



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: Alice Jones

Organisation represented (where applicable): Eastleigh Borough Council

Address and postcode: Eastleigh House, Upper Market Street, Eastleigh,
Hampshire, SO50 9YN

Email address: [REDACTED]

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:

The Council would like to acknowledge the efforts undertaken by Botley Parish Council, particularly the Botley Neighbourhood Plan Committee on the submission of the Botley Neighbourhood Plan for examination.

This representation includes comments in support (including where modifications are recommended in general terms), objections and more general comments. These apply to each of the Plan policies and, in some instances, to the supporting text paragraphs.

There are instances where the content of the plan could be improved in more general terms. It should be noted we do not consider these to affect the soundness of the plan. A few examples are provided below:

- The use of 2021 Census data – for example, the Council can provide population/household data for the Botley Neighbourhood Area (also the ward area) where needed.
- Greater consistency of font size and style would improve document accessibility, particularly in sections one to three.
- Often policy numbers are not included where the plan refers to other policies, instead the placeholder 'xx' is included.

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 One: Retention of existing commercial premises

Support with Modifications

Policy Title: To consider renaming the policy (see underlined text as proposed), ‘Retention of existing and intensification of existing commercial premises’.

Criterion B: We suggest that the references to Boorley Park and Boorley Gardens are removed with the reference to increasing retail provision at Botley Mills retained. Policy One appears to be focused on the protection and intensification of existing retail sites already developed rather than the provision of new retail development on undeveloped sites which includes site allocations. See further comment on this criterion in Policy Two below.

Criterion C and Criterion D: We suggest that these criteria which relate to new retail provision are moved from Policy One into Policy Two. Policy One appears to be focused on the protection and intensification of existing retail sites rather than the provision of new retail development on undeveloped sites. See further comment on these criteria in Policy Two below.

Paragraph 1: Changes of use are allowed within Classes E, F1 and F2 with no thresholds on the unit size (i.e. as per the 350m2 referenced in the paragraph) for where planning permission would be a requirement. Therefore, the final sentence in this paragraph is not factually correct and is requested to be deleted.

Policy Two: Retail development sites

Support with Modifications

New criterion: We suggest that Criterion B from Policy One is repeated in Policy Two but with the reference to Botley Mills deleted (this should follow the bullet point after Criterion A). Both the Boorley Park and Boorley Gardens sites are undeveloped site

allocations in the adopted Eastleigh Borough Local Plan (2016- 2036) (the adopted Local Plan) and would therefore appear to fit better under this policy.

New criterion: We suggest that Criterion C and Criterion D are deleted from Policy One (as suggested under the recommendation for Policy One) and added into Policy Two to follow the new criterion as suggested above due to these applying to new retail proposals.

Criterion C: Whilst this has been added as a suggested modification following the Regulation 14 draft consultation on the plan, the suggested addition of Criterion C and Criterion D from Policy One would eliminate the need for this particular criterion.

Object

Criterion B: We object to the wording as currently proposed. This should make a reference to needing to be in accordance with adopted Local Plan Policy DM19, Change of use of buildings in the countryside. This will be required because E(a) retail uses are not supported by Policy DM19 in agricultural buildings whilst only certain Class E uses are referenced.

Comments

Criterion A: As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, we consider there to be ambiguity in what could be defined as 'within walking distance'. Further details should be provided to define what this means. For example, this can be defined by distance (metres) and time (minutes).

Paragraph 11: We consider this paragraph would be better placed under the supporting text for Policy One on the basis it references how the plan seeks to protect the High Street from proposals which will have a significant impact on the local village economy.

Policy Three: Protection and maintenance of Local Green Spaces

Support

Criterion D: The addition of this criterion to the policy is supported with regards to mitigation to provide equivalent facilities when a loss of Green Space is considered essential.

Comments

We recommend the table on pages 32-38 which provides detailed descriptions for each of the proposed Local Green Spaces would be better placed in an appendix.

Policy Four: Infrastructure investment priorities

Support

The approach taken to identify local infrastructure objectives and priorities and for these to be referenced in a policy in the Neighbourhood Plan is supported. As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, it is further

recommended these are added onto the Community Investment Programme (CIP) list for the Hedge End/West End and Botley Local Area Committee (HEWEB).

