



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):

Bloor Homes Ltd.

Address and postcode:

[REDACTED]

Email address:

[REDACTED]

Telephone number:

[REDACTED]

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

Please refer to the written statement attached with this form.

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:

Please refer to the written statement attached with this form.

**Botley Parish Neighbourhood Plan
2016-2036**

Regulation 16 Submission Consultation
Statement in respect of Land at
Maddoxford Farm

Bloor Homes Ltd
October 2024

tor
&CO



Issue / revision	Prepared by	Sophia Goodhead
Reference 151086	Signature	SG
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	Date	October 2024
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1.0 Introduction

- 1.1 This representation is submitted on behalf of Bloor Homes Ltd (Bloor) in respect to the second Regulation 16 consultation for the Botley Parish Neighbourhood Plan 2016-2036.
- 1.2 Botley Neighbourhood Plan Committee has resubmitted the draft Botley Neighbourhood Plan (NP) along with its supporting evidence and documentation to Eastleigh Borough Council. The resubmitted NP reflects the changes made by the Committee (following the pause of the examination in January 2024 by the examiner), to respond to representations made during the first Regulation 16 consultation (held August to October 2023), regarding the Habitats Regulation Assessment, the Sustainability Appraisal of the Plan and the site selection process.
- 1.3 In summary, the key changes the Committee have made to the overall package of information include:
- Combining Policies 7 and 8 (Site Allocation at Woodhill School north and south) into one policy: 'Policy 7 Woodhill School' (*page 54*);
 - Addition of information regarding habitat mitigation in the 'Development in Botley' section (*page 53*), and evidence in Policy 7 (*page 57*);
 - Addition of Policy 8: 'Mitigation in Development' (*Page 61*)
 - Updates to the Strategic Environmental Assessment to reflect change to policies and appendices added to reflect new site assessments undertaken;
 - Updates to the Habitats Regulation Assessment to take account of new mitigation measures and the additional policy; and
 - New map of the Local Greenspaces included as Appendix 9.
- 1.4 It is understood that the examiner will address the resubmitted Plan and will take account of the representations received to the second Regulation 16 consultation.
- 1.5 In responding to this Regulation 16 consultation, due regard is had to the basic conditions. Paragraph 37 of the NPPF states that neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. All of the basic conditions must be met, and are as follows:
- a. Must have regard to national policies and advice contained in guidance issued by the Secretary of State
 - b. Contribute to the achievement of sustainable development
 - c. Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - d. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 - e. Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

- 1.6 Bloor still has significant concerns that a number of the draft policies do not meet all the basic conditions, as required. In particular, it is considered that the strategic policies set out on local settlement gaps (Policy Six) and affordable housing (Policy Fourteen) conflict with the NPPF, which states that a Neighbourhood Plan (NP) should shape and direct development outside of strategic policies, fails to contribute to sustainable development, and is not in conformity with the adopted Eastleigh Borough Local Plan (EBLP) policies on strategic matters that were considered sound through EBLP examination. As such, the gap and affordable housing policies conflict with the recently adopted strategic position, and undermine the aims and objective of the Local Plan.
- 1.7 Bloor retains land interests in the land at Maddoxford Farm, Boorley Green, which is located within the Botley Neighbourhood Plan area (Appendix 1). Bloor considers that the site, which lies immediately east of the consented Boorley Park development (under construction and almost complete) and to the north-east of additional housing allocations, would help achieve sustainable growth and could help protect Botley against speculative development in less favourable locations.
- 1.8 Instead, the Parish Council, via the neighbourhood plan, has sought to frustrate the potential of the site for housing provision through the Local Plan process (which, as a consequence of a Main Modification, must be subject to early review), having failed to secure the site as 'gap' policy in the Local Plan.
- 1.9 This representation responds to specific policies in the order that they appear in the draft NP for ease of reference. In addition to the draft NP document, this second Regulation 16 consultation includes a list of submission and supporting documents including the following:
- Basic Conditions Statement
 - Designation Map
 - Equality Impact Assessment
 - Sustainability Statement
 - Appendix 1 - Listed Buildings in Botley
 - Appendix 2 - Demographic Data
 - Appendix 3 – Community Aspirations
 - Appendix 4 - Housing Needs Assessment
 - Appendix 5 – Consultation Statement
 - Appendix 6 – Strategic Environmental Statement (SEA) (includes site assessments)
 - Appendix 7 - Design Guide
 - Appendix 8 - Habitat Regulations Assessment
 - Appendix 9 – Local Green Space Map.
- 1.10 This representation provides our response to all of the above documents where relevant to Bloor's land interests.

