



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:

Laura Lax

Organisation represented (where applicable):

Environment Agency

Address and postcode:

[Redacted address and postcode]

Email address:

Telephone number:

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

Page 27 Policy One: Retention of existing commercial premises

Paragraph b) Development proposals to increase the retail provision at the Botley Mills site, the Boorley Park site and Boorley Gardens will be strongly supported, and where they are in accordance with other relevant policies in the plan.

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

Support
Object Support with
Comments **Object** Modifications

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

Botley Mills is located in Flood Zones 2 and 3 as well as within 8 metres of a main river. However, there is no site plan provided with this policy so we are unable to comment on an exact site allocation location. The Neighbourhood Plan is not currently supported by an adequate flood risk evidence base to support the policy to increase retail provision at Botley Mills. Determination of whether the Botley Mills Site is located within Flood Zone 3a or 3b (functional floodplain) is required. If the site is located within Flood Zone 3b, then this type of development (Less Vulnerable as defined by Annex 3 of the NPPF) is incompatible with the Flood Zone (in accordance with Table 2 Paragraph 079 of the Flood Risk and Coastal Change Guidance) and should not be permitted. If the site is located within Flood Zone 3a, this type of development could be compatible but in accordance with the NPPG (Paragraphs 015 to 017), a flood risk Sequential Test (ST) should be undertaken to demonstrate that there are no other retail sites available at a lower risk of flooding. If the ST is passed, then it will be necessary to demonstrate through

a Level 2 SFRA, that the site can be safe for the lifetime of the development and does not increase flood risk elsewhere. The evidence base must ensure that up to date Climate Change Allowances are used. At this stage, without the above evidence base to support the plan, we have to place an objection to this policy.

Furthermore, the fluvial risk is associated with the culverted main river watercourse that runs through the site. It is important that no additional buildings are located over this asset and a suitable distance either side of the culvert is kept free of structures to allow for any future maintenance. The prior written permission of the Environment Agency will be required in the form of a Flood Risk Activity Permit (FRAP), for any works that take place within 8 metres of the culvert. This permission is separate and in addition to any planning requirements.

With regard the Boorley Park Site and Boorley Gardens Site, again there is no information in the Plan to show where these sites are located. Flood risk comments and objection may apply as above but we are unable to make this determination without site allocation plans and additional flood risk evidence base (if this applies).

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

Page 54 Policy Seven: SLAA-3-20-C Northern parcel Woodhill School

Page 55 Policy Eight: SLAA-3-21-C Southern parcel Woodhill School

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

Support

Support with
Comments

Object

modifications

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

As detailed in our response to the screening opinion (dated 8 March 2022), we noted that sites were being proposed for allocation that fell within current day flood zones 2 and 3. As such, we stated that "*As part of the evidence base for*

bringing the plan forward, we would expect the flood risk sequential test to be undertaken to demonstrate that there are no other sites available at lower flood risk. If this can be passed then a strategic flood risk assessment should be undertaken to demonstrate that the sites can be made safe for the lifetime of the development proposed and do not increase flood risk to others. Only if this is possible should the sites be allocated.” These comments were further detailed in our response (dated 24 November 2022) to the Regulation 14 consultation.

Whilst we can see that proposed sites have been assessed within Appendix Five (a) (including recognition that the 2 sites proposed for allocation SHLAA-3-20-C Woodhill School and SHLAA-3-21-C Woodhill School have parts of the site within current day Flood Zones 2 and 3), this does not constitute a flood risk Sequential Test. Furthermore, these site evaluations indicate that there are sites that are potentially available within Flood Zone 1. It is difficult to see how the ST can be passed and therefore how allocating these 2 sites can be in compliance with the NPPF (Paragraph 162) in terms of ensuring that sites with the least flood risk are developed preferentially to those at a higher risk of flooding.

The current wording in Policy Seven b) and Policy Eight b) states that Sequential Testing and Strategic Flood Risk Assessment will need to be undertaken. However, as detailed in our previous comments and in accordance with the NPPF and NPPG, the ST and SFRA was required to be submitted as part of the evidence base for this plan. Again, as above, the evidence base must ensure that up to date Climate Change Allowances are used.

The fluvial risk is associated with the culverted main river watercourse that runs through the site. It is important that no development is placed over this asset and a suitable distance either side of the culvert is kept free of structures to allow for any future maintenance. The prior written permission of the Environment Agency will be required in the form of a Flood Risk Activity Permit (FRAP), for any works that take place within 8 metres of the culvert. This permission is separate and in addition to any planning requirements.

With regard potential contaminated land, the site assessment in Appendix Five (a) states that potential contaminated land is “unlikely” and “low likelihood” for SHLAA-3-20-C Woodhill School and SHLAA-3-21-C Woodhill School sites respectively. However, our records indicate that there is a historic landfill site in this vicinity. A small part of SHLAA-3-20-C Woodhill School (northern parcel) falls within the boundary of the historic landfill and a larger part of SHLAA-3-

21-C Woodhill School (southern parcel) falls within it. We recommend consultation with the Local Authority.

If, following further consideration of flood risk and consultation with the Local Authority regarding the historic landfill site, it is determined that these sites can be taken forward in this plan, it is recommended that the policies for these allocations refer to the historic landfill constraint and make reference to the need for appropriate site investigation and remediation.

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

Page 61 Policy Nine: Site BO3 (Strategic Allocation)

Paragraph c) The Master Plan for development of this site is required to include proposals for how inclusion of a cemetery on this site can be incorporated.

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

Support Support with Comments **Object** modifications

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

We understand that this strategic allocation (Site BO3) is already allocated in Eastleigh Borough Local Plan (2016 – 2036). However, we note that the Neighbourhood Plan Policy Nine includes the following “c) The Master Plan for development of this site is required to include proposals for how inclusion of a cemetery on this site can be incorporated.”

Suitability of this site for cemetery provision will need to include consideration of potential impact on the water environment (ground water and flood risk). The northern part of the site has a main river flowing through it (current day Flood Zones 2 and 3). In addition, 1c of Policy DM37, Cemetery Provision of Eastleigh Borough Council Local Plan states:

“The development of cemeteries including green burial sites will be permitted provided that they:

c. demonstrate through a risk assessment and site specific data that the base of graves will not be below the water table”

Supporting paragraph 5.169 of the policy states “It is important to consult the Environment Agency about new cemetery proposals in order to ensure that ground conditions are suitable for this purpose and there is no danger of pollution of watercourses or groundwater.”

Without the appropriate evidence base supporting this policy, we are unable to see currently how the Master Plan for development of this site can definitively include provision of a cemetery. We would suggest that the Policy Nine Paragraph c) should be reworded to ensure that the suitability of this site for cemetery provision needs to be considered at the Master Plan stage (in line with Eastleigh Borough Council’s policy DM37), before definitive proposals to include a cemetery at this site can be incorporated.

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

Page 64 Policy 10 Utilities Provision

Paragraph c) For the foul sewerage network, this means demonstrating and providing evidence that capacity is currently available or can be made available in time to serve the development in accordance with Planning Practice Guidance

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

Support **Support with Comments** **Object** modifications

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

We support paragraph c) “c) For the foul sewerage network, this means demonstrating and providing evidence that capacity is currently available or

can be made available in time to serve the development in accordance with Planning Practice Guidance”. However, for absolute clarity, we suggest that the word “mains” is added as follows “For the *mains* foul sewerage network, this means ...”

We request this clarity because we would be unlikely to support provision of non-mains drainage in this area.

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.