



**Consultation Statement**  
**Tysoe Neighbourhood Plan Regulation 17a Consultation**

16 September – 29 October 2021

**Stratford-on-Avon District Council**

November 2021

### **Components of consultation undertaken on the Tysoe NDP Regulation 17a Consultation (2021)**

The District Council's proposed amendments to the modifications as recommended by the Examiner in respect of Natural Environment Policy 6 [Protected Strategic Gap] of the Tysoe NDP were published on Thursday 16 September 2021 for a six week consultation period, expiring 29 October 2021, in accordance with Regulation 17a of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

The consultation comprised the following:

1. A public notice in the Stratford Herald (on 16 September 2021)
2. A press release was issued by the District Council on 16 September 2021 notifying of the consultation;
3. A specific page on the District Council's website providing links to the consultation documents, interactive and pdf comments form;
6. Emails and letters sent 16 September 2021 to the Qualifying Body (Tysoe Parish Council); persons whose representations had been forwarded to the Examiner of the plan proposal; consultation bodies referred to in the Consultation Statement mentioned in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012; and individuals, organisations and bodies who had previously requested to be notified of Neighbourhood Plan consultations.
7. Paper copies were made available for inspection at the District Council offices and at Kineton and Stratford-upon-Avon Libraries.

### **Responses to the consultation**

A total of nine responses were received from the following bodies/organisations/individuals:

- National Highways
- The Coal Authority
- Natural England
- Warwickshire County Council – Flood Risk
- Canal and Rivers Trust
- Mr M Walker
- Mr S Taylor
- Mr C Bell
- Mr J Rivers-Fletcher

**Table of Representations and Officer Responses:**

Respondent	Document Reference or Section	Summary of Comments	Officer Response	Proposed Amendments to the Tysoe NDP as Proposed by the District Council.
National Highways	General Comment	National Highways (formally Highways England) has no comments to make.	Comments noted. No response required.	None.
The Coal Authority	General Comment	Having reviewed your document, I confirm that we have no specific comments to make on it.	Comments noted. No response required.	None.
Natural England	General Comment	Natural England does not have any specific comments on the Tysoe Neighbourhood Development Plan.	Comments noted. No response required.	None.
Warwickshire County Council – Flood Risk	Para 3.3.5.1	<p>In this section you mention that new houses may be built in the Tysoe area. If a site is over 1ha or for 10 or more dwellings, it is classed as a major planning application, therefore in line with the National Planning Policy Framework, a site specific Flood Risk Assessment must be submitted to the Lead Local Flood Authority for review.</p> <p>You could add to your objective a specific point about new developments needing to consider their flood risk and sustainable drainage systems when building on Greenfield and brownfield sites.</p> <p>All developments will be expected to include sustainable drainage systems.</p> <p>We support the protection of open spaces and river corridors – this could be developed to mention the benefits of open space as flood risk management to retain water. Above ground SuDS could be utilised in open spaces.</p>	<p>Comments noted.</p> <p>However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.</p>	None.
Warwickshire County Council – Flood Risk	Para 4.1.0.1	We support the protection of open spaces and river corridors – this could be developed to mention the benefits of open space as flood	Comments noted.	None.

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		risk management to retain water. Above ground SuDS could be utilised in open spaces.	However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	
<b>Warwickshire County Council – Flood Risk</b>	<b>Para 4.2</b>	<p>You could add to your objective a specific point about new developments needing to consider their flood risk and sustainable drainage systems when building on Greenfield and brownfield sites.</p> <p>You could include an additional point that encourages new developments to open up any existing culverts on a site providing more open space/green infrastructure for greater amenity and biodiversity; and the creation of new culverts should be kept to a minimum. New culverts will need consent from the LLFA and should be kept to the minimum length.</p> <p>All developments will be expected to include sustainable drainage systems.</p>	<p>Comments noted.</p> <p>However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.</p>	None.
<b>Warwickshire County Council – Flood Risk</b>	<b>Para 4.4.0.1</b>	We support the protection of open spaces and river corridors – this could be developed to mention the benefits of open space as flood risk management to retain water. Above ground SuDS could be utilised in open spaces.	<p>Comments noted.</p> <p>However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.</p>	None.
<b>Warwickshire County Council – Flood Risk</b>	<b>Natural Environment Policy 1</b>	We support the protection of open spaces and river corridors – this could be developed to mention the benefits of open space as flood	<p>Comments noted.</p> <p>However, they are outside of the scope of the consultation, as they do not</p>	None.

