policy for the following reasons:</p> <ol style="list-style-type: none"> 1. The NDP offers no assurance on the eventual delivery of the two sites concerned and provided no substantive evidence as to how design and vehicular access issues would be resolved 2. The proposed two sites are different from the wider package proposed in the emerging SAP. The evidence and justification for their retention is not 	<p>Amend Housing Policy 3 as follows, to take account of the retention of Herbert's Farm as a Reserve Housing site:</p> <p>"This 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) <u>Site 3</u>. These <u>This</u> safeguarded sites have <u>site</u> <u>has</u> the potential for future residential development of up to 21 <u>16</u> houses. The above sites <u>site</u> 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>its</u> early release for example in the event of a community led housing scheme (CS.16) ".</p>

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		<p>sufficient, particularly with reference to the lack of appropriate release mechanism. He considered the overlap with the SAP had an ability to generate a lack of clarity within the Plan period, which could create conflicts between policies in the SAP and NDP</p> <p>3. The policy as submitted provides no specific methodology for the eventual release of the sites</p> <p>Following receipt of the Examiner's report, the Parish Council agreed to remove Roses Farm from the policy due to unresolved issues such as potential impact on ridge and furrow, highways access and design as alluded to by the Examiner. However, due to the fact that Herbert's Farm remained a proposed Reserve Housing site in the Council's SAP, the</p>	

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		<p>Parish Council requested that this site be retained in the NDP within a revised policy.</p> <p>The Parish Council were of the view that retention of the Reserve Housing policy and the Herbert's Farm site in the NDP would be appropriate since there would be clear continuity between the NDP and the emerging SAP seeing as both documents were promoting the same site for the same purpose. In their view, this met the guidance in the PPG (quoted by the Examiner at para 7.43 of his report) alluding to the fact that emerging neighbourhood and local plans should be complementary.</p> <p>The Parish Council re-drafted the policy to include reference to Core Strategy Policy CS.16 and the four purposes listed therein for potentially releasing reserve housing sites. The wording</p>	

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		<p>used is identical to similar reserve housing site policies in other NDPs within this District which have passed Independent Examination and are now 'made' following success at Referendum.</p> <p>The Herbert's Farm site remains in the October 2020 Preferred Options Consultation version SAP. As such, there is continuity between the two Plans in this regard.</p> <p>SDC officers are of the view that the amendments outlined above have overcome the main concerns raised by the Examiner. It is acknowledged that design and access issues have not been resolved. However, they have not been resolved through the SAP as yet. Such matters would be considered as part of a detailed planning application, should one ever come to fruition.</p>	

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		Based on the re-worded policy and the current position with the SAP in respect of the shared Reserve Housing site at Herbert's Farm, SDC officers are content for the policy (as amended) be retained within the NDP along with the one Reserve Housing site (as indicated on the Policies Map). Officers conclude that the amended policy is in conformity with National and Local Plan policy and meets the Basic Conditions test.	
Section 6.4 – Explanatory text (p.21)			
Delete paragraph 6.4.0.1	Housing Policy 3 Explanatory text (p.32)	<p><i>Modification Not Agreed.</i></p> <p>The Examiner's recommendation was to delete Housing Policy 3 (Strategic Reserve) and associated supporting text (para 6.4.0.1), for the reasons set out above.</p> <p>However, as also set out above, SDC officers are</p>	<p>Amend paragraph 6.4.0.1 to read as follows:</p> <p>"The overall housing figure for the district is expected to rise during the Plan period. Equally, the proportion of any increase that will be allocated to Tysoe as a Category 2 Service Village is unknown. The Plan has, therefore, identified two a potential sites <u>site</u> as strategic reserve sites <u>site</u>, which will be protected from development until such time as a specific, evidence based need for housing arises. If no Reserve Sites were included in the Plan there</p>

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		<p>content that an amended policy remain in the NDP. As such, it follows that SDC officers are content that the supporting text be retained, subject to removal of any mention of Roses Farm.</p> <p>Officers are content with the proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.</p>	<p>would be every chance that the need to satisfy an increased housing supply would be met by development elsewhere beyond the control of the parish. The assessments of the two sites <u>this site</u> is detailed in full (numbers 9 and 5 in the list of assessments) together with associated access information from the Highways Department, Warwickshire County Council. Neither <u>The</u> site could <u>not</u> receive planning permission unless satisfactory, safe access could be assured. We acknowledge that both sites lie <u>the site lies partially</u> within <u>a</u> Conservation Area and therefore that neither offer the <u>it offers a less than</u> perfect opportunity for development. However, we also believe that any harm can be ameliorated by sympathetic design and careful use of materials. Moreover, any development at Herbert's Farm <u>the site</u> could be undertaken without affecting the future functioning and viability of the working farm itself. Roses Farm also offers the opportunity for relatively modest development so long as both pedestrian and vehicle access can be properly designed. It also offers the opportunity for a small number of affordable dwellings on the site as development is only anticipated on a small area fronting Saddledon Street with the existing farm buildings being replaced elsewhere on the farm site".</p>

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Housing Policy 4 [Rural Exception Housing] (p.21 to 22)			
<p>Replace the "and" at the end of criterion b) so that it appears at the end of criterion c).</p> <p>Replace criterion 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".</p> <p>In the second part of the policy (second sentence) replace "a chartered surveyor" with "an independent chartered surveyor".</p>	<p>Housing Policy 4 (p.33)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was content that the policy provided a positive context within which proposals for small-scale community-led housing schemes could come forward. He confirmed the general approach in the policy was appropriate to the neighbourhood area and had regard to national and local plan policy.</p> <p>The Examiner recommended modifications to the structure of the policy and clarification of the requirements of an appropriate priority assessment criterion. He concluded the amended policy would meet the basic conditions.</p> <p>Officers are in agreement with the Examiner on these issues and as such, the</p>	<p>Amend policy to read as follows:</p> <p>"Small-scale community-led housing schemes on sites beyond, but adjacent to, the defined built-up area boundaries of the village will be supported where the following four criteria can all be demonstrated:</p> <p>a) that there is a proven local need; b) that no other suitable site exists within the Built-up Area Boundaries; and c) that secure arrangements exist to ensure the housing will remain affordable and available to meet the continuing needs of local people; <u>and</u> d) that while households with a qualifying connection to the Parish of Tysoe will have priority, the housing will be made available more widely to others in the District. that the <u>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.</u></p> <p>Where viability for 100% affordable housing provision cannot be achieved, an element of market housing may be included within a rural</p>