2.0 Response to the Regulation 16 Consultation

- 2.1 The resubmission NP includes policies that will help shape future development up to 2036, focusing on objectives in four main areas: economy, environment and character, housing and transport. The NPPF states that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies and give communities the power to develop a shared vision for their area.
- 2.2 The 25 objectives of the NP, as identified through engagement with the community, are set out under the 4 themes referred to above which provide the “direction of travel” for the plan and provide the basis for the planning policies developed.
- 2.3 Bloor supports the ambition of the draft NP to meet the community’s diverse needs and seeks to ensure the policies meet the basic conditions required.
- 2.4 Bloor noted a few discrepancies and set these out within their Regulation 14 and first Regulation 16 statements. Some of these have now been resolved, however even though the NP action in response to these stated (in Appendix 2 of the Consultation Statement) that ‘*all technical information updated to latest information prior to submission*’ it is clear that a few are still to be addressed which are reiterated here, ahead of the response to specific policies below. Bloor would also highlight that their policy comments made in the Regulation 14 Consultation Statement for land at Maddoxford Farm were not properly responded to in the NP Consultation Statement, that just stated ‘comments noted, no action taken’. No reasoning was provided, which doesn’t reflect a positive approach to plan making.
- 2.5 Under the Botley Today section (p.13) it is noted that slightly revised text mentions that the Strategic Growth Area (SGO – that had been promoted in the emerging Local Plan but deleted on recommendation of the Inspector) could be reinstated following the Local Plan review in 2027. Firstly, the Local Development Scheme (June 2023) for the Local Plan review confirms that work started in Spring 2023 and currently indicates adoption in 2029. The reference to 2027 should be removed as it is not clear what it is referring to. At this time, Eastleigh Borough Council has concluded a ‘call for sites’ but has given no indication as to its future distributional strategy or sites to be selected for allocation. Hence the SGO has no planning status (adopted or draft) and all references to it should be removed.
- 2.6 It is noted on p.14 (Air Quality in Botley) and p.16 (Local infrastructure) that it stipulates enabling works for the construction of the Botley bypass have now started, aiming to be fully open in 2024. As a result of delays experienced, the latest timescale for the final phase of the bypass to be completed is now anticipated in 2027. This should be reflected in the text.
- 2.7 There are still discrepancies within Figure 3 (Development sites in Botley– also referred to as Figure 4 in the text which should be amended) on p.15, which sets out that Land south of Maddoxford Lane, Boorley Green proposes 49 dwellings, however a subsequent application on this site (ref. F/19/84937) was approved for 73 dwellings (72 net). Further, the text states that the figures used in the table are referenced by the most recent Monitoring Report from Eastleigh Borough Council dated 2022 and provides a link. However, when accessing the

link there is no monitoring report from 2022 available, with the latest dated 2020-2021. It appears the NP text is incorrect and is meant to refer to the latest Five Year Housing Supply Position report (5YHLS) dated 2022. Even so, the table still does not fully align with the figures in this 5YHLS document. For instance, in one of the applications for Land north and east of Boorley Green (ref. F/19/86233), Figure 3 refers to 67 net dwellings, however the Five Year Housing Land Supply Report specifies 66 net dwellings.

