

Extra Ordinary Meeting of Tysoe Parish Council



Date & Time:	Tuesday 21 July 2020 at 7.15pm
Location:	Zoom multi-user video software
Councillors present:	Jacqui Sinclair (Chair), David Roache (Vice Chair), John Tongue, Jane Millward, Alison Cross, James Bardey
In attendance:	Beverley Thorpe (Parish Clerk), District Cllr John Feilding
Members of the public (MOP):	14

	<p>Prior to the official start of the meeting the Parish Clerk welcomed the public and advised that they should remain on mute during the meeting. Participants were reminded to use Zoom reactions and messenger if they wanted to ask a question. A reminder was given of the Welcome Notice relating to meeting etiquette and Councillors were reminded of their Code of Conduct. The Clerk reiterated that 15 minutes are allowed for the public forum. Any questions received before the meeting Cllr David Roache had seen and tried to answer in his update.</p>
51/20	<p>WELCOME and APOLOGIES NOTED</p> <p>Cllr Sinclair welcomed Members of the Public and asked for apologies. Apologies were received from Cllrs Malcolm Littlewood and Jeremy Rivers-Fletcher (who later joined meeting at 19.38).</p>
52/20	<p>DECLARATION OF INTEREST</p> <p>Cllr Roache stated that, although he did not believe he had a conflict of interest, a Member of the Public has questioned this. The MOP had pointed out that the proposed Strategic Gap (SG) in the Neighbourhood Development Plan (NDP) adjoins Cllr Roache's garden therefore giving him protection from development immediately south of his property. Cllr Roache acknowledged this but also added that the proposed SG cut off about 2/3rds of his garden, preventing any potential development therefore devaluing his property.</p> <p>The Clerk reminded the Meeting that a recording of the meeting was being made and that the recording would be deleted once the draft minutes had been approved in principle by the Councillors. She also said that attendees should be aware that MOPs also record meetings.</p>
53/20	<p>CONFIRMATION OF MINUTES</p> <p>The minutes of the Parish Council Extra-Ordinary meeting held on 29 June 2020 were confirmed. Cllr Sinclair will make arrangements with the Clerk to sign them.</p> <p>Proposed Cllr Millward Seconded Cllr Roache All in favour</p>
54/20	<p>NEIGHBOURHOOD PLAN UPDATE</p> <p>Cllr Roache began by stating that he hoped he had answered most of the questions submitted by MOPs before the meeting but there would be an opportunity to ask questions after his short presentation.</p> <p>Cllr Roache said that he hoped that we are now reaching the beginning of the end of the process of producing a Plan for Tysoe. This has so far been over 6 years in the making. The recent history has seen a Plan submitted for consultation by village residents in May 2017. This elicited a huge response from residents, most but not all of it favourable. After considerable further work, taking into account the comments received we produced a further version of the Plan which Stratford District Council (SDC) put forward for consultation in May 2019. It was this version which was subject to review by an Examiner whose final comments were received in February of this year. Throughout all of this process we have endeavoured to reflect in the Plan what residents have told us they consider important.</p> <p>In broad terms the Plan includes the following:</p> <ul style="list-style-type: none"> • It identifies those aspects of the village that people particularly value – its history, its superb rural setting, its distinctive buildings, its culture and facilities. • It sets out ways in which these things can be protected and preserved. • It recognises that development will inevitably take place and it identifies where such development is likely to cause the least impact and disruption. And it identifies a number of guidelines which will ensure that development will retain the vernacular style and character of the village. • It also proposes ways in which future requirements for new housing, imposed by SDC, might be accommodated within the village in the Reserve Site.

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- It does all of these things whilst complying with the overall guidelines set by SDC's Core Strategy.

This has been a long and often tortuous path and not all residents have agreed with the way that the work has been carried out. However, the Examiner praised the way in which the Plan process had engaged with residents saying that *"the Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation"*. And *"The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new homes can be accommodated."*

In order to get included in the Plan some of the things we believed to be vital for the village we obtained a Counsel's opinion without which I don't think we would have the Plan that we have today.