Support with Modifications

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, we recommend that information is provided as to how other priorities such as ecological/environmental issues would be addressed when it comes to the prioritisation of developer contributions with regards to these matters not being covered in the policy text.

Paragraph 27: We suggest that this text is amended to be more general, by not specifically referencing any regulations due to the uncertainty on future national policy changes and because 'Community Infrastructure' appears to relate more directly to CIL. There are no plans in place for the Council to introduce CIL particularly within the wider context of the proposed changes to the planning system.

Comments

We note that information is provided on seven new movement routes in the Plan. As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, it is recommended that these movement routes are shown in terms of their indicative location on the interactive map of Botley and/or Policies Map.

Policy Five: Site for a new cemetery

Support

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, the policy approach to plan for further cemetery provision in the Botley Neighbourhood Area is supported due to the need for new provision in the near future which has already been identified in the adopted Local Plan. This is provided that it is developed in a suitable location – see the objection made under Policy Nine which address how cemetery provision wouldn't be suitable on the land east of Kings Copse Avenue and east of Tanhouse Lane site allocation which is allocated under Policy BO3 in the adopted Local Plan.

Support with Modifications

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, a key issue identified in the Botley Neighbourhood Area is the height of the water table. We recommend that the policy references this issue and the need for the Environment Agency to be consulted on specific proposals when it comes to the provision of a new cemetery.

Policy Six: Local Settlement Gaps

Object - we do not consider the policy to be in conformity with the strategic policies in the adopted Local Plan

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, the policy proposes two local settlement gaps which we object to on the grounds they would not be in general conformity with Strategic Policy S6, Protection of settlement gaps within the adopted Local Plan. It is noted that their proposed designation as local settlement gaps in the Neighbourhood Plan follows Botley Parish Council's representations and appearance at the Local Plan examination hearings for these to be designated as settlement gap.

We object to the proposed local gap designation for the land to the east of the Policy BO1, Land south of Maddoxford Lane and land east of Crows Nest Lane site allocation. This is on the basis of there being no risk of coalescence between Boorley Green and Curdrige, given the distance between the settlements and the woodland belt along the river valley. In addition, this site extends to the boundary with Winchester district and Winchester City Council have not designated a gap on their side of this boundary. The Council also published a Settlement Gap Study (October 2020) which was used to justify the wider Hedge End, Botley and Boorley Green settlement gap designated under Policy S6, Settlement gaps in the adopted Local Plan. This includes a proportionately sized gap which will prevent the coalescence of the Botley and Boorley Green settlements. The inspector in her report concluded that the Settlement Gap Study provides a robust and proportionate approach for justifying the gap designations across the Borough.

The Council's Countryside gaps background paper (June 2018) concluded that Land east of Brook Lane should be taken out of the gap as it is not required to maintain the separation of Hedge End and Botley. This background paper further notes that Brook Lane forms a clear boundary that is not necessary to the function of the gap. This also states that Brook Lane has a predominantly rural character and actually makes little contribution to the perceived gap between the two settlements, being too far away from the edge of the Hedge End settlement to fulfil 7 this function. This is reflected in the adopted Local Plan. There is no change in the Council's position which was set out in this background paper as part of the adopted Local Plan evidence base.

It is also noted that no additional assessments form part of the Neighbourhood Plan evidence base which would justify the need for these two proposed local settlement gap designations.

Therefore, we continue to object following the previous representations on the Regulation 14 draft consultation and the previous Regulation 16 consultation, to the inclusion of these proposed local settlement gaps. This is on the basis that they would not be in general conformity with Strategic Policy S6, Protection of settlement gaps within the adopted Local Plan and the supporting evidence on settlement gaps through which the existing settlement gap designations have been justified. It is also the Council's view that the existing settlement gap designations in the adopted Local Plan are effective for preventing coalescence whereby the two local settlement gaps proposed would not be necessary or effective for preventing further coalescence between Botley and its neighbouring settlements.

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

Object - we do not consider the policy to be in conformity with the strategic policies in the adopted Local Plan

Criterion A, i and ii: We object to the policy approach relating to the cap of a maximum of 58 dwellings unless compelling and credible evidence is presented to support a higher level of development. This proposed policy approach would not be in general conformity with Strategic Policy S1, Delivering sustainable development within the adopted Local Plan which makes reference to 'optimising density of new development'. Therefore, the proposed cap on the number of dwellings is not considered to be justified nor positively prepared. The proposed cap on the number of dwellings would also be in conflict with Policy DM23, Residential development in urban areas within the adopted Local Plan with regards to minimum densities of 40 dwellings per hectare (criterion 2.c). It is therefore recommended that the dwelling numbers are expressed as an 'approximate' or 'minimum' number for making the most effective use of land.