- 2.8 The title of Figure 3 should also clarify that it refers to 'Development sites within the Botley Neighbourhood Plan Area', as it is noted that other development sites classed as within Botley (but outside of the NP boundary) are not included.
- 2.9 All of these applications and references need to be updated and a full review of site details within the policy and evidence base to ensure they reflect the latest/adopted position.
- 2.10 It is noted that the Botley SHLAA report previously included as evidence base has not been submitted as part of the suite of documents for examination. Bloor had noted that the land at Maddoxford Farm, Boorley Green, was not part of the original SHLAA, however they requested in their Regulation 14 statement that the site be formally assessed as part of the NP process going forward and offered to provide further information as part of that process. It is disappointing to see that the opportunity was not taken to update the SHLAA and that the site has still not been formally assessed. This does not reflect a positively prepared approach to plan making or help contribute to the achievement of sustainable development, all contrary to the NPPF.
- 2.11 Bloor still consider that it would be beneficial for the NP to include a plan that clearly identifies the current Eastleigh Borough Local Plan (EBLP) adopted allocations, as well as the new proposed allocations of the NP in order to show the spatial distribution of development planned within the NP area.

Policy Four: Infrastructure Investment Priorities

- 2.12 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).
- 2.13 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*".
- 2.14 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).
- 2.15 Bloor continue to 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.

2.16 Bloor 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, Bloor 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.

2.17 Bloor 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.

2.18 To ensure the plan meets the basic conditions, Bloor 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, Bloor 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.

2.19 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 Six: Local Settlement Gaps

2.20 Bloor’s concern with the inclusion of Draft Policy Six remains, which allocates two additional settlement gaps above those already allocated in the EBLP. The first is between Curdridge, Boorley Green and Botley Village (Area 1) and the second is between Hedge End and Botley Village (East of Brook Lane) (Area 2).

2.21 Paragraph 13 of the NPPF states that a NP should shape and direct development that is outside of strategic policies, with paragraph 18 referring to them containing just non-strategic policies. In this case, the NP strategic policy on settlement gaps is not in accordance with the NPPF. It should be noted that, on request of the Local Plan examining Inspector extensive technical evidence was produced, by professionally qualified consultants, to consider the extent of gaps proposed in the Local Plan. This work did not recommend an extension of the gap, as now put forward in the NP. Further, during the Local Plan examination process, the policy was amended from ‘countryside gap’ to settlement gap, to better reflect its intent. Still, the land now suggested by the NP as Settlement Gap was not considered to be such. Specifically, and highlighting again that the Parish Council had made representations to the

Local Plan examination seeking inclusion of the site in the Settlement Gap, the Inspector confirmed:

“190. I acknowledge that a number of representors have expressed concerns that certain areas are still retained within the settlement gap definition. Conversely, I note that a number of representors have raised concerns that areas do not benefit from a settlement gap designation. I am satisfied that the evidence base provides a clear justification for boundaries and presents a proportionate and robust approach to the allocation of settlement gaps within the Plan.”

- 2.22 Notwithstanding the above, it is noted that a response has been provided to Bloor’s Regulation 14 comments on this matter (within Appendix 2 of the NP Consultation Statement), stating that the policy has been re-worded with additional evidence which provides justification for the policy and that they consider it to be in general conformity with strategic policies of the EBLP. Bloor has reviewed the evidence and comments on this further below.
- 2.23 Paragraph 38 of the supporting text states that the evidence includes the Eastleigh Local Plan evidence base. This includes the Eastleigh Borough Settlement Gaps Study (October 2020), Report on Countryside Gaps in South Hampshire (CPRE) and Green Infrastructure Strategy Framework for Gaps (PfSH). These draw on the PfSH criteria for designated gaps which in essence states that:
- I. gaps should not include more land than is necessary to prevent the coalescence of settlements and that
 - II. land to be included should perform an important role in defining settlement character and separating settlements at risk of coalescence.
- 2.24 Firstly, the CPRE and PfSH reports mentioned above do not specify a date in which they were published and are not included within the submission documents or published anywhere on the Botley Parish Council’s NP section of their website within the evidence base documents folder. These documents are also not referred to within the evidence text of the policy. It is therefore not entirely clear which version of these reports are being referred to, and in any case they are not specifically used within the evidence for the policy which only appears to reference EBLP policies.
- 2.25 Secondly, it is noted that the Countryside Gaps Background Paper (June 2018) and PfSH Spatial Position Statement (June 2016) have been removed from the evidence base referred to within the Regulation 14 consultation. It appears that these have been removed as they did not support the proposed policy. For instance, 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 is reflected in the adopted Eastleigh Local Plan. Eastleigh Borough Council (EBC) confirm that there is no change in the Council’s position on this within their response set out in the NP Consultation Statement.
- 2.26 As a result, the additional evidence and amendments to policy text does not change Bloor’s position and objection to this policy for the following reasons.