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		policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.	exception scheme to subsidise the delivery of affordable homes. In such cases, land owners will be required to provide additional supporting evidence in the form of an open book development appraisal for the proposal containing inputs assessed and verified by a <u>an independent</u> chartered surveyor."
Housing Policy 5 [Market Housing Mix including affordable housing] (p.22)			
<p>Replace the policy with:</p> <p>"Proposals for new housing development should deliver a housing mix which conforms with Policy CS19 of the Stratford-on-Avon 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."</p>	<p>Housing Policy 5 (p.35)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recognised that the approach set out in the NDP sought to vary the approach set out in Policy CS.19 of the Core Strategy. The NDP policy sought to refine the Core Strategy policy by increasing the number of two-bedroom homes and reducing the number of four-bedroom homes on development sites.</p> <p>However, the Examiner considered that the Plan does not provide any substantive</p>	<p>Replace policy as follows:</p> <p>"New developments should comply with the following mix of house sizes. These parameters are based on those set out in Policy CS. 19 of Stratford District Council's Core Strategy. However, the mix of 4+ bedroom market housing is lower in the Plan (up to 5%) than that included in CS. 19 (15-20%) as Tysoe already has a higher proportion of large houses than the District average. Also, for affordable houses, the mix for 4+ bedroom houses is set at up to 5% in the Plan which is at the lower end of the CS. 19 range of 5-10%. This is because the evidence from the Housing Needs Survey points to a need for smaller affordable houses in the Parish.</p> <p>For market housing:</p>

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		<p>evidence to depart from the Core Strategy approach. In addition, the housing sites allocated through the NDP are of such limited scale that such a prescriptive approach in the policy would be disproportionate to their scale. The Examiner was also concerned that the policy as drafted may also conflict with detailed design considerations on the sites concerned.</p> <p>The Examiner concluded the policy should be amended to reinforce Policy CS.19 of the Core Strategy.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>1 bed dwellings — up to 10% 2 bed dwellings — up to 40% 3 bed dwellings — up to 45% 4+ bed dwellings — up to 5%</p> <p>For affordable housing: 1 bed dwellings — up to 15% 2 bed dwellings — up to 40% 3 bed dwellings — up to 40% 4+ bed dwellings — up to 5%"</p> <p><u>"Proposals for new housing development should deliver a housing mix which conforms with Policy CS19 of the Stratford-on-Avon 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"</u>.</p>

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Section 6.6 Explanatory text (p.22)			
<p>At the end of paragraph 6.6.0.3 add:</p> <p>"Housing Policy <i>[insert number]</i> 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".</p>	<p>Housing Policy 5 Explanatory text, para 6.6.0.3 (p.35)</p>	<p><i>Modification Agreed.</i></p> <p>These are necessary consequential amendments to the supporting text to take account of the Examiner's proposed modifications to the associated Policy.</p> <p>Officers are content with the proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.</p>	<p>Create new paragraph 6.6.0.4 as follows (and re-number final paragraph in section as 6.6.0.5):</p> <p><u>"Housing Policy 5 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"</u>.</p>
Employment Policy 1 [Protecting and Enhancing Local Employment Opportunities] (p.23)			
<p>Delete the opening part of the policy.</p> <p>In the first substantive part of the policy replace "will not be</p>	<p>Employment Policy 1 (p.37)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recommends that the first part of the policy should be repositioned</p>	<p>Amend the policy to read as follows:</p> <p>"Employment opportunities within the Parish are limited to agricultural or service work, small retail or very modest professional opportunities. There</p>

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<p>supported unless" with "will only be supported where".</p> <p>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".</p>		<p>in the supporting text, since whilst it provides context, it is not policy in its approach.</p> <p>The Examiner confirmed that the remainder of the policy met the basic conditions, subject to some detailed changes to the wording of the policy.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>are a number of small business ventures in the Parish, many of which are run from home-based offices. The Parish Council is keen to encourage this and facilitate it whenever possible. However, we are concerned that controls should be in place to ensure that any proposed conversion of residential property to office use is both necessary and appropriate.</p> <p>Proposals for the change of use or redevelopment of land or premises identified for, or currently in employment use will not be supported unless <u>only be supported where:</u></p> <p>a) the applicant can demonstrate that the site/premises is no longer capable of meeting employment needs; or that there is no reasonable prospect of the site being used for employment uses; or</p> <p>b) development of the site for other appropriate uses will facilitate the relocation of an existing business to a more suitable site; or</p> <p>c) development of the site for other appropriate uses will remove environmental problems associated with its current use.</p> <p><u>Extensions to existing employment sites premises in the village will be supported providing there is no conflict with other Plan policies where such proposals would otherwise conform with policies in the development plan".</u></p>

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Section 7.2 Explanatory Text (p.23)			
Insert the deleted opening part of the policy at the beginning of paragraph 7.2.0.1	Employment Policy 1 Explanatory text (p.37)	<p><i>Modification Agreed.</i></p> <p>Consequential amendments to the supporting text to take account of the Examiner's proposed modifications to the associated Policy.</p> <p>Officers are content with the proposed changes to ensure accuracy and continuity of the explanatory text and as such agree to the changes as proposed. The changes ensure conformity with National and Local Plan policy and meet the Basic Conditions test.</p>	<p>Create a new paragraph number 7.2.0.1 as set out below and re-number current explanatory text as new para 7.2.0.2:</p> <p><u>"Employment opportunities within the Parish are limited to agricultural or service work, small retail or very modest professional opportunities. There are a number of small business ventures in the Parish, many of which are run from home-based offices. The Parish Council is keen to encourage this and facilitate it whenever possible. However, we are concerned that controls should be in place to ensure that any proposed conversion of residential property to office use is both necessary and appropriate"</u>.</p>

