



Botley Submitted Neighbourhood Plan Consultation

RESPONSE FORM

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Botley Parish Council has submitted their Neighbourhood Plan to Eastleigh Borough Council. In accordance with Regulation 16, Eastleigh Borough Council would like to invite comments from individuals and organisations on the submitted Neighbourhood Plan. Your comments should address whether the plan meets the basic conditions. These are that the plan:

- Must be appropriate having regard to National Policy
- Must contribute to the achievement of sustainable development
- Must be in general conformity with the strategic policies in the development plan for the local area
- Must be compatible with human rights requirements

This consultation runs from **Wednesday 4 September** to **Wednesday 16 October 2024**.

In order for your comments to be taken into account at the examination, and to keep you informed of the future progress of the plan, your contact details are needed. All comments will be made publicly available and identifiable by name and organisation (where applicable).

Please fill in your details in the boxes below:

Full Name:

Sophia Goodhead (tor&co)

Organisation represented (where applicable):

Miller Homes Ltd.

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[REDACTED]

Please state which part(s) of the Botley Neighbourhood Plan (i.e. section, objective or policy) or supporting document your representation refers to:

Policy Four: Infrastructure Investment Priorities

Policy Ten: Utilities provision

Policy Eleven: Flood mitigation and water quality

Policy Thirteen: Parking standards for new residential developments

Policy Fourteen: Housing mix and affordable housing

Policy Fifteen: Built form, design and materials

Do you support, support with modifications, object, or wish to comment on this part of the Plan? (Please tick one answer)

Support

Support with modifications

Object

Comments

Please add your response below and continue on a separate sheet if necessary:

Policy Four: Infrastructure Investment Priorities

Draft NP Policy Four requires housing developments of 10 units or more to contribute to the local priorities set out, including a Botley museum, and parking and transport improvements (specifically access and linking routes between key services, schools and recreational areas between new and existing developments).

Paragraph 34 of the NPPF states that *“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan”*.

Further, the National Planning Practice Guidance (NPPG) outlines that *“Proportionate, robust evidence should support the choices made and the approach taken”* (Paragraph: 040 Reference ID: 41-040-20160211).

Miller Homes Ltd. (Miller) consider that, in the absence of any evidence of need for a Botley museum to help achieve sustainable development, the inclusion of this as a contribution does not comply with national policy. Further, this contribution cannot meet all the tests for planning obligations set out in paragraph 57 of the NPPF, which would require demonstration that a museum is:

- necessary to make the development acceptable in planning terms;
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development.

Miller would also highlight that a museum would not classify as ‘other new and enhanced community infrastructure necessary to ensure the sustainability of the development’ as outlined within Strategic Policy S10 (Community facilities) of the EBLP. Based on the above, Miller consider that the need to contribute to a museum is untested (for viability) and unjustified and would undermine the deliverability of the NP and EBLP, the latter because the NP seeks to apply this policy to all relevant site allocations located within the NP area. It fails to have regard to national policy and is not in general conformity with strategic policies contained in the EBLP.

Miller understands the wish for the NP to specify the local transport improvements required for developments to help contribute to. However, the EBLP allocations already include specific transport contribution requirements. Additional transport related requirements for the allocated sites will impact on their viability, and as a result, would obstruct the achievement of sustainable development and undermine the deliverability of the EBLP.

To ensure the plan meets the basic conditions, Miller would suggest the deletion of the requirements or the addition of text to state that “all housing developments of 10 or more homes (except for those already allocated within the Eastleigh Local Plan) will be expected to contribute...”. In particular, Miller would urge the removal of the requirement for contributions to a Botley museum, and to move this to the ‘Community Aspirations’ list in Appendix 3.

On a separate minor point, it is noted that on p.41 there is a yellow highlighted question for Figure 3 which will need to be addressed / removed.

Policy Eight: (Mitigation in Development)

Draft Policy Eight repeats the requirements of EBLP Policy DM11, in terms of mitigating impact on European nature conservation sites and as such is not required and should be removed.