- 2.27 The EBLP Inspector's Report (dated 14 March 2022) confirms that the above criteria and the policy approach to settlement gaps was sound and justified by evidence base. However, this evidence, which was considered sound through the EBLP examination, does not demonstrate a need for additional settlement gaps and highlights that gaps should not include more land than is necessary to prevent coalescence of settlements. It is highly relevant, to mention again, that the Parish Council sought to increase the areas of gap during the examination of the EBLP but that these extensions were rejected. There is no new evidence that contradicts the earlier conclusions and demonstrates a need to change or add to the local gaps already identified and adopted in the EBLP policy S6. The NP is not a vehicle to introduce restrictive policies that have already been rejected.
- 2.28 At paragraph 52 of the NP and as a matter of clarification, a recent appeal (ref. APP/W1715/W/21/3269897) for an additional 100 houses adjacent to Precosa Road/ Hedge End is cited. The supporting text sets out that the Inspector queried why the Hedge End to Botley Village Settlement Gap only extended to Brook Lane. This is not correct. The Inspector confirms that "*Whether or not Brook Lane should be considered to be the edge of Botley, it is the edge of the Settlement Gap*" and then goes on to give the EBLP settlement gap boundary 'substantial weight' in the consideration of the appeal.
- 2.29 Proposed settlement gap area 1 (between Curdrige, Boorley Green and Botley Village) already has a clear separation between the urban edge of Boorley Green (even if defined by the properties including Westfield and Holly Tree Farm) and Curdrige, which lies in Winchester district and on the opposite side of the heavily treed corridor of Ford Lake and the River Hamble. The same can be said for between Botley and Curdrige, where the treed corridor and River Hamble continue to provide a clear separation. Between Boorley Green and Botley there is a vegetated railway line embankment that forms a strong linear feature contributing to settlement separation.
- 2.30 Further, the character of the northern half of area 1 is not open countryside, there is development, with two clusters of farm buildings and a car breakers business and mobile home and caravan storage area to the north.
- 2.31 Bloor also note that within EBC's response to the Regulation 14 consultation (as set out in the NP Consultation Statement), EBC agree that the land east of the EBLP Policy BO1, Land south of Maddoxford Lane and land east of Crows Nest Lane site allocation should not be designated as a gap since there is not considered to be a risk of coalescence between Boorley Green and Curdrige, given the distance between the settlements and the woodland belt along the river valley. In addition, EBC note that this site extends to the boundary with Winchester district and Winchester City Council have not designated a gap on their side of this boundary.
- 2.32 With regard to proposed settlement gap area 2 (between Hedge End and Botley Village), the EBLP 'Hedge End, Botley and Boorley Green' settlement gap already exists to provide sufficient protection between these two settlements. As mentioned above, EBC'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. Neither Area 1 or Area 2 as proposed are key to the separation of settlements. It is noted within the NP Consultation Statement that EBC objects to the inclusion of these

proposed local settlement gaps due to the fact they would not be in general conformity with Strategic Policy S6, Protection of settlement gaps within the adopted Eastleigh Local Plan or the supporting evidence on settlement gaps.