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Employment Policy 2 [Home Working and Live-Work Units] (p.24)			
<p>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".</p>	<p>Employment Policy 2 (p.38)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that the home working element of the policy as drafted did not use appropriate language for a development plan policy. He proposed appropriate wording to remedy any shortcomings in this regard. However, he was content the live-work element met the basic conditions.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>Amend the first part of the policy relating to 'homeworking' to read as follows:</p> <p>"All new dwellings will be encouraged to include <u>Proposals for new dwellings which include</u> space to support home-working, with flexible space adaptable to a home-run business <u>will be supported.</u>"</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Natural Environment Policy 1 [The Cotswolds Area of Outstanding Natural Beauty] (p.24)			
Replace: <ul style="list-style-type: none"> • "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" 	Natural Environment Policy 1 (p.39)	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that the policy took an appropriate approach towards the AONB. However, he recommended modifications to the policy to ensure consistency with modifications to Natural Environment Policy 5. As submitted, the policy would apply generally throughout the neighbourhood area rather than within the AONB.</p> <p>Officers are in agreement with the Examiner on this issue and the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions test.</p>	Amend the policy to read as follows: <p>"All developments requiring permission will need to <u>Insofar as planning permission is required, development proposals within the Area of Outstanding Natural Beauty should</u> demonstrate measures that ensure protection of the special landscape and scenic beauty of the Area of Outstanding Natural Beauty <u>designated area</u>. Particular regard will be given to the effect on Valued Landscapes and Views identified in Natural Environment Policy 5".</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Section 8.1 – Strategic Objective [Natural Environment] (p.24)			
<p>At the end of paragraph 8.1.0.1 add:</p> <p>“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”.</p>		<p><i>Modification Agreed.</i></p> <p>The Examiner recommended modifications to the explanatory text to tie-in with the revised policy wording and ensure consistency with recommended modifications to Natural Environment Policy 5.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the explanatory text has been amended to comply with the Examiner's proposed modification. It is considered the new text is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>Create a new paragraph number 8.1.0.2 and insert the following text:</p> <p><u>“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”.</u></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Natural Environment Policy 2 [Tranquillity and Dark Skies] (p.25)			
<p>At the end of the first part of the policy delete "The Plan should ensure that"</p> <p>Retaining the associated wording delete the letters a), b) and c) and create three separate paragraphs in the policy with the retained wording.</p> <p>In the first new paragraph (formerly a)) replace "ensure"" with "demonstrate".</p> <p>In the second new paragraph (formerly b)) delete "as part of.....skies policy".</p> <p>In the third new paragraph (formerly c)) delete "on planning balance".</p>	<p>Natural Environment Policy 2 (p.40)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended minor modifications to the format of the policy to ensure it is read as a whole and not listed as separate criteria that would apply to the policy. Other amendments were put forward to ensure compliance with national and local plan policy. The Examiner felt it more appropriate to reference CPRE's dark skies policy in the supporting text rather than the policy itself.</p> <p>Officers are in agreement with the Examiner and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy is in conformity with Local and National Policy and meets the Basic Conditions test.</p>	<p>Amend the policy to read as follows:</p> <p>"Lighting on new development should be kept to a minimum, while having regard to highway safety and to security, in order to preserve the rural character of the village. Amenity lighting of buildings should be kept to a minimum and its use controlled by sensors and timers where possible. The Plan should ensure that:</p> <p>a) Applications for new development should ensure <u>demonstrate</u> how the dark skies environment will be protected through the submission of appropriate supporting documentation to demonstrate accordance with current professional guidance.</p> <p>b) Proposed lighting should be designed and sited to help reduce light pollution and contribute to dark skies as part of the Campaign to Protect Rural England's dark skies policy.</p> <p>e) Proposals which would result in excessive light pollution will not be supported unless exceptional circumstances can be demonstrated that outweigh the harm of the development on the area's tranquillity and dark skies, on planning balance."</p>

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Section 8.3 Explanatory text (p.25)			
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 2 – Explanation (p.40)	<p><i>Modification Agreed.</i></p> <p>Consequential revision to supporting text requested by the Examiner, as set out in decision relating to Natural Environment Policy 2, above.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the explanatory text has been amended to comply with the Examiner's proposed modification. It is considered the new text is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>Revise paragraph to read as follows:</p> <p>"The Cotswolds Area of Outstanding Natural Beauty Board has issued a position statement on tranquillity and dark skies, with the objective of maintaining or improving the existing level of tranquillity. <u>The policy adds support to the CPRE's dark skies policy.</u> Furthermore, The Tysoe Parish Plan (2010) referred to these matters, suggesting a number of places where lighting was important, but a number of respondents:"</p>
Natural Environment Policy 3 [Flooding and Drainage] (p.25)			
<p>In the opening part of the policy:</p> <ul style="list-style-type: none"> • replace "possible" with "practicable". • replace "Proposals will only be 	Natural Environment Policy 3 (p.41)	<p><i>Modification Agreed.</i></p> <p>The Examiner was content with the basis of the policy, subject to a series of detailed modifications to ensure the</p>	<p>Amend the policy to read as follows:</p> <p>"Wherever possible <u>practicable</u> new developments should incorporate Sustainable Drainage Systems to ensure runoff volume does not exceed a one in 100 year, six hour rainfall</p>

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<p>supported if" with "As appropriate to their nature, scale and location proposals will be supported subject to the following criteria:"</p> <p>In criterion d) add "and viable" after "feasible"</p> <p>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".</p>		<p>policy captured the clarity required by the NPPF and set out the implications for different developments based on the various criteria.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>event. Proposals will only be supported if: <u>As appropriate to their nature, scale and location, proposals will be supported subject to the following criteria:</u></p> <p>a) they satisfactorily address the risk of fluvial and pluvial flooding</p> <p>b) they take steps to maximise rainfall being retained within the curtilage of the development (e.g. using drainage methods endorsed by the Environment Agency and DEFRA) so that the proposed development will not increase surface water run-off</p> <p>c) they incorporate Sustainable Urban Drainage Systems designed to control run-off generated on-site to the Greenfield run-off rate for all return periods up to and including the one in 100 year plus climate change critical storm event criteria</p> <p>d) they use wherever feasible <u>and viable</u> above ground attenuation such as swales, ponds and other water-based ecological systems in preference to underground water storage</p> <p>e) they ensure that any part of a development within the vicinity of a watercourse should be <u>as appropriate to the development concerned and its potential to generate surface water run-off</u> they are accompanied by a site specific flood risk assessment and, where appropriate, hydraulic modelling prepared in compliance with official</p>