The Plan now presented includes a number of changes from the version that was submitted for consultation last summer. The following is a summary of those changes:

1. The previous Plan, in Housing Policy 2, included an allocated site for approximately 3 houses at The Orchards in Lower Tysoe. Permission has since been granted by SDC for five houses, three of which will be of four or more bedrooms in contravention of SDC's housing mix policy. This site is now no longer an allocated site.
2. In Housing Policy 3 our previous Plan included two reserve sites – Roses Farm and Herberts Farm. The Examiner believed that we had not included any mechanism by which they would be released for development and therefore recommended that the whole policy be deleted. SDC however recommended that we include a release mechanism and retain only Herbert's Farm as a reserve site. They recommended deletion of Roses Farm on the grounds that it was in a sensitive area of the village - although both sites are in or adjacent to Conservation Areas. Herbert's Farm will only be released for development in circumstances defined by SDC in their Site Allocations Plan – most likely a lack of 5-year housing supply in the district.
3. In Housing Policy 4 our previous Plan proposed that any multi-house development should have a maximum of 5% of Four+ bedroom houses. This differed from SDC's policy which set the Four+ bedroom house max at 20%. SDC have insisted that we align our policy with theirs and therefore raise the maximum to 20%. It should be pointed out that recent multi-house developments in Tysoe have failed to adhere to SDC's own policy – they simply fail to enforce this policy. We will be lobbying for full compliance on any future applications.
4. In our previous Plan, Natural Environment Policy 6, recommended a strategic gap to protect the land between Middle and Lower Tysoe from coalescence. The Examiner recommended that the proposed defined boundary of the SG be deleted but the policy retained. SDC however recommended that we re-draw the boundary to include a smaller area of land. After very protracted discussions with SDC we have now agreed a boundary that provides excellent protection for the highly sensitive area containing valuable heritage assets north of the school and west of Church Farm Court and the new developments of Meadow Lane and Red Horse Close.

Previously we had put a number of proposals to SDC which we believed addressed theirs and the Examiner's objections. Having accepted that the AONB (Area of Outstanding Natural Beauty) provided an acceptable level of protection on the eastern side of the road we made a number of proposals which utilised either "virtual" lines across the field to the west of Church Farm Court or used the line of the recently erected fence in that field in order to keep the "enclosed" land to a minimum consistent with providing adequate protection. SDC objected to these on the grounds that development in that field would not constitute coalescence and that the only protection we needed was on a strip of land to the west of the road. SDC also objected to the use of anything other than established field boundaries. The Parish Council recently agreed to instruct lawyers to examine what solutions to this impasse might be available to us. However, before any costs were incurred by the Parish Council we believe SDC examined the legal grounds for the stance that they had adopted and realised that

- a) coalescence would certainly take place if that field were developed, and
- b) their insistence on the use of established boundaries left them no alternative but to include the whole of the field in the SG.