- 2.33 It is clear that this draft NP policy does not have regard to national policy or guidance, and with the absence of any evidence required to support additional settlement gap areas, it cannot be considered to meet the basic conditions. Neither is the policy in general conformity with the EBLP, as it provides an additional and unjustified level of restriction, providing a local approach which moves away from strategic policy S6, essentially undermining the strategic policy approach and its evidence base. There is no robust rationale or evidence to justify the additional gap sites proposed. As such, they only serve as unnecessary restrictive settlement policies which do not contribute to the basic condition of achieving sustainable development. They are inconsistent with the NPPF's objective to significantly boost the supply of housing and the Botley NP's stated fundamental principle that 'growth is part of sustainable development.'
- 2.34 The purpose of the additional gap is contrived and illogical, as must be concluded from previous testing through the examination of the EBLP. It is evident that the existing EBLP settlement gaps and countryside designation will provide adequate protection to settlement identity, without the need to propose two additional unjustifiable and restrictive Local Gaps, which should be removed from the draft NP.
- 2.35 Bloor wish to reserve their position to provide further evidence in respect of the local settlement gap policy as part of the NP examination as necessary.

Policy Seven: SLAA-3-20-C / SLAA-3-21-C Woodhill School

- 2.36 The general approach in the Botley NP is that growth will be focused within the settlement boundary on small scale infill sites and on new site allocations within the EBLP.
- 2.37 Draft Policy Seven (previously split between Policy Seven and Policy Eight on two small sites) allocates a total of 58 dwellings on this now combined site (which has increased from 40 dwellings in the first Regulation 16 draft NP document). This one site represents the total of new housing allocations within the NP, and could come forward as a windfall site without allocation. In this context, it appears that the NP is still being used to restrict and/or delay the development of this site.
- 2.38 It is however welcomed that the requirements for the development to only come forward when it is needed and all existing strategic development commitments are completed has been removed. This was entirely contrary to the NPPF approach, which seeks to boost housing land supply. Sites suitable for residential development should not be held back. It is noted however that paragraph 62 of the supporting text still states that development on this site will be over and above the strategic development identified in the EBLP. If there are any issues with the EBLP allocations coming forward, this policy would restrict any future sustainable sites from being developed. This does not have regard to national policy and conflicts with paragraph 29 of the NPPF, which outlines that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. This reference should be removed as it has from the main policy text.

- 2.39 The policy also still stipulates that proposals for development on the site will be supported subject to criteria c) the infrastructure being in place to support it. To avoid delaying sustainable development from coming forward, this should include reference to 'or demonstrated will be in place to support development upon occupation' to provide some flexibility. It is also noted that paragraphs 54 and 63 within the supporting text have policy and appendix references still to be confirmed and currently refer to Policy or Appendix 'xx'. As a result it is currently unclear which evidence the policy is based upon.
- 2.40 Further, criteria a(i) of the policy states that a maximum of 50 dwellings is to be provided on the remainder of the site (following the 8 dwellings in the former school building), even though paragraph 63 within the supporting text recognises that the Eastleigh Borough SLAA recommends a density of 30ph on the 2.4ha site, which would indicate development of approximately 72 dwellings. It is noted that there may be constraints on site that could restrict this number, however this should be confirmed through further detailed development design rather than a restrictive policy, as the site could still support more development than the 58 homes allocated.
- 2.41 These restrictions do not plan proactively or positively to support and achieve sustainable development and do not comply with the NPPF's aim to boost the supply of homes. The site is effectively a windfall site located within an urban area. This provision is not sufficient in terms of meeting paragraph 71 of the NPPF which states that neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites suitable for housing in their area. Only two small sites, which have now combined into one, have been allocated and in Appendix 5 (the Botley Sites Assessment) of the first Regulation 16 consultation as well as Appendix 2 in the SEA of this second Regulation 16 consultation, it appears only small sites have been properly considered with potential dwelling numbers of around 30 dwellings, this number of dwellings is even set out for large sites that could accommodate significantly higher densities. Further, sites such as land at Maddoxford Farm Boorley Green, which were requested to be considered have been left out.
- 2.42 The evidence base of the policy includes the Botley Housing Needs Assessment 2019 (HNA) (Appendix 4), prepared by AECOM which is now over 4 years old. Paragraph 27 of the HNA acknowledges that Neighbourhood Plans are required to be in general conformity with adopted strategic local policies and that there is a need for the relevant elements of the Local Plan to be reviewed given that the assessment was undertaken ahead of its examination and subsequent adoption. As a result, the evidence is not based on the latest adopted local strategic policies, the latest 2023 version of the NPPF or the latest 2021 Census data.
- 2.43 The HNA covers the type of affordable housing tenure to 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. Although the study is now out of date in terms of its assessment of what is required, it does recognise that household affordability is an issue in the Neighbourhood Plan Area.
- 2.44 It is highly relevant that since the first Regulation 16 consultation took place, new proposed changes to the NPPF have been published. The new Labour government has stated that planning reform is key to delivering economic

