

11 May 2021

Dear Mr Careford,

Once again the village of Tysoe finds itself at the wrong end of perverse decisions by SDC's planning officers.

### **Brief background**

Over seven years ago Tysoe embarked on the task of producing a Neighbourhood Plan (NDP). What should have been an exercise in Localism in action has turned out to be a battle every inch of the way to get the voices of Tysoe residents heard and taken notice of.

Unfortunately we have failed; beaten by the overbearing bureaucracy of a planning regime that has failed to deliver even a hint of Localism.

Our NDP has been through numerous formal consultations which lead first of all to an Examiners report on our Reg 16 Plan. After agreeing with SDC a number of amendments to the Examiners recommendations we produced a Reg 17a NDP which was again put to a formal consultation. Following this consultation and due to only two of the twelve representations made by interested parties SDC demanded that the Plan be re-Examined. The Examiners report was received by us on 25th March, 2021. We responded on 29th March, 2021 raising a number of very serious misgivings regarding the way that the Examiner had produced his report.

SDC advised us on 4th May, 2021 that our concerns had been considered but the Examiners report would be published unchanged.

### **Our concerns with the Examiners report**

When SDC instructed the Examiner to report on our Reg 17a NDP it was to be on a limited number of issues, those that were relevant to the particular representations which had caused SDC concern. However, the Examiner, we believe, went far beyond his remit and his brief and in so doing has produced a report that we consider to be highly prejudicial to Tysoe and the integrity of the NDP.

The main point of contention is the Examiner's comments on a representation made by Loxton Developers. Loxton is a local developer who owns a plot of land within what we had proposed as a Strategic Gap between two settlements within the parish of Tysoe. Clearly Loxton's representation was therefore conflicted, something that we had pointed out to the Examiner. In its representation Loxton objected to the extent of the proposed Strategic Gap, not unexpectedly, but also included a quite detailed outline of a potential development on their plot which it maintained would have very little impact on the integrity and purpose of the Strategic Gap.

The Examiners remit included a review of our justification for the Strategic Gap and its extent and fitness for purpose. Whilst carrying out this remit he also went into considerable, non-relevant commentary on Loxton's proposed development. In essence the Examiner concluded that such a development would do no harm to the integrity and purpose of the Strategic Gap effectively pre-determining the proposed development.

Such a pre-determination by an Examiner will carry considerable weight if (when) Loxton were to submit a formal planning application for the development. We regard this as highly prejudicial to our interests the Examiner has, in effect, provided Loxton with a very strong green light which local planners will find difficult to reject. This was not the role the Examiner was given.

We asked that the Examiners report be amended and not published in its current form. SDC have refused this request and have now published the report. We believe that it is only a matter of time now before Loxton submit an application armed with the Examiners very favourable report.

Given the circumstances and SDC' s rejection of our arguments we have little alternative but to consider a judicial review of SDC' s decision to publish the Examiners report. You will know that, as a public body, our costs, if we were to seek a judicial review, would be capped under a Protected Costs Order under the Aarhus Convention. Therefore, if we are advised that this may be a practical and beneficial course of action it would be a relatively easy decision for us to make.

Whilst we were not granted the courtesy of the conversation we asked for before you rejected our arguments we would still welcome such a conversation to try to limit the damage that the Examiners report and your publishing of it will wreak. It is too late to avoid the damage that publication of the report will undoubtedly do but not too late to discuss a way forward by which we can get a Plan to referendum. I await your response.

Regards,

David Roache  
Chairman, Tysoe Parish Council

Email copied to:

- Robert Jenrick MP ☐ Secretary of State for Housing, Communities and Local Government
- Nadhim Zahawi MP ☐ MP for Stratford on Avon
- Cllr Tony Jefferson ☐ Leader, Stratford on Avon District Council (SDC)
- Cllr Darren Pemberton ☐ Deputy Leader (SDC) and Portfolio Holder, Place
- Cllr John Feilding ☐ SDC Ward Member for Tysoe
- David Buckland ☐ Chief Executive, SDC
- Phil Grafton ☐ Legal Counsel/Monitoring Officer SDC
- Matthew Neal ☐ Planning Policy Officer SDC
- Neil Pearce ☐ Planning adviser to Tysoe Parish Council
- Leenamari Aantaa-Collier ☐ Legal adviser to Tysoe Parish Council
- Beverley Thorpe - Clerk, Tysoe Parish Council