Comments

We note the wording in Criterion D and acknowledge the caveats: '*Taking into account the requirements for affordable housing set out in Local Plan Policy DM30, where possible and feasible, delivery of 40% affordable housing on site, should be provided, unless there is compelling evidence to demonstrate why this would not be viable*'. The Council supports the delivery of affordable housing, but it should be noted the higher criteria (40% affordable housing) has not been viability tested and no recommendation on the 40% threshold has been made in the Aecom Housing Needs Assessment.

We will support the development of this previously developed site provided the above objections are fully addressed, any site constraints can be suitably overcome, and it is supported by a range of stakeholders who would need to be consulted upon any scheme being proposed.

The onus will also be upon an applicant to demonstrate how site constraints such as flood risk (which could potentially require a flood risk sequential test and any subsequent site-specific flood risk assessment), biodiversity (including the incoming biodiversity net gain of 10%) and SuDS will be addressed with any future development of the site. These matters are even more relevant with the southern part of the former Woodhill School site due to its location directly adjacent to Pudbrook Lake, the associated high flood risk and because the site is located adjacent to but outside the urban edge. It is further noted that this proposed allocation is located within the area proposed to be within a local settlement gap – see the Council's objection which has been made to Policy Six: Local Settlement Gaps.

Policy Eight: Mitigation in development

Support

The Council supports the inclusion of policy 8 Mitigation to ensure that development does not have an adverse effect on European sites and provides the necessary mitigation. Established mitigation strategies are in place for nutrients and Solent recreational disturbance. The Council has an interim strategy to address New Forest mitigation, and is working with Natural England to produce a final strategy. Therefore, subject to any representations received from Natural England, it may be helpful to step

back to some extent from the interim strategy. The key is the principle that the necessary mitigation is provided, and this is clearly established by policy 8. In the text it may be helpful to explain that the Council has an interim strategy and is working with Natural England on a final strategy. This may include Strategic Access Management Plans (SAMMs) within the National Park, as well as SANGs, so both should receive a mention in the supporting text. We are happy to work with the Examiner, Natural England and Botley Parish Council on any revised wording as is necessary.

Policy Nine: Site BO3 (Strategic Allocation)

Object - we do not consider the policy to be in conformity with the strategic policies in the adopted Local Plan

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, Policy BO3, Land east of Kings Copse Avenue and east of Tanhouse Lane constitutes a site allocation in the adopted Local Plan. It is considered the additional land uses put forward in Policy Nine for this site such as the requirement for allotments or additional community space and a cemetery would result in a substantial reduction in its capacity for delivering approximately 120 homes as proposed in Policy BO3, which in turn has the potential to impact its overall viability. Reducing the development capacity of this adopted site allocation for approximately 120 homes would also fail to be in strategic conformity with adopted Local Plan Strategic Policy S1, Delivering sustainable development with regards to optimising densities. We therefore object to the policy requirement for these additional uses.

Policy Ten: Utilities provision

Support

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, the Council is supportive of the approach proposed to the provision of utilities infrastructure with new development.

Policy Eleven: Flood mitigation

Support

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, the Council is supportive of the approach proposed for incorporating flood mitigation with new development.

Comments

It is suggested that a reference to the Environment Agency website is added with regards to the flood zone mapping which shows areas in close proximity to the River Hamble and its watercourses that are located in Flood Zones 2 and 3.

Policy Twelve: Strategic high and intermediate pressure pipelines and high voltage electric cables

Support

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, the Council is supportive of the approach proposed for complying with safety requirements in relation to strategic pipelines and cables provided that the National Grid has raised no objections to the proposed policy.

Comments

Paragraph 127: It is unclear as to what is meant by 'appropriateness'. We suggest that this is deleted so that it is simply stated '...assist local Parish Councils in their consideration of planning applications, Policy Twelve...'