growth objectives. With bold promises to deal with a chronic housing shortfall, the government has set out its solution to the current crisis and published proposed changes to the NPPF. The consultation on the proposed changes recently ended on 24 September 2024 and it is anticipated that the revised NPPF will be published by early next year.

- 2.45 As part of the proposed changes, the draft removes reference to the housing target as 'an advisory starting point', requiring local planning authorities (LPAs) to plan for their identified housing need as calculated under the standard methodology.
- 2.46 Crucially, alongside the draft NPPF, a new draft standard methodology for calculating local housing need (SM LHN) has been published. Under the new SM, EBC's LHN would jump from 645 dpa to 942 dpa, representing an additional 297 dpa (40% increase). The EBLP currently seeks to accommodate 14,580 homes over the 20 year plan period (729 dpa), which is above the current SM LHN of 12,900 homes. The new SM LHN would increase this requirement to 18,840 homes over the plan period.
- 2.47 With regard to unmet need in neighbouring authorities, the Partnership for South Hampshire (PfSH) published an updated Spatial Position Statement (to replace the 2016 Statement) in December 2023 which sets out that the current level of unmet need is some 11,771 dwellings up to 2036 and continues to demonstrate a significant shortfall in the sub region. The statement also proposes that Eastleigh should be able to meet and potentially exceed the standard method to help with unmet need. Further, it identifies locations as broad areas of search for sustainable strategic-scale development to potentially deliver a combined total of approximately 9,700 homes, making a significant contribution to the shortfall in housing provision in South Hampshire. It is advised that the suitability and deliverability of these areas are to be considered in the relevant Local Plans and for Eastleigh the relevant broad areas are South-east/east of Eastleigh Town.
- 2.48 Further, following the draft NPPF changes, despite the deletion of the 35% uplift for Southampton, the unmet need position increases significantly, with Eastleigh's shortfall increasing to 5,566 homes (from 2,511 homes) up to 2036.
- 2.49 In order to address the affordability issue identified by the evidence base, the increase in local housing need within EBC as proposed by the new standard method and the additional unmet need of the sub region, rather than only allocating one site in an urban area that is restricted in how many units, including affordable units, it can provide, the NP should allocate additional greenfield sites for residential development to boost the supply of both market and affordable homes. In this context the allocation of land at Maddoxford Farm, north of Maddoxford Lane would be justified and an appropriate response to the issue. It would meet the basic conditions and should be supported by the NP.