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		risk management to retain water. Above ground SuDS could be utilised in open spaces.	pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	
Warwickshire County Council – Flood Risk	Natural Environment Policy 4	We support the protection of open spaces and river corridors – this could be developed to mention the benefits of open space as flood risk management to retain water. Above ground SuDS could be utilised in open spaces.	Comments noted.  However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	None.
Warwickshire County Council – Flood Risk	Para 4.4.0.2	Under this point you could mention that all developments will be expected to include sustainable drainage systems.	Comments noted.  However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	None.
Warwickshire County Council – Flood Risk	Para 4.6.0.1	Under this point you could mention that all developments will be expected to include sustainable drainage systems.	Comments noted.  However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	None.
Warwickshire County Council – Flood Risk	Housing Policy 2	You could add to your objective a specific point about new developments needing to consider their flood risk and sustainable drainage systems when building on Greenfield and brownfield sites.	Comments noted.  However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of	None.

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		Under this point you could mention that all developments will be expected to include sustainable drainage systems.	the Neighbourhood Planning Regulations.	
Warwickshire County Council – Flood Risk	Housing Policy 3	If a site is over 1ha or for 10 or more dwellings, it is classed as a major planning application, therefore in line with the National Planning Policy Framework, a site specific Flood Risk Assessment must be submitted to the Lead Local Flood Authority for review.	Comments noted.  However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	None.
Warwickshire County Council – Flood Risk	Natural Environment Policy 3	<p>In this policy you state that wherever possible, new developments should incorporate Sustainable Drainage Systems (SuDS). This could be strengthened to say that new development will be expected to incorporate SuDS.</p> <p>You could develop this point to include the SuDS hierarchy. The hierarchy is a list of preferred drainage options that the LLFA refer to when reviewing planning applications. The preferred options are (in order of preference): infiltration (water into the ground), discharging into an existing water body and discharging into a surface water sewer. Connecting to a combined sewer system is not suitable and not favourable.</p> <p>You could include a copy of the Flood Zone maps, showing the levels of risk from all types of flooding (fluvial and pluvial) to provide supporting evidence that flood risk is a problem in parts of Tysoe, and encourage</p>	Comments noted.  However, they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.	None.

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		<p>development to reduce the impacts from flooding.</p> <p>Despite Tysoe sitting within Flood Zone 1, it could be acknowledged that this is due to modelling limitations in small catchments such as this, rather than reflecting the actual level of flood risk to the area. As such we support detailed modelling of ordinary watercourses where future development is proposed.</p>		
Canal and Rivers Trust	General Comment	The Trust does not operate any waterways within the Plan area and we therefore have no comment to make.	Comments noted.	None.
Mr M Walker	General Comment	<p>The neighbourhood plan in its present form, would effectively designate all parts of Lower Tysoe as 'open countryside'.</p> <p>There are clear opportunities for development within Lower Tysoe, whether by new build infill or conversion of existing redundant buildings (agricultural or otherwise) that will be significantly compromised by the restrictions that this will entail. Lower Tysoe has been subject to some degree of development in recent years that has <b>not</b> resulted in any detriment and, in some cases, has provided significant enhancement to the area. Lower Tysoe is clearly a settlement and can be reasonably regarded as part of the overall LSV of Tysoe without detriment to either Lower or Middle Tysoe provided, of course, that the settlement gap is maintained.</p> <p>It appears that the consideration of a single LSV but with a settlement gap (or strategic</p>	<p>Comments noted.</p> <p>However, since the representation refers to the re-creation of a BUAB for Lower Tysoe, the observations are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.</p>	None.