Policy Thirteen: Parking standards for new residential developments

Object

Criterion A: No evidence has been provided to support the minimum parking standards proposed which includes the provision of four parking spaces for 5-bedroom dwellings. We continue to object to this proposed policy approach since it goes over and above the Council's recommended parking standards for new dwellings and would be in conflict with the Council's declaration of a Climate and Environmental Emergency in July 2019 and associated actions for the Council to achieve carbon neutrality across the Borough by 2030.

Criterion B: We object to the proposed approach for unallocated and communal parking spaces on the basis of the standards proposed in Criterion A.

Support

Criterion F: We support the requirement for parking spaces to be constructed out of permeable surfaces to minimise surface water run-off.

Support with Modifications

Criterion G: We support the reference to active travel for developments in reasonable proximity to the village centre (easy walking distance of approximately 15 minutes), the Botley Centre and Boorley Green Community Centre. It is suggested that walking distance is further defined by actual distance (metres) as well as by time and that this reference precedes the text which references the need to explore public car parking due its sustainability and health related benefits.

Comments

Criterion A: Further to the objection made above on this criterion, we recommend that a reference is made to the standards in 'the Eastleigh Borough Council Residential Parking Standards (2009) SPD or future update to the Parking Standards SPD...'. This is with regards to work which is currently being progressed on the Draft Parking Standards SPD which was published for consultation in July 2023. This would help to futureproof the

policy. We further recommend that the proposed standards in Criterion A are amended to be consistent with those in the Draft Parking Standards SPD.

Criterion C: For general information, the Council's Draft Parking Standards SPD (July 2023) proposes single garage widths of 6.0 X 3.2 metres and double garage widths of 6.0 X 6.0 metres. These are larger than the single garage widths being proposed in the policy which are 6.0 X 3.0 metres and double garage widths which are 5.7 X 6.0 metres.

Criterion E: Clarity is sought on whether the provision of roof space will mean that garages could or should be higher in height than a normal garage.

Criterion G: Hampshire County Council will be a key consultee with regards to increasing the level of public parking provision in reasonable proximity to the village centre, the Botley Centre and Boorley Green Community Centre. Proposals would also need to be supported by evidence at the pre-application and planning application stage which clearly demonstrates such a need for an expansion of public car parking. It is further recommended that the need for such evidence to be provided with planning applications for increased parking is referenced in the policy and/or supporting text.

Policy Fourteen: Housing mix and affordable housing

Object

Paragraph 157: This proposes local connection criteria for assessing the need for affordable homes in Botley. References are also made to the local connection criteria in Policy Seven for the two former Woodhill School site allocation proposed this plan. It should be noted policy 7 and 8 have now formed one policy (7), so the text also needs to be updated in policy 14, (i).

We object to how this local connection test could be applied in practice particularly since there are no rural exception sites within the Borough that are allocated through the adopted Local Plan. Therefore, the application of such a local connection test further to the Borough wide assessment of affordable housing need and the local connection criteria used for this purpose is not considered to be an appropriate policy mechanism.

There are strategic housing sites which have been largely developed or where such development is currently underway within the Botley Neighbourhood Area and within close proximity. These sites offer a range of opportunities and affordable housing tenures for Borough residents including those who have expressed a preference to live in Botley.

The application of the local connection criteria to the new proposed allocation at the former Woodhill School site under Policy Seven will also be inconsistent with the Council's local connection criteria (for the housing register) which applies to the affordable rented homes on the strategic sites and other site allocations where development is either underway or pending across the Botley Neighbourhood Area as a whole.

Support with Modifications

Criterion C: Further clarity is required on the Part M Building Regulations that new development would be expected to achieve. For example, the adopted Local Plan includes

a Part M4(2) standard 80% target for all new dwellings. Criterion C should therefore be more explicit on whether the proposals would be expected to meet targets for Part M4(2), Part M4(3) or both.

Criterion F: We recommend that further details are included on the nature of the housing needs of older residents in Botley.

Criterion G: We recommend that a further reference is added to undertaking a viability assessment in following up the current reference to credible robust evidence.

Comment

We note the wording in Criterion H and acknowledge the caveats: '*Development of 50 dwellings and above will be required to provide 40% affordable housing unless credible robust evidence indicates convincingly this is not achievable*'. The Council supports the delivery of affordable housing, but it should be noted the higher criteria (40% affordable housing) has not been viability tested and no recommendation on the 40% threshold has been made in the Aecom Housing Needs Assessment.