Policy Eight: (Mitigation in Development)

- 2.50 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 Nine: Site BO3 (Strategic Allocation)

- 2.51 Draft Policy Nine outlines further housing and infrastructure requirements than that set out in the EBLP Policy BO3. It is welcomed that the additional requirement for 40% affordable housing has been removed, however it is noted that criteria a) still requires a housing mix provision in line with the relevant draft policy of the NP and that criteria b) and c) seek additional infrastructure requirements over and above the EBLP requirements. Bloor's concern is that this policy and the other additional requirements could have an adverse impact on the viability of a sustainable site coming forward. These requirements do not comply with the EBLP and do not have regard to national policy, being in conflict with paragraph 29 of the NPPF, which outlines that neighbourhood plans should not undermine strategic policies for the area. Further comments on the housing mix are set out under the response for Policy Fourteen below.

Policy Ten: Utilities provision

- 2.52 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.
- 2.53 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

- 2.54 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).
- 2.55 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, Bloor 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”.

- 2.56 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. Bloor 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.
- 2.57 Generally, in order to be able to contribute to and not prevent the achievement of sustainable development, Bloor consider that the policy should include wording to state that the requirements set out would be subject to technical site feasibility and viability. Bloor 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 Twelve: Strategic high and intermediate pressure pipelines and high voltage electric cables

- 2.58 Draft Policy Twelve requires compliance with the existing safety requirements in relation to consultation distances around major accident hazard pipelines and refers developers to the guidance from the appropriate operator. There are existing standards and guidance which already cover this matter and in any case the operators would be consulted by EBC for relevant development proposals. As such, the policy is not necessary and should be removed.

Policy Thirteen: Parking standards for new residential developments

- 2.59 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).
- 2.60 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.
- 2.61 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. Bloor 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”.

- 2.62 In this case, Bloor 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.
- 2.63 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".
- 2.64 Criteria f) outlines that parking spaces will be required to be constructed of permeable surfaces to minimise surface water run-off. Bloor 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, Bloor suggest including 'where feasible' after 'permeable surfaces'.
- 2.65 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

- 2.66 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.
- 2.67 Bloor 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.
- 2.68 Bloor 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 as mentioned in the response to Policy Seven and Eight above 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. Bloor objects to the current policy wording due to the lack of flexibility in the approach and subsequent conflict with EBLP policy.

- 2.69 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.
- 2.70 Criteria c) on higher national access standards repeats the requirement from EBLP Policy DM29 and as such is not required and should be removed.
- 2.71 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.
- 2.72 Bloor 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.
- 2.73 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.
- 2.74 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. As mentioned in response to policy eight above, the allocation of land at Maddoxford Farm, north of Maddoxford Lane would be justified and an appropriate response to the issue. It would meet the basic conditions and should be supported by the NP.