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			guidance according to the Environment Agency and DEFRA requirements. This should demonstrate the flood risk to the site and surrounding area over the recommended periods".
Natural Environment Policy 4 [Designated Local Green Space] (p.26)			
<p>Replace the second part of the policy with:</p> <p>"Proposals for development within designated Local Green Spaces will only be supported in very special circumstances".</p>	<p>Natural Environment Policy 4 (p.42)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that by seeking to identify the types of development which might be acceptable within designated LGS, the second part of the policy went well beyond the 'matter-of-fact' approach expected by the NPPF. The proposed modification is to ensure that the policy conforms to the NPPF in this regard.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with the Examiner's proposed modification. It is considered the Policy as amended is in</p>	<p>Replace the final paragraph of the policy to read as follows:</p> <p>"The above designations include a range of existing formal sports and recreational spaces along with other areas of open space. Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be supported unless there are very special circumstances which outweigh the harm to the Local Green Space (see Map 8, page 30). Where appropriate, Community Infrastructure Levy funds will be used to enhance these designations to ensure a suitable quantum and quality of recreational and amenity space is available for the parish. Proposals for development within designated Local Green Spaces will only be supported in very special circumstances".</p>

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		conformity with Local and National Policy and meets the Basic Conditions tests.	
Map 8 – Proposals Map (p.26)			
Amend the boundary of Local Green Space 9 to include the full extent of the allotments.	Policies Map (p.30)	<p><i>Modification Agreed.</i></p> <p>The proposed LGS at the allotments was shown on Map 8 as being a smaller area than currently in use as allotments. The Parish Council confirmed this was a drafting error. The Examiner requested that Map 8 be amended to show the full extent of the allotment as the LGS.</p> <p>Officers agree with the Examiner on this issue and as such, Map 8 has been amended to comply with the Examiner's proposed modification. It is considered the map as amended is now accurate and in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	Amend the boundary on the policies map to ensure the extent of the allotments to be protected through this policy is accurately represented. Also re-number the site as '7' due to the removal of sites 1, 4 and 5 from the Plan through modifications to other policies in the Plan.

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Section 8.5 Explanatory text (p.27)			
<p>At the end of paragraph 8.5.0.1 add:</p> <p>"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."</p>	<p>Paragraph 8.5.0.1 (p.42)</p>	<p><i>Modification Agreed.</i></p> <p>In requesting modifications to Natural Environmental Policy 4 to remove types of development which may be appropriate within designated LGS, the Examiner asked for the explanatory text to be modified and expanded to provide a degree of guidance on how any subsequent development proposals on LGS would be assessed and determined.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the explanatory text has been amended to comply with the Examiner's proposed modification. It is considered the text as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>Create a new paragraph 8.5.0.2 to read as follows:</p> <p><u>"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."</u></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Natural Environment Policy 5 [Valued Landscapes and Views] (p.27-28)			
<p>In the first sentence of the policy replace "must" with "should".</p> <p>Separate the second sentence from the first sentence so that they form separate paragraphs within the same policy.</p> <p>Replace the second sentence with: "The neighbourhood plan identifies the following valued views in the neighbourhood area:</p> <p>View 1 - To the north east of Lower Tysoe View 2 - From Centenary Way towards Middle Tysoe View 3 - From Tysoe Road towards Centenary Way View 4 - From Lower Tysoe towards Middle Tysoe View 5 - From the footpath south of Lower Tysoe towards Middle Tysoe View 6 - From Tysoe Hill to</p>	<p>Natural Environment Policy 5 (p.44)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was satisfied that, in general terms, this policy was appropriate and sufficiently evidenced. However, he recommended the policy be modified to 'take account of' rather than 'safeguard' views and also refer to each of the sites within the policy itself. He was also concerned that it would be impractical for SDC to attempt to consistently apply the requirement of development proposals 'which would be observed from or impinge on the AONB' to be accompanied by a Landscape and Visual Impact Assessment. He therefore recommended deletion of this part of the policy.</p> <p>Officers are in agreement with the Examiner on this</p>	<p>Amend the policy to read as follows:</p> <p>"Development proposals must <u>should</u> demonstrate how they integrate appropriately with their setting while conserving or enhancing its character.</p> <p>Important views and skylines visible from the village should be safeguarded as should views towards the village (see Map 9, also photos pages 46-48), particularly when they relate to heritage assets, village approaches and settlement boundaries. Developments which are observed from, or impinge upon, the AONB may need a formal Landscape and Visual Impact Assessment according to the requirements of the AONB Management Plan.</p> <p><u>The neighbourhood plan identifies the following valued views in the neighbourhood area:</u></p> <p><u>View 1 - To the north east of Lower Tysoe</u> <u>View 2 - From Centenary Way towards Middle Tysoe</u> <u>View 3 - From Tysoe Road towards Centenary Way</u> <u>View 4 - From Lower Tysoe towards Middle Tysoe</u> <u>View 5 - From the footpath south of Lower Tysoe</u></p>

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<p>Middle/Upper Tysoe View 7 - From the edge of Middle Tysoe towards the Edgehill escarpment View 8 - From Manor House towards the windmill</p> <p>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."</p> <p>Delete the third sentence.</p>		<p>issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p><u>towards Middle Tysoe</u> <u>View 6 - From Tysoe Hill to Middle/Upper Tysoe</u> <u>View 7 - From the edge of Middle Tysoe towards</u> <u>the Edgehill escarpment</u> <u>View 8 - From Manor House towards the windmill</u></p> <p><u>New development proposals should take account</u> <u>of the identified valued views and should be</u> <u>designed to respect their significance in the wider</u> <u>neighbourhood area. Proposed developments</u> <u>that would have an unacceptable impact on the</u> <u>character or integrity of a valued view will not be</u> <u>supported."</u></p>
Natural Environment Policy 5 [Valued Landscapes and Views] (p.28)			
<p>Replace the wording in the Policy title and in associated Map 9 to read: "Valued Views".</p>	<p>Natural Environment Policy 5 (p.44)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner reported that in his opinion, the policy commented principally on valued views, rather than landscapes. He therefore recommended amendments</p>	<p>Amend the Policy title on p.44 and Map 9 title on p.45 of the Plan to read:</p> <p>"Valued Landscapes and Views".</p>