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		<p>gap) is difficult to accommodate in planning policy and legal terms. However, it would clearly be a more sensible and appropriate approach and I believe would be in accordance with the aim of the <b>NDP</b>. A method to accommodate Lower Tysoe being with the BUAB but with a settlement/strategic gap should be established.</p>		
Mr S Taylor	General Comments	<p>The NP as proposed seeks to create a settlement gap between Middle and Lower Tysoe and effectively re-classify Lower Tysoe in open countryside. This raises a number of issues as follows:</p> <ul style="list-style-type: none"> <li>• The adopted Core Strategy defines the whole of Tysoe as an LSV – it does not demarcate its constituent parts, therefore the NP would not be consistent with adopted policy as written.</li> <li>• Since the introduction of the NPPF in 2012 approximately 1/3rd of all development planning approvals have been in Lower Tysoe. To now isolate this part of the settlement through the auspices of the NP goes against settled planning policy established over the last decade.</li> <li>• Central government have instructed all LPAs to take a “thirty year view” when considering allocating land for future housing in the emerging policy planning process (Site Allocations Plan, LP Review, merging with Warwick District Council etc.) The NP as currently drafted would</li> </ul>	<p>The proposed settlement gap would not ‘re-classify’ Lower Tysoe as being located within the open countryside. In planning terms, over the past three Local Plans stretching back to the 1990’s, SDC have consistently recognised Middle and Upper Tysoe as the sustainable location for development for Tysoe village. Lower Tysoe has therefore, by default, been located in the open countryside. This being the case, the NDP is consistent with the Core Strategy.</p> <p>Issues relating to historic planning consents in Lower Tysoe and whether or not Lower Tysoe should have its own built-up area boundary have been dealt with through previous statutory stages of the NDP process and do not need to be repeated here since they are outside of the scope of the consultation, as they do not pertain to the specific matter that was consulted on under Regulation 17a of the Neighbourhood Planning Regulations.</p>	None.



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		<p>prevent the LPA from taking such a long-term view by effectively sterilizing the land in the proposed settlement gap. Potentially this would prevent future generations from living and working in the village, contrary to one of the founding principles of the NPPF.</p> <ul style="list-style-type: none"> <li>Land to the north of Lower Grounds and to the rear of Meadow Lane adjacent to the school is within walking distance of all local services – no other parcels of land within the village are as sustainably located. Adoption of the NP as currently drafted would cut off this land and effectively prevent the LPA from taking a thirty year view.</li> </ul> <p><u>Specific Objections:</u></p> <ol style="list-style-type: none"> <li>Natural Environment Policy 6 – Protected Settlement Gap states that “other forms of development not specifically listed will not be supported”. This is in direct conflict with NP policy proposal H4 Rural Exception Housing which supports such schemes adjacent to the proposed BUAB.</li> <li>Policy 6 will also conflict with emerging policy in the Site Allocations Plan relating to self-build housing which is similarly supportive of such development adjacent to village boundaries.</li> </ol>	<p>The long term view for allocating land for housing will be taken through the South Warwickshire Local Plan. The short to medium term position for allocating sites for housing will be via policies set out in the adopted Core Strategy, emerging Site Allocations Plan and ‘made’ Neighbourhood Plans for their area. The NDP has been examined twice and found to be in general conformity with the Development Plan and NPPF.</p> <p>In answer to the specific objections raised:</p> <p>It is reasonable and appropriate for the NDP to include both policies, since they both pass the Basic Conditions test and are in general conformity with the Development Plan and the NPPF as proven through the two examinations of the NDP. There is no contradiction in how they have been drafted since Environment Policy 6 would not prevent a Rural Housing Scheme to come forward on appropriate sites on the edge of Middle and Upper Tysoe outside the settlement gap. Again, there is no conflict with the SAP in this regard.</p>	
Mr C Bell	General comment	We fully support the submission by the Parish Council and incorporated in the latest	Comments noted.	None.

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		<p>document that is the subject of this latest 2021 consultation.</p> <p>We look forward to being able to take the necessary steps to conclude the execution of the NP at the earliest opportunity, without further changes.</p>		
Mr J Rivers-Fletcher	General comment	<p>I am completely in favour of the latest NP submission. I am horrified that SDC and the "independent Examiner" have taken into account objections from two parties who are only interested in profiting from more land being available for them to build on in the future.</p> <p>The project of "Neighbourhood Plans" was to give residents the opportunity to control the development of their villages, and promote "localism".</p> <p>It seems that SDC have ignored the government's instructions. I am in awe of the Tysoe group who have persevered to get a "plan" into action, despite every attempt by SDC to prevent one happening, even having to take legal advice at times to make SDC behave correctly.</p> <p>I repeat, I am totally in favour of the latest plan, it should not be delayed by any more attempts by SDC to prevent it happening.</p>	Comments noted.	None.