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	<p>Following this rather surprising reversal by SDC this larger protected SG has now been agreed – a very gratifying outcome.</p> <p>Whilst it could be said that SDC's development policies AS10 and CS15 might already afford this land protection from development, this would be subject to SDC's interpretation of those policies. By putting in place a specific policy designating the land as "Strategic Gap" it demonstrates that residents have voted to have this tract of land being protected and as such it does not depend on SDC's interpretation – it adds an additional level of certainty to our policy. This is a device used in many Neighbourhood Plans across the country.</p> <p>5. Our Previous Plan proposed a Built-up Area Boundary around Lower Tysoe, as we believe that that settlement should be treated in exactly the same way as Middle and Upper Tysoe for planning purposes. We also believe that there is ample evidence that Lower Tysoe is as much part of the village as the other two settlements. Both the Examiner and SDC disagreed with us however and, despite much evidence supporting our position we have deleted the BUAB around Lower Tysoe. In future, when any planning applications are submitted for Lower Tysoe, residents will have to rely on the protection provided by a presumption against development in cases where the application is not supported by the Ward Member and the Parish Council. The presumption against development has in the past proved to be an unreliable protection. Whilst this policy has proved to be an emotive subject its deletion is not too significant for the Plan.</p> <p>6. There are a number of other much less significant changes now incorporated into the Plan. These reflect the recommendations made by the Examiner and SDC many of which improve the clarity of policies. We believe that the Plan now fully complies with the Examiner's recommendations as modified by SDC and should be compliant with Basic Conditions – the test that must be applied in order for the Plan to go forward to referendum.</p> <p>Some residents may ask why it was that we obtained Counsel's opinion on the Examiner's report? In answer, it is doubtful that we would have won some of the important concessions, granted by SDC, if we had not obtained the opinion. These include the concession to include a reserve site and to include a defined boundary for the Strategic Gap.</p> <p>Residents may also question why we proposed seeking legal advice on how we should progress the issue of the Strategic Gap on which we had reached an impasse with SDC. Cllr Roache said that he was convinced that had we not have raised the threat of quasi-legal action on that matter, which probably forced SDC to examine the legal grounds for their intransigence; we would not have won the valuable protection we now have. In the event the Parish Council incurred no cost as the lawyer waived the fees for work undertaken prior to SDC agreeing to our proposal.</p> <p>The next steps are:</p> <ol style="list-style-type: none"> 1. The Parish Council now need to approve the Plan to be submitted to SDC for a regulation 17A consultation. 2. Following review SDC will put the Plan forward for a 6-week consultation which they will run. We hope that this will happen very quickly. 3. Assuming no significant further changes come out of the consultation process the Plan will carry virtually full weight in terms of planning matters. 4. The Plan will be put to the SDC Cabinet for final approval to be submitted to a referendum in the village where a simple majority will produce a result. Currently all elections and referenda are postponed until May 2021. However, it is likely that this will be reviewed in which case we may be able to hold a referendum earlier than that. <p>The latest version of the Plan can be found on the Parish website for those who haven't yet seen it.</p>
55/20	<p>PUBLIC FORUM FOR NEIGHBOURHOOD DEVELOPMENT PLAN</p> <ol style="list-style-type: none"> a) Cllr Sinclair thanked Cllr Roache for the update and began by asking Councillors if they had any questions for Cllr Roache or any other members of the Neighbourhood Planning Group (NPG). b) Cllr Millward said that she had no questions but thought the Plan was a very good Plan. The people on the NPG deserve thanks because it has taken a lot of hard work and tenacity to get it to this stage. Cllr Millward acknowledged that not everybody would be happy with the Plan but overall people have been listened to and it incorporates a lot of what people said that they

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wanted.