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		<p>to the title of the policy and associated map to take account of the wider recommended modifications to the details of the policy.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy title and map 9 title have been amended to comply with the Examiner's proposed modifications. It is considered the policy and map as amended are in conformity with Local and National Policy and meet the Basic Conditions tests.</p>	
Natural Environment Policy 6 [Protected Strategic Gap] (p.31)			
<p>Replace policy with:</p> <p>"Development proposals should ensure the retention of the open character of the countryside between Middle Tysoe and Lower Tysoe.</p> <p>Proposals for the re-use of rural buildings, agricultural and</p>	<p>Natural Environment Policy 6 (p.49)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner noted that whilst the identification of strategic gaps is an approach that has been historically been used in Local Plans, the 2019 NPPF is largely silent on the acceptability of this approach to development in</p>	<p>Replace policy to read as follows:</p> <p>"In order to prevent coalescence of Middle Tysoe and Lower Tysoe, a "strategic gap", seen best on Map 8 (page 30), should be maintained in order to preserve the open setting and individual character of these distinctive settlements. New development within the "strategic gap" will be restricted to the reuse of rural buildings, agricultural and forestry related development</p>

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<p>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.”</p>		<p>rural areas. He also noted the concept of such 'gaps' was not addressed in the Core Strategy. However, he was satisfied that, on balance, there was a clear purpose or intent to the policy as submitted, since the continued separation of the two settlements would reflect and acknowledge their historic development and separation.</p> <p>Whilst the Examiner concluded that the specific identification of a Strategic Gap was not supported by evidence or circumstances on the ground, he confirmed that, in general terms, a policy highlighting the importance of preventing coalescence of the two settlements had the ability to meet the basic conditions.</p> <p>As such, the Examiner put forward a replacement policy which would not require the specific definition of a</p>	<p>and other open land uses. Development proposals should ensure the retention of the open character of the countryside between Middle Tysoe and Lower Tysoe.</p> <p><u>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.”</u></p>

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		<p>strategic gap in 'map form'.</p> <p>Officers are content with the re-worded policy suggested by the Examiner and as such, the policy has been replaced to comply with the Examiner's proposed modifications. It is considered the policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	
Map 8 [Proposals Map] (p.31)			
Delete the Strategic Gap hatching and the associated element within the Legend on Map 8 – Proposals Map.	Map 8 Proposals Map (p.30)	<p><i>Modification Not Agreed.</i></p> <p>Whilst the Examiner concluded a suitably worded policy would be acceptable (see above), he was of the opinion that the case for a specific definition of a Strategic Gap was not convincing. He felt that the boundaries were not based on appropriate permanent physical features on the ground; he was not satisfied</p>	Map 8 is to be modified to include a revised (smaller) Strategic Gap between Middle and Lower Tysoe.

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
		<p>that the proposed gap was a small gap between settlements which are under pressure of coalescence; there was no direct evidence land within the proposed gap was at significant risk of incremental development which would eventually result in coalescence; an element of the gap was located within the Cotswolds AONB and part of the gap extended to the east of Lower Tysoe. He concluded that for these reasons, the Strategic Gap should be deleted from Map 8.</p> <p>Following the publication of the Examiner's report, the Parish Council submitted evidence to SDC to demonstrate the appropriateness of retaining a revised, smaller, more focussed Strategic Gap. This revised gap was one of the elements that formed the Reg.17A consultation during November/December 2020.</p>	

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		<p>The revised gap covers less than 50% land coverage than the original gap; removes all land located within the Cotswolds AONB; removes the land to the east of Lower Tysoe; follows boundaries based on permanent physical features on the ground; includes land which has previously been the subject of planning applications for development (on the northern edge of Middle Tysoe) and includes the land that would naturally be at most risk of incremental development which could eventually result in coalescence.</p> <p>It is clear that the Examiner recommended removal of the Strategic Gap due to lack of evidence or circumstances on the ground (para 7.93 of his report) at the time of the Examination.</p> <p>As such, SDC officers are</p>	

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		<p>satisfied that the Examiner's conclusion provided scope for a revised Strategic Gap to be considered, should new evidence be provided. This new evidence was provided post-Examination by the PC, along with a revised/reduced gap.</p> <p>Following consideration of the new gap and associated evidence submitted by the PC and representations submitted through the Reg.17A consultation process, SDC officers are of the opinion that the proposed boundaries and the spatial extent of the revised Strategic Gap are appropriate and overcome the concerns raised by the Examiner in his report. SDC officers are also satisfied that it would be appropriate for the NDP to include a Strategic Gap on the Policies Map.</p>	

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Section 8.7 Explanatory Text (p.31)			
<p>Replace paragraph 8.7.0.1 with:</p> <p>"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.</p> <p>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</p>	<p>Paragraph 8.7.0.1 (p.49)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner requested consequential modifications to the supporting text, to take account of the revised policy wording relating to the Strategic Gap.</p> <p>Paragraphs 8.7.0.1 and 8.7.0.2 have therefore been included in the NDP as per the Examiner's recommendation.</p> <p>However, Paragraph 8.7.0.3 (listed in column 4) has been added by the Parish Council post Examination. Whilst it is acknowledged that the inclusion of land for the protection of the setting of heritage assets is not an intended purpose of a strategic gap, a parcel of land to the north of the church has been removed from the 2020 Preferred</p>	<p>Replace paragraph 8.7.0.1 as follows:</p> <p>"The National Planning Policy Framework states that plans should "identify land where development would be inappropriate, for instance because of its environmental or historical significance". The purpose of maintaining a "strategic gap" between Middle and Lower Tysoe is to serve as a visual break between the two rural settlements and protect the character and setting of those settlements by providing additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between the two settlements in order to retain their individual identity.</p> <p><u>8.7.0.1 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.</u></p>

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<p>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”.</p>		<p>Options version Site Allocations Plan due to concerns relating to the harm that development would cause to its setting.</p> <p>Since the SAP is not promoting land to the northwest of Middle Tysoe as a potential Reserve Housing site, SDC deem it appropriate to include this land within the Strategic Gap. Seeing as proposed para 8.7.0.3 is factual in nature, does not contradict the SAP and merely sets out an additional consequence of the revised gap (based on appropriate, natural physical boundaries 'on the ground') SDC officers are content with this additional paragraph remaining in the Plan.</p>	<p><u>8.7.0.2 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”.</u></p> <p><u>8.7.0.3 Although not specifically intended to, the strategic gap will also help to protect the church and school, both valuable listed buildings, from encroachment by development which would compromise their settings.”</u></p>
<p>Natural Environment Policy 7 [Trees and Hedgerows] (p.32)</p>			
<p>After “be retained” add “within new development proposals where it is practicable to do so”. Thereafter replace the semi</p>	<p>Natural Environment Policy 7 (p.50)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended modifications to the policy</p>	<p>Amend the policy to read as follows:</p> <p>Existing trees and hedgerows should be retained within new development proposals where it is</p>