Policy Ten: Utilities provision

Draft Policy Ten repeats the EBLP Policy DM9 and as such is not required and should be removed. The policy does not identify additional infrastructure requirements above that which is already covered in the EBLP. Essentially both the draft NP plan policy and Policy DM9 require new development to ensure that utilities infrastructure (including water supply, waste water disposal, energy (electricity and gas) and telecommunications) are available and would be adequate to serve the development proposed. Further, that new and improved infrastructure to meet the needs of new and existing communities will be encouraged.

Further, it should be noted that utility providers have existing statutory functions and are consulted on by the council during the determination period for planning applications where relevant. The policy therefore places undue burden on the planning system for information that is not necessary. The EBLP policy is clear and concise and does not need to be repeated. The policy should be deleted.

Policy Eleven: Flood mitigation and water quality

Criteria c) of Policy Eleven repeats the requirement of criteria a) for new development to incorporate SuDS. The only difference is the requirement to indicate how schemes will be managed and maintained. This could be incorporated into criteria a) to avoid unnecessary additional wording and ensure the policy is clear and concise in accordance with the NPPG (Paragraph: 041 Reference ID: 41-041-20140306).

Criteria d) states that new development proposals will be required to provide appropriate design statements showing the method of discharge of surface water flows. A design statement to show surface water flows seems disproportionate and onerous, especially for minor development. To ensure the policy is unambiguous and precise as set out in the NPPG, Miller would suggest making clear within the policy if this only relates to major development and would also advise the following amendment is made to allow for multiple ways to provide the information required, which could include a specific design statement or a simple drawing submitted that would be proportionate to the development:

“New major development proposals will be required to provide appropriate ~~design statements~~ documentation showing the method of discharge of surface water flows”.

Criteria g) advises that geo-technical investigations are undertaken prior to developing a drainage strategy, however it is not clear when it refers to ‘if any uncertainty exists’ whether adequate space for attenuation and storage systems to restrict the rate of surface water run-off must be provided. Miller suggest further clarity is provided as to what the ‘uncertainty’ refers to. It is assumed that it relates to whether infiltration is feasible, however the policy is currently unclear on this.

Generally, in order to be able to contribute to and not prevent the achievement of sustainable development, Miller consider that the policy should include wording to state that the requirements set out would be subject to technical site feasibility and viability. Miller is concerned that the policy as worded could prevent sustainable developments coming forward where the requirements may not be feasible, and could result in an increase of pressure for additional

allocations impacting on the ability to demonstrate an efficient use of land as required by the NPPF.

Policy Thirteen: Parking standards for new residential developments

Criteria a) sets out minimum standards to apply for the provision of off-road parking in all new residential developments. It looks to require additional parking spaces to be available for larger dwellings than the adopted Eastleigh Residential Parking Standards SPD (2009), however the evidence cited in the supporting text provides commuting trip figures from the old 2011 Census data and does not include the source in the footnote for the car ownership figures at paragraph 136 of the NP. In any case, the evidence provided is not proportionate or robust to support this increase and the variation to Parking Standards SPD approach taken and as such does not accord with the NPPG (Paragraph: 040 Reference ID: 41-040-20160211).

The SPD acknowledges that the level of car ownership varies between households and in some instances there will be under provision of spaces, and in others there will be overprovision of spaces.

EBLP Policy DM14 (parking) already confirms that the SPD sets out a minimum requirement for parking provision, therefore an increase in parking spaces can be provided where it is required and is based upon evidence. Miller would highlight that the adopted policy states that “over provision relative to car ownership levels or which would create an ineffective use of space will be avoided”.

In this case, Miller consider that the additional parking standards set out within the policy are not in general conformity with the EBLP, as they conflict with and undermine the adopted parking standards without robust evidence to justify it. Further, an increase in parking space requirements where it may not be required does not support the achievement of sustainable development or the promotion of active travel. It also conflicts with the EBC’s declaration of a Climate and Environmental Emergency and associated actions for the Council to achieve carbon neutrality across the Borough by 2030.