Policy BO3, Land east of Kings Copse Avenue and east of Tanhouse Lane and presumably to Policy BO2, Land north east of Winchester Street (this site being identified in Policy S3, Location of new housing which is a strategic Local Plan policy) will also need to be subject to viability testing for the purpose of applying the proposed 40% affordable housing threshold. There is a risk that the development of sites allocated already through the adopted Local Plan with a 35% affordable housing threshold applying could be made unviable and therefore undeliverable if this threshold is introduced without any supporting viability evidence to justify the new higher figure.

Policy Fifteen: Built form, design and materials

Support

Criterion D: We support the reference to new development being required to accord with the EBC Climate Change Strategy in the interests of promoting sustainable design measures.

Criterion E: We support the reference to all new development meeting the higher water efficiency standard of 110 litres/per/day as per Part G of the Building Regulations. Whilst we support this requirement, this is already set out in Policy DM2, Environmentally sustainable development in the adopted Local Plan.

Object

Criterion C, viii: As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, we object to how the policy could be interpreted in decision making on submitted development schemes. It is strongly recommended that this criterion is accompanied with additional supporting text to the policy to state that opportunities should be taken to allow for any appropriate development above this height to optimise densities in the interests of positive planning. This would therefore provide opportunities for improving and optimising the densities of the adopted Local Plan BO2

and BO3 site allocation policies with taller buildings. This balance and clarifying how the policy will be interpreted in the supporting text will be important to ensure that a marker is not set for only allowing low rise developments which would restrict the opportunity for permitting well designed flatted developments, higher density developments and buildings above 2.5 storeys. We therefore object to the potential interpretation of the policy wording if this text is not added to the supporting text to the policy for balancing the interpretation of Criterion C.

Comments

Criterion C, first bullet point: As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, clarification is sought on what is meant by the term 'harmonise'.

Policy Sixteen: Renewable energy

Support

The policy approach on renewable energy is supported and will help towards delivering upon the Council's declaration of a Climate and Environmental Emergency in July 2019 and associated actions for the Council to achieve carbon neutrality across the Borough by 2030.

Policy Seventeen: Parking infrastructure for educational facilities

Support

Criterion C: We support the proposed approach to provide a primary focus on active travel to educational establishments and that any increased parking provision should be offset through the provision of the noted sustainable transport measures.

Criterion D: We support the installation of electric vehicle charging points alongside any off-road parking which is provided for educational facilities which would be in line with Policy 16: Renewable Energy.

Support with Modifications

As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, this appears to be a reasonable policy to include provided it is supported by Hampshire County Council who often influence the level of parking provision for education facilities. Proposals would also need to be supported by evidence at the pre-application and planning application stage which clearly demonstrates such a need for an expansion of educational facilities car parking. It is further recommended that the need for such evidence to be provided with planning applications for increased parking is referenced in the policy and/or supporting text.

Policy Eighteen: Community Infrastructure

Support

Criterion A, fifth bullet point: As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, we support the approach of Criterion A, particularly the fifth and final bullet point whereby facilities are expected to be accessible through active travel.

Support with Modifications

Third bullet point following the first paragraph: As per the previous responses at Regulation 14 and the previous Regulation 16 consultation, we support the approach for retaining and providing new and improved community facilities. It is observed that the policy proposes a stronger approach when compared to Policy DM36, Community, leisure and cultural facilities in the adopted Local Plan whereby new facilities must be made available before the closure of the existing facility.

However, further text would be welcomed for the purpose of clarifying the types of community infrastructure for the purpose of interpreting the policy. For example, if this was to include public houses, the application of the policy could mean that those which are unviable to continue trading could be closed down but their loss through a change of use would not be permitted until it was replaced. In this case a replacement would depend on a commercial decision to open a pub, this cannot be enforced through the planning system. This would risk a change of use of a genuinely vacant building being prevented. We support a strong policy to protect viable community facilities, including pubs, but the criterion on replacement should be caveated to what can be delivered. Therefore, a further explanation of the community infrastructure that will be covered by different parts of the policy should be included for the purpose of avoiding such unintended consequences would be welcomed.

Community Aspirations

Health Care Provision

Whilst this section does not form part of the plan policies, a reference to the Botley Surgery out-of-hours service moving to the Lowford Centre in Bursledon should be made.

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.