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<p>colon with a full stop.</p> <p>In the following part of the policy insert "arranged in a fashion" between "hedgerows" and "to".</p> <p>Delete "This network will....to the end of the policy"</p>		<p>wording in order to recognise that in development management, in some cases the retention of all trees and hedgerows may not be practicable. He also requested that the five outcomes of the incorporation of new planting to complement existing networks be moved to the supporting text, since in effect, it is a description of effects rather than policy. Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>practicable to do so. new <u>New</u> developments should incorporate sympathetic plantings of trees and hedgerows <u>arranged in a fashion</u> to complement the existing network of fields, established woodland and hedgerows. This network will:</p> <ul style="list-style-type: none"> a) Support biodiversity and a range of habitats helping them to survive in the changing climate b) Reduce the risk of flooding c) Create, maintain and enhance local wildlife corridors d) Absorb carbon and contribute to mitigating the effects of climate change e) Protect and support a sense of place and time to sustain the landscape and character of Tysoe
Section 8.8 Explanatory Text (p.32)			
At the end of paragraph 8.8.0.2 add:	Paragraph 8.8.0.2 (p.50)	<i>Modification Agreed.</i> The Examiner recommended	Add the following text to the end of para 8.8.0.2: "The policy recognises that in some cases the

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<p>"The policy recognises that in some cases the retention of all trees and hedgerows may 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].</p>		<p>modifications to the explanatory text in order to recognise that in development management, in some cases the retention of all trees and hedgerows may not be practicable. He requested that the five outcomes of the incorporation of new planting to complement existing networks be moved from the policy to the supporting text, since in effect, it is a description of effects rather than policy.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p><u>retention of all trees and hedgerows may 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:</u></p> <p><u>a) Support biodiversity and a range of habitats helping them to survive in the changing climate</u> <u>b) Reduce the risk of flooding</u> <u>c) Create, maintain and enhance local wildlife corridors</u> <u>d) Absorb carbon and contribute to mitigating the effects of climate change</u> <u>e) Protect and support a sense of place and time to sustain the landscape and character of Tysoe"</u></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Built Environment Policy 1 [Designated and Non-Designated Heritage Assets] (p.34-35)			
<p>In the opening sentence replace "Proposals" with "Development proposals in the neighbourhood area" and "may" with "would"</p> <p>In the second sentence delete "as recommended by Historic England (below)"</p> <p>In the penultimate paragraph (final sentence) replace "must" with "should".</p> <p>In the final paragraph:</p> <ul style="list-style-type: none"> • delete "as recommended.... Planning Note 3" • replace "the Conservation Areas" with "the Tysoe (Middle and Upper) Conservation Area" 	<p>Built Environment Policy 1 (p.52)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner has requested modifications to reflect and consolidate the local distinctiveness of the policy which reinforces the national approach to protecting designated and non-designated heritage assets.</p> <p>Officers agree with the Examiner that the amended text provides a necessary local aspect to this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>Amend the first paragraph of the policy to read as follows:</p> <p><u>"Proposals which may Development proposals in the neighbourhood area which would</u> visually detract from, hinder access to or in any other way cause detrimental harm to a heritage asset will be required to include an assessment which describes the significance of the asset to the village and what mitigating actions have been considered. This should be undertaken with regard to the impact of the proposal on the character, context and setting of the asset, on the views both to and from the asset and on its physical surroundings as recommended by Historic England (below). The ethos of any proposal should be to maximize enhancement of the asset and minimize any harm to the asset".</p> <p>Amend the penultimate paragraph of the policy to read:</p> <p>"Development proposals should take full account of known surface and sub-surface archaeology and ensure unknown and potentially significant deposits are identified and appropriately considered during development after consultation</p>

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			<p>with the Warwickshire Historic Environment Record (HER). Lack of current evidence of sub-surface archaeology must <u>should</u> not be taken as proof of absence".</p> <p>Amend the final paragraph of the policy to read:</p> <p>"Development within and adjacent to all heritage assets will be strictly controlled as recommended in Historic England's advice contained in Historic Environment Good Practice Advice in Planning Note 3. Development which fails to conserve or enhance the character or appearance of the <u>Conservation Areas Tysoe (Middle and Upper) Conservation Area</u> will not be supported".</p>
Section 9.2 Explanatory Text (p.33)			
<p>At the beginning of paragraph 9.2.0.1 add:</p> <p>"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</p>	<p>Paragraph 9.2.0.1 (p.52)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner asked for confirmation of the 'local distinctiveness' of the policy, plus reference to Historic England advice notes to be removed from the policy and added to the supporting text.</p> <p>Officers agree with the Examiner that the text should be included in the</p>	<p>Amend paragraph 9.2.0.1 to read as follows:</p> <p><u>"Built Environment Policy 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. A Conservation Area is 'an area of special</u></p>

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<p>proposals in accordance with relevant development plan policies and Historic England's advice in Historic Environment Good Practice Advice in Planning Note 3".</p>		<p>explanation to the policy and as such, the text has been amended to comply with all the Examiner's proposed modifications. It is considered the text as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.</p>	<p>architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance' and was established under the Planning (Listed Buildings and Conservation Areas) Act 1990".</p>
<p>Built Environment Policy 2 [Responding to Local Character] (p.33)</p>			
<p>In the first part of the policy replace "They" with "Development proposals".</p> <p>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</p>	<p>Built Environment Policy 2 (p.53)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended that the policy text be modified to provide the necessary clarity required for a development plan policy (i.e. 'support' appropriate development proposals rather than 'possibly view them sympathetically').</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's</p>	<p>Amend the first paragraph of the policy to read as follows:</p> <p>"All development proposals should demonstrate how local character has been taken into account during the conception and evolution of a design in accordance with the following principles. <u>They Development proposals</u> should:"</p> <p>Amend the final paragraph of the policy to read as follows:</p> <p>"Proposals that do not positively contribute to local character will not be supported, although those that promote high levels of sustainability or are of innovative design (as noted in the NPPF, para 131) may be viewed sympathetically (see</p>