Criteria e) states that ‘roof storage space’ should be provided where feasible, although it is not clear what this is specifically in relation to and whether it is storage space in general or within any garage space. However, not all development may include garages so the wording will need to be more precise in accordance with the NPPG and state “where garages are proposed, separate storage space should be provided where feasibly possible, to encourage use of garage space for vehicle parking”.

Criteria f) outlines that parking spaces will be required to be constructed of permeable surfaces to minimise surface water run-off. Miller is concerned that this requirement could have an adverse impact on viability and could prevent sustainable developments coming forward where this requirement may not be feasible. To avoid this, Miller suggest including ‘where feasible’ after ‘permeable surfaces’.

Criteria g) should specify what type of development it relates to, for instance if this just applies to major development to ensure the policy can be applied consistently and with confidence as set out within the NPPG (Paragraph: 041 Reference ID: 41-041-20140306).

Policy Fourteen: Housing mix and affordable housing

This NP policy requires new residential developments to provide a range of dwelling types and sizes to meet the needs of the Neighbourhood Plan Area, taking into account the most up-to-date evidence. In contrast, EBLP Policy DM24 asks applicants to demonstrate how the proposal contributes to the overall mix of housing in the Housing Market Area, informed by the current

need, current demand and existing housing stock (including approved developments) considering the context and character of the site.

Miller is concerned that Criteria a), d) and e) of the draft policy do not appear to be in general conformity with EBLP Policy DM24 (Creating a mix of housing), as the draft NP policy requires a distinct local approach to that set out in the strategic policy which undermines and conflicts with the EBLP policy on housing mix.

Miller recognises the importance of providing a market housing mix to meet local needs, however, the supporting text of the draft policy refers to the 2019 Botley HNA prepared by AECOM, which is already out of date. The policy needs to enable flexibility in the approach as demand may change over time to reflect market conditions and the economic climate. As such the policy should allow flexibility to enable the housing mix to be agreed through the development control process rather than being prescribed through policy. Miller objects to the current policy wording due to the lack of flexibility in the approach and subsequent conflict with EBLP policy.

Criteria b) appears to repeat the requirement of criteria (a in the need to provide a mix of housing types and sizes. In this case, to ensure the policy is clear and concise in accordance with the NPPG, criteria b) should be removed.

Criteria c) on higher national access standards repeats the requirement from EBLP Policy DM29 and as such is not required and should be removed.

Criteria g), j) and k) refer to the EBLP requirement for 35% affordable housing which is expected to be provided on site and integrated throughout the development. There is no need to repeat the requirements which are already set out within Policy DM28. Further, criteria g) is unclear about which type of development the 35% affordable requirement is applied to, which the EBLP sets out clearly (i.e 0.5ha or more / 10 dwellings or more) and the wording for this strategic requirement has already been agreed through the Local Plan examination. There is no evidence or justification provided to add the requirement for 'compelling' evidence for criteria g) and j) if the policy provision cannot be met, which would conflict with the EBLP policy and cause unnecessary ambiguity.

Miller also strongly objects to criteria h) of the draft policy, which requires development of 50 dwellings and above to provide 40% affordable housing, unless credible robust evidence indicates convincingly this is not achievable. The wording sets a very high test with essentially no flexibility where this may be required and could adversely impact upon the viability of sustainable developments, preventing them from coming forward. There is no robust evidence base for this additional strategic requirement as required by the NPPG, it does not generally conform with the strategic EBLP Policy DM28 or paragraph 13 of the NPPF, which states that a NP should shape and direct development that is outside of strategic policies. In this case, the NP strategic policy on affordable housing is unjustified and not in accordance with the national policy or guidance.

The HNA 2019 evidence base, referred to in the supporting text of the policy (and which is already out of date), sets out within section 3 the research questions relevant to the study, which covered what type of affordable housing tenure should be planned for in the housing mix over the NP period, what type and size of housing is appropriate, and what provision should be made for specialist housing for the elderly. The study did not assess the amount of affordable housing to be provided over the NP period and as such does not set out a need for the 40% requirement included within the draft policy. There is no evidence base to support this requirement and it should be deleted. The policy does not meet the basic conditions as it does not have regard to the NPPG which requires robust evidence to support the approach taken, it does not conform generally with the strategic EBLP policy on affordable housing, and could impact the ability to achieve sustainable development through potential viability issues as a result.