- c) Cllr Cross asked what came after the consultation process with residents? Cllr Roache answered that, assuming that no significant issues come out of the consultation process, the plan may be amended to take into account any comments the public have made and will then presumably go to referendum. Cllr Roache continued by saying that he thought it was unlikely that there would be anything significant to stop the Plan going to Regulation 17a consultation. Cllr Roache was unsure whether the consultation process could still happen during lockdown. Cllr Cross asked what the time-period was for the referendum? Cllr Roache answered that there will be a notice period for a referendum, but he was not sure what that was. His understanding from SDC, was that once the Plan had been through Regulation 17a consultation it would carry pretty well full weight for planning applications that came after that. Cllr Cross said that she joined the Council to help get the NDP through and to help reduce the amount of discord that was apparent. She had the impression that people were not prepared to stand for the Council because of the amount of stress previous Councillors had been put under. She commented that she had never seen something locally cause such discord, unhappiness, vitriol and passive aggressive behaviour and the sooner it was behind us the better. There have been lots of people from the village involved over the years many of whom have dropped out because they couldn't cope with the nastiness. Cllr Cross continued by saying that, having been quite prominent in working with the village during the Covid-19 outbreak, and seeing the very best of Tysoe, she thought Tysoe deserved more than this. She hopes that people reflect and can all move forward and get on with stuff that everybody in the village cares about. I hope that everybody who has been involved takes a look at themselves and chooses to move forward in a very positive way.
- d) Cllr Tongue said that he had no specific comments but agreed with Cllr Roache's proposed course of action and wanted to thank him for all his hard work.
- e) Cllr Bardey said he had no specific comments but wanted to thank Cllr Roache and the Neighbourhood Planning Group for their hard work. Getting the Plan over the line was key. Well done.
- f) Cllr Rivers-Fletcher apologised for not being present at the beginning of the meeting but confirmed that he had read all of the latest plans and expressed his keenness for getting the Plan over the line and finished as soon as possible. He added that the Council has a democratic plan that the vast majority of Tysoe want, Cllr Roache has done a brilliant job in pushing this forward.
- g) Cllr Roache had nothing further to add.
- h) Cllr Sinclair said that she could only echo what her fellow Councillors had said. The project has come a long way, through some difficult time but we now have a very good plan, one that the NPG should be very proud off.

Cllr Sinclair invited members of the NPG to ask questions or give comment.

- i) Alison Edwards said that she was glad that the village had the Plan in place, it had been extremely difficult and that she was convinced that the threat of legal action was what pushed SDC over the line.
- j) John Hunter thanked Cllr Roache for pushing the Plan over the line. He said that he hoped that this was the end and where they wanted to get to. They started in 2013 so it has taken a long time. It is good that SDC are now become supportive.
- k) Cllr Rivers-Fletcher had nothing to add.

Cllr Roache expressed his heartfelt thanks to all of the people over the last 6-7 years who had worked on the Plan.

Cllr Sinclair then opened the meeting up for questions and comments from MOPs.

- 1) **MOP1** thanked Cllr Roache for answers to his questions submitted prior to the meeting. He asked for a point of correction. He wanted it clarifying that the planning application for The Orchards had been approved by the planning inspector and not by SDC. Cllr Tongue disagreed with this comment. He said that the planning inspector refused the planning application and that SDC passed it. DC John Feilding commented that there was some confusion when the planning application was presented to committee at SDC confirming that it was SDC that passed the planning application.