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outweigh any areas where such designs may conflict with elements of this policy".		proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.	also Housing Policy 1). <u>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".</u>
Built Environment Policy 3 [Energy Efficiency and Renewable Energy] (p.34)			
<p>Replace the policy with:</p> <p>"Proposals for housing development which comply with Home Quality Mark principles will be supported".</p>	<p>Building Environment Policy 3 (p.53)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that, as submitted, the policy was not written as a policy. He was content a revised policy could be retained to support developments which meet the appropriate standard, rather than require that they do so.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with the Examiner's proposed modification. It is considered</p>	<p>Replace policy to read as follows:</p> <p>"All new housing developments will be encouraged to comply with Home Quality Mark principles. Opportunities to achieve this level during any proposals for conversions or extensions will be encouraged and supported. Proposals for housing development which comply with Home Quality Mark principles will be supported".</p> <p><u>Proposals for housing development which comply with Home Quality Mark principles will be supported".</u></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
		the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.	
Built Environment Policy 4 [Car Parking] (p.34)			
<p>Delete the first section of the policy.</p> <p>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".</p> <p>Delete the third section of the policy.</p>	Built Environment Policy 4 (p.54)	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that the first section of the policy added no value to the remainder of the policy and should be deleted. The third section was not written in a policy format, was not a land-use matter and was not directly enforceable and should be deleted. Modifications to the remainder of the policy were recommended in order that it applied to all types of development and also make reference to the SDC SPD parking standards.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply</p>	<p>Amend the policy to read as follows:</p> <p>"Where appropriate all new developments should include provision for off-road parking.</p> <p>New dwellings will be expected to provide one off road parking space per bedroom up to a maximum of three spaces as per SDC Development Requirements SPD. <u>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.</u></p> <p>Wherever practicable local Green Spaces and verges should be protected from damage from car parking."</p>

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		with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.	
Built Environment Policy 5 [Replacement Dwelling] (p.35)			
<p>In the first sentence replace "must" with "should".</p> <p>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".</p> <p>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"</p>	Built Environment Policy 5 (p.55)	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that as submitted, the policy included elements of supporting text. He recommended the supporting text be deleted from the policy. He also recommended modifications to the policy to ensure the clarity required by the NPPF.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity</p>	<p>Amend policy to read as follows:</p> <p>"Proposals for replacement dwellings must <u>should</u> respect the character and appearance of the locality <u>in general, and where they are within a conservation area or affect the setting of a listed building in particular</u>. Particular importance is placed on sensitive sites such as those within the conservation areas or affecting the setting of listed buildings.</p> <p>Proposals for replacement dwellings will be supported <u>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</u> so long as they do not overcrowd or over-develop <u>the existing site and do not detract from the amenities on neighbouring sites. As with new developments, replacement</u> <u>Replacement developments dwellings</u> should, wherever</p>

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<p>In the fourth sentence:</p> <ul style="list-style-type: none"> • delete "As with new developments" • replace "replacement developments" with "replacement dwellings" • replace "wherever possible" with "wherever practicable" • insert "unacceptable" before "harm or damage" <p>Delete the final sentence.</p>		<p>with Local and National Policy and meets the Basic Conditions tests.</p>	<p>possible <u>practicable</u>, comply with the Village Design Statement and avoid <u>unacceptable</u> harm or damage to the natural environment. This policy does not apply to caravans or mobile homes".</p>
<p>Section 9.6 Explanatory Text (p.35)</p>			
<p>At the end of paragraph 9.6.0.1 add "This policy does not apply to caravans or to mobile homes"</p>	<p>Paragraph 9.6.0.1 (p.55)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended that reference to the policy not applying to caravans or mobile homes should be removed from the policy and repositioned within the supporting text.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy has been amended to comply with all the Examiner's</p>	<p>Amend paragraph 9.6.0.1 to read as follows:</p> <p>"This policy is designed to facilitate the renewal of the existing housing stock with appropriate replacements. All new replacement dwellings will be expected to respect the vernacular village design and contribute towards a more sustainable living environment in the longer term. <u>This policy does not apply to caravans or to mobile homes.</u>"</p>

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		proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy and meets the Basic Conditions tests.	
Built Environment Policy 6 [Empty Homes and Redundant Agricultural Buildings] (p.36)			
Delete the policy.	Built Environment Policy 6 (p.55)	<p><i>Modification Agreed.</i></p> <p>The Examiner felt that the details of the policy were confusing and attempted to apply a similar set of criteria to two different types of building. It sought to apply a policy approach to the re-use of empty homes which in itself is not classed as development. The Examiner also agreed with SDC that the policy approach on conversion of agricultural buildings was in direct conflict with policy AS.10 of the Core Strategy and as such failed to meet the basic conditions test. He concluded</p>	<p>Delete the policy:</p> <p>"Proposals which bring empty homes back into use or which reuse redundant agricultural buildings will be supported and encouraged subject to structural suitability, appropriate design and materials. This includes any ancillary works required to facilitate their reuse. The conversion of agricultural buildings to residential use or proposals which seek to utilise unused spaces within or around such buildings will require Permitted Development Rights. Any proposals would need to ensure that:</p> <p>a) there is no adverse effect on the existing natural environment, including boundary hedges and wildlife corridors</p> <p>b) any reuse is compatible with the existing neighbouring uses;</p> <p>c) it does not have an unacceptable impact on</p>

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		<p>that any re-writing of the policy would only repeat existing development plan policies and as such, the policy should be deleted.</p> <p>Officers are in agreement with the Examiner that the policy as written was in conflict with the Core Strategy and as such failed the basic conditions test. As such, the policy has been deleted as per his recommendation.</p>	<p>the visual and landscape amenity of the area d) there is safe and satisfactory access to the highway and pavements e) the building is capable of being converted without significant modification or extension"</p>
Section 9.7 Explanatory Text (p.36)			
Delete the supporting text.	Paragraphs 9.7.0.1 and 9.7.0.2 (p.55)	<p><i>Modification Agreed.</i></p> <p>The deletion of the supporting text is a consequence of deleting the associated policy. Officers are in agreement that this modification is necessary given the Examiner's conclusions on the linked policy (see above).</p>	<p>Delete the following paragraphs:</p> <p>"9.7.0.1 Properties that are empty could play a role in meeting housing demand in the Neighbourhood Area. Ignoring the potential of empty homes is a costly environmental mistake.</p> <p>9.7.0.2 Creating homes from empty properties and redundant agricultural buildings saves substantial amounts of materials over building new houses. It also minimises the amount of land used for development. Refurbishing and repairing empty homes can also help improve streets and</p>

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			neighbourhoods, as empty properties are often unsightly and are likely to attract further problems. Permitted development rights will be used for the conversion of agricultural buildings to residential use."
Community Assets Policy 1 [Community Assets] (p.36)			
Modify the Policy title to read "Community Assets Policy 1 – Community facilities".	Community Assets Policy 1 (p.57)	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended modifying the policy title to refer to 'community facilities' rather than 'assets' in order that the term is not confused with any defined 'assets of community value' which are designated through separate legislation.</p> <p>Officers are in agreement with the Examiner on this issue and as such, the policy title has been amended to comply with the Examiner's proposed modification.</p>	Amend Policy Title to read as follows: "Community Assets Policy 1 – Community Assets <u>Facilities</u> ".