In order to address the affordability issue identified by the evidence base, rather than increasing the affordable housing requirement for 50+ dwellings to 40% and potentially impacting on the viability of sustainable sites, the NP should allocate additional greenfield sites for residential development to boost the supply of both market and affordable homes. This is particularly the case given the draft NPPF changes will require local planning authorities to plan for their identified housing need as calculated under the standard methodology, and that the new draft standard methodology shows EBC's need jump from 645 dpa to 942 dpa, representing an additional 297 dpa (40% increase). Further, the NP should not seek unjustified requirements to be put in place that could hinder future sustainable development from coming forward through the Local Plan review.

Finally, criteria i) still refers to Policy Eight as Woodhill School and needs to be amended.

Policy Fifteen: Built form, design and materials

Criteria a) of the draft policy states that new development proposals should demonstrate how they are consistent with the requirements of the Botley Design Guide (Appendix 7). The Design Guide states that unlike a more stringent 'design code', the guide aims to assist in the decision-making process at an early stage rather than prescribe specific solutions or stifle innovation and creativity.

Criteria b) requires that where alternatives to the Design Guide are proposed, evidence identifying the reasons for the discrepancy will be required and must still be sympathetic to its surroundings. It is considered that this requirement is already covered by criteria a) and in order for the policy to be clear and concise in accordance with the NPPG, this criteria is not required and should be removed. If the criteria is not removed, the use of the word 'discrepancy' should be amended to 'variance' as the word discrepancy appears to suggest there is no degree of variety allowed for as is required by paragraph 133 of the NPPF.

Miller notes that the Design Guide appears to primarily seek to protect the identity and character of Botley village rather than the NP area as a whole, where there is a variation in designs. In order for the Design Guide to have regard to the NPPF, the NP should also provide a level of detail and degree of prescription tailored to the circumstances and scale of change in each area of the NP (not just Botley village), and should allow a suitable degree of variety in accordance with paragraph 133 of the NPPF. Further, it must be recognised that new development in Botley also contributes to the character of the NP area.

Miller is concerned that Principles 3, 4, 5, 6 and 7 of the Design Guide which provide specific materials and detailing could adversely impact on the viability of sustainable development. To avoid this and help achieve sustainable development, increased material costs and changing market conditions must be considered, and the Design Guide should avoid being highly prescriptive as there is a risk that it could stifle sustainable development. The guide and the policy requirements should include that they would be subject to feasibility/viability.

The Design Guide also refers to the old 2019 NPPF, therefore it should be reviewed against the latest 2023 NPPF and amended as necessary.

Conclusion

This representation has been prepared on behalf of Miller Homes Ltd and its land interests within the NP area. Miller supports the ambition of the draft Neighbourhood Plan to create policies which establish appropriate sustainable development together with supporting infrastructure, however, there are significant concerns that a number of the draft policies do not meet all the basic conditions required. In particular, it is considered that the strategic policy set out on affordable housing (Policy Fourteen) conflicts with the NPPF, which states that a NP should shape

and direct development outside of strategic policies, and undermines adopted EBLP policies on strategic matters that were considered sound through the EBLP examination.

Miller supports the continued development of the Botley NP and wants to ensure that the policies meet the basic conditions required, given its important role in shaping the vision and ambition for the community of Botley into the future. In this regard, Miller would welcome the opportunity to provide further comments or evidence as necessary as part of the examination process.

Please state whether you would like to be notified of the Council's decision on whether to accept the Examiner's recommendation and future progress with the Neighbourhood Plan proposal:

Yes

No

Please email this form to planning.policy@eastleigh.gov.uk or post it to Planning Policy, Eastleigh Borough Council, Upper Market Street, Eastleigh, SO50 9YN.

Data Protection Statement

The information collected in this response form will be published in a Consultation Statement which will form part of the evidence for an independent examination of the plan and its supporting documents. By responding you are accepting that your response, and the information within it, will be made available to the public. Your contact details will not be published.