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	<p>2) MOP2 Was invited to ask a question but he said that he had sent in questions prior to the meeting which he felt were important to ask but the Council had chosen to respond in the way it had so would like to leave it there. The Clerk confirmed that a written response would be sent replying to his questions in due course.</p> <p>3) MOP1 said that he apologised about his earlier point of correction if he had offered wrong information.</p> <p>Cllr Rivers-Fletcher asked DC Feilding about the earlier point about confusion over The Orchards planning application and whether this confusion had been subsequently clarified. DC Feilding said that he thought that some of the Members at the committee meeting misunderstood the information presented so the application went through. Cllr Roache said that his recollection of the meeting was that Committee Members were misled, accidentally or not, by the Planning Officer on a number of issues including the mix of large houses, and then by the Planning Consultant representing the applicant.</p> <p>DC Feilding followed up on the issue of the timing of the referendum. He said that it was cheaper to hold them all together and that there were two other Plans waiting to go to referendum.</p> <p>Cllr Sinclair thanked the Clerk for giving all Members of the Public present the opportunity to ask questions and have them answered.</p> <p>Cllr Sinclair proposed that the Council approve the Plan as presented for submission to SDC for their review and subsequent presentation for Regulation 17A consultation and that the NPG are authorised to make any minor corrections or amendments, that are necessary to enable this to happen. Cllr Sinclair also asked if there were any other proposals. There were no other proposals.</p> <p>Proposed Cllr Sinclair Seconder Cllr Tongue All in Favour</p>
56/20	<p>PUBLIC FORUM</p> <p>Cllr Sinclair opened the meeting up for questions and comments from MOPs.</p> <p>1) MOP1 asked the Council to write to Loxton Development telling them that it is a caveat of their planning permission that they should not be parking on the road outside the development. DC Feilding confirmed that he had rung Mark Roberts earlier that day after watching the bus struggling to get through. Mark Roberts said that they are laying the road surface through the estate and do not want to bring the vehicles into the site until this is completed. This should take about a week. MOP1 also asked about the badger holes being stopped up. DC Feilding said that he had spoken to Mark Roberts and had been assured that the police have been to check the badgers and there is no problem. Mark Roberts has admitted that there is a silage clamp in the field that he is waiting to remove. DC Feilding said that he was not happy though because Mark Roberts indicated that the topsoil in the muck heap would then be spread across the field. DC Feilding said that he believed Mr Roberts had spoken to the relevant planner and that he had not been told to stop this. Mr Roberts had also confirmed that there was no planned development on that site at this moment in time. Cllr Roache pointed out that spreading the spoil on the field would eradicate the ridge and furrow in that field which DC Feilding said that he was concerned about that too. Action for the Clerk to raise the issue with SDC. The Clerk confirmed that the parking issue has once again been raised with SDC that morning. DC Feilding confirmed that the verge where cars were parking is WCC Highways responsibility.</p> <p>2) MOP2 said that they walked through Mark Robert's field that morning and saw a lorry pumping water through the sewer pipes. They asked the driver what he was doing. He said that he had to clear out the pipes because the contents of the pipes were draining into the brook and polluting it.</p> <p>3) MOP3 said that he had been involved in getting the sewers in Red Horse Close adopted by Severn Trent and he can guarantee that there had been no work on the sewers there. He had observed new troughs being installed (long blue pipes) providing water to the three sections of the field to allow stock to graze. DC Feilding said that he was aware that Severn Trent were looking at capacity issues.</p> <p>Action to ask Archie Chitty, Site Manager at Loxton Development about the activity in the field</p>

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	<p>earlier that day.</p> <p>MOP3 confirmed that as of 24 August 2020 Severn Trent will formally adopt the sewers from the boundary of Red Horse Close to the public sewer. Cllr Sinclair said that the situation should be monitored, and any problems reported to the Clerk who would report to Severn Trent.</p> <p>Cllr Rivers-Fletcher queried why vehicles from the Loxton Development were parking on the road and verge for another week whilst the road surface was being laid when it was a condition of planning approval that they didn't put any of the site vans there for any length of time. He asked why there were being allowed to do this and who should be enforcing this? DC Feilding said that the vehicles are being prevented from being on site whilst the surfacing work is being carried out. He said that he could ask the Enforcement Officer to enforce it but that it would be over and done with by the time they get round to it. Cllr Tongue said that the problem stems from the original soft management plan. The Planning Officers are more at fault than the developer.</p> <p>MOP3 said that the problem with parking has been going on for at least 10 days and that cars have been parking immediately either side of the entrance to Red Horse Close. He reported that he had two near misses edging out on to Lower Tysoe Road and that there was an accident waiting to happen.</p> <p>DC Feilding said that he was frustrated that the Police Commissioner and the Leader of WCC live in the village and neither are doing anything about it the parking issue.</p> <p>Actions – DC Feilding to contact the Enforcement Officer. Clerk to write to Clare Eynon, Planning Enforcement cc Daren Pemberton and Sarah Whaley-Hoggins.</p>
57/20	<p>DATE OF NEXT MEETING Wednesday 22 July 2020 at 7.15pm, Extra Ordinary Meeting to agree the Annual Return. Apologies in advance from Cllr Bardey.</p>
58/20	<p>CLOSURE OF THE MEETING TO THE PUBLIC AND PRESS The meeting closed at 20.25.</p>

SIGNED

B. Thorpe

DATE 29 July 2020