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Community Assets Policy 1 [Community Assets] (p.36-37)			
<p>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]"</p> <p>In the first sentence of the submitted policy replace "existing" with "the identified"</p> <p>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"</p> <p>Delete the final part of the policy (on the use of CIL).</p>	Community Assets Policy 1 (p.57)	<p><i>Modification Agreed.</i></p> <p>The Examiner concluded that whilst generally appropriate, the structure of the policy as submitted was confusing. Additionally, several elements were not written as planning policy. Finally, he considered that comments about future use of CIL monies was not directly a planning policy matter and any reference should be removed from the policy and inserted into the supporting text.</p> <p>Officers are in agreement with the Examiner on these issues and as such, the policy has been amended to comply with all the Examiner's proposed modifications. It is considered the Policy as amended is in conformity with Local and National Policy</p>	<p>Amend the policy to read as follows:</p> <p><u>"The neighbourhood plan identifies the following community facilities in the neighbourhood area:</u></p> <p>a) <u>St Mary's Church</u> b) <u>the village shop</u> c) <u>the post office</u> d) <u>the health centre</u> e) <u>the public house</u> f) <u>the village hall, meeting rooms, kitchen and social club</u> g) <u>the sports pavilion</u> h) <u>the primary school</u> i) <u>the pre-school</u> j) <u>the Methodist Church, meeting room and kitchen</u></p> <p>The loss or partial loss of existing <u>the identified</u> community facilities will not be supported unless it can be demonstrated that any facility which is to be lost is no longer valued or of use to the village and has no prospect of being brought back into use, or is to be replaced by a new facility within the parish of at least an equivalent standard. Proposals which enhance and improve existing community facilities will also be supported. New community facilities will be</p>

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		and meets the Basic Conditions tests.	<p>encouraged providing they are compatible with existing neighbourhood uses. Residents have identified the following assets which are of significance in maintaining the social, economic and environmental wellbeing of the community (see Map 7, page 18). All of them are accessible to, and are enjoyed by, the whole Parish community. <u>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.</u></p> <p>Community assets will be funded where appropriate, through use of Community Infrastructure Levy which allows the Parish Council considerable freedom in using the funding to support development in the local community and to identify priorities."</p>

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Section 10.2 Explanatory Text (p.37)			
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".	Paragraph 10.12.0.1 (p.57)	<i>Modification Agreed.</i> The removal of reference to CIL from the policy and its addition to the supporting text is a direct consequence of the Examiner's recommendations on the associated policy. Officers are in agreement that this modification is necessary given the Examiner's conclusions on the linked policy (see above).	Amend paragraph to read as follows: "Tysoe is well served with community assets. These are important to maintaining the vitality of the rural community and will be protected and enhanced under the Plan. In the event of the impending loss of one or more of these assets the community may examine ways to protect the asset including the creation of a community interest company (or other mechanism) to take over their running. <u>The Parish Council will consider the application of the local element of CIL funding to assist and support community facilities within the Plan period.</u> "
Other Matters – General (p.37)			
Modification of general text (where necessary) to achieve consistency with the modified policies.	Various sections and paragraphs throughout the Plan.	<i>Modification Agreed.</i> The Examiner was conscious that any changes to supporting text required directly as a result of his recommended modifications may result in additional changes elsewhere in the Plan. He concluded it would be appropriate for SDC and	Amend general text throughout the Plan (where necessary) in order to ensure the Plan reads correctly.

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		<p>the PC to have the flexibility to make any additional consequential changes to the general text, where appropriate.</p> <p>Officers are in agreement with the Examiner on this issue and will amend text where necessary and appropriate to achieve consistency with modified policies and ensure continuity throughout the document.</p>	

Assessment of the Neighbourhood Plan as a whole, against the three dimensions of sustainable development, as set out in the National Planning Policy Framework (NPPF):

Sustainable Development Role (NPPF)	Neighbourhood Development Plan's Contribution
Economic	<p>The Neighbourhood Plan seeks to support the local economy through the protection and enhancement of existing employment sites and the promotion of flexible home working and proposals for small-scale mixed use development within the neighbourhood area, comprising commercial space and living accommodation.</p> <p>If implemented these policies will have a positive impact on the local economy, safeguarding jobs and local services and promoting flexible opportunities to work from home or in adapted work spaces.</p>
Social	<p>The Neighbourhood Plan sets a framework that will help to support the achievement of sustainable social development.</p> <p>The Plan promotes the retention and improvement of local community facilities (which are individually listed within Community Assets Policy 1). It also supports the development of new community facilities.</p> <p>The Plan looks to safeguard and promote improvements of locally important sites.</p> <p>Policies seek to promote the local distinctiveness of the area, and protect heritage assets within the neighbourhood area.</p>
Environmental	<p>The Neighbourhood Plan includes a number of policies that support environmental sustainability for the community.</p> <p>The Plan has policies that look to protect the Cotswolds Area of Outstanding Natural Beauty, dark skies, natural features, biodiversity, valued landscapes as well as designate areas of Local Green Space.</p> <p>The NDP includes policies to protect the natural environment for future generations which have a positive impact on the environmental sustainability of</p>

	the plan.
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3.1 The District Council concurs with the view of the Examiner that:

- Subject to the modifications above, the Tysoe Neighbourhood Plan meets the Basic Conditions set out in paragraph 2.12 above; and
- The referendum area should be coterminous with the neighbourhood area.

4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))

This Decision Statement and the Examiners Report can be inspected online at:

www.stratford.gov.uk/tysoenp

And can be viewed in paper form at:

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