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

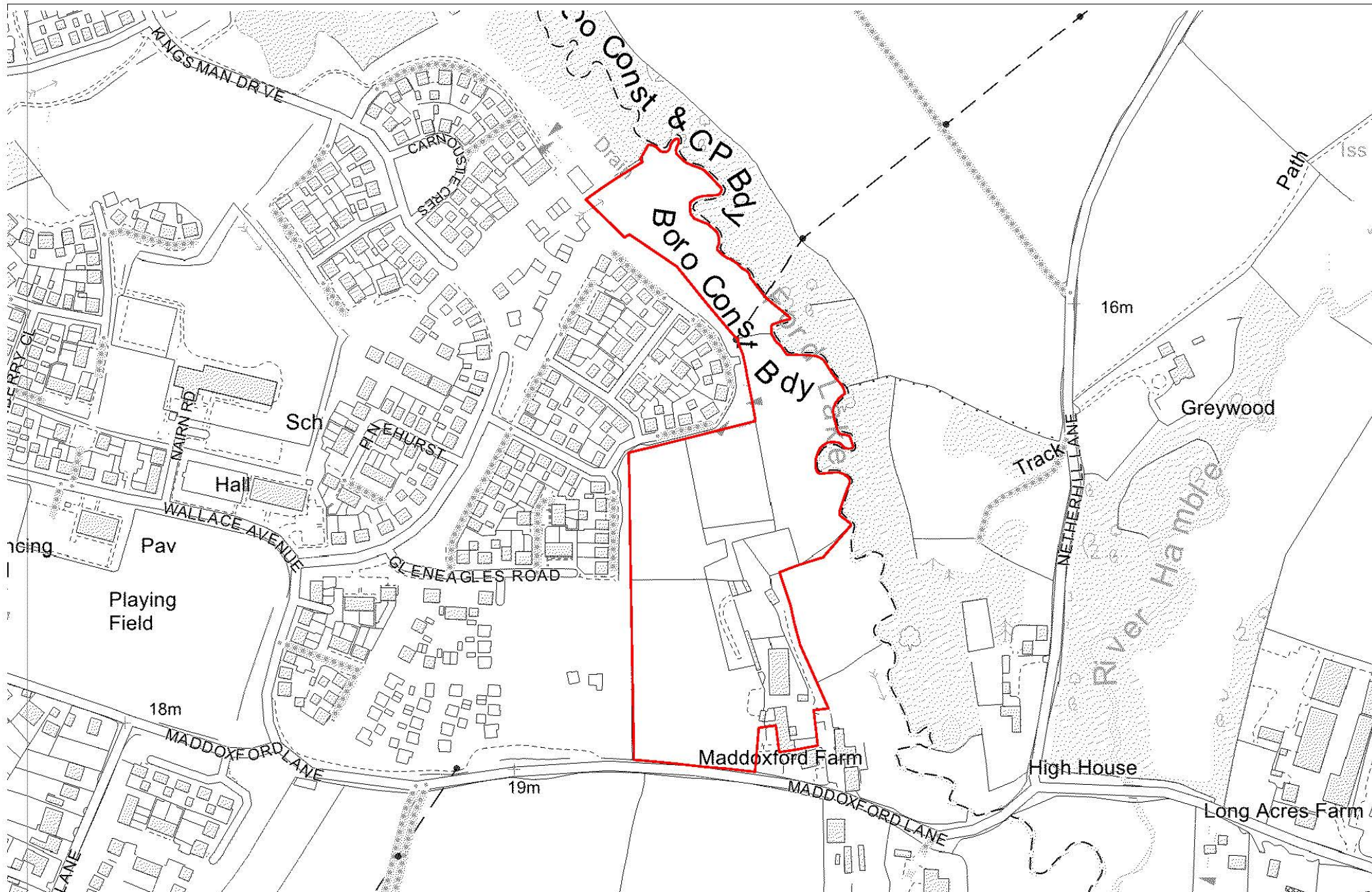
Policy Fifteen: Built form, design and materials

- 2.76 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.
- 2.77 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.
- 2.78 Bloor 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, including areas such as Boorley Green for instance, where there is a variation in its design. 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.
- 2.79 Bloor 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.
- 2.80 The Design Guide also refers to the old 2019 NPPF, therefore it should be reviewed against the latest 2023 NPPF and amended as necessary.

3.0 Conclusion

- 3.1 This representation has been prepared on behalf of Bloor Homes Ltd and its land interests within the NP area. Bloor supports the ambition of the draft Neighbourhood Plan to create policies which establish appropriate sustainable development together with supporting infrastructure, however, there are still 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 policies set out on local settlement gaps (Policy Six) and affordable housing (Policy Fourteen) conflict 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.
- 3.2 It is acknowledged that the evidence base confirms that the NP area has a household affordability issue. Further, the new draft standard method for local housing need increases significantly and the latest PfSH work indicates a significant level of unmet need within the sub region. In order to help address these issues, the NP should plan positively and allocate additional greenfield sites for residential development to boost the supply of both market and affordable homes. Bloor continues to consider that the allocation of land at Maddoxford Farm, north of Maddoxford Lane would be justified and an appropriate response to the issue, which would help achieve sustainable growth and could help protect Botley against speculative development in less favourable locations. It would meet the basic conditions and should be supported by the NP as a highly sustainable and appropriate location for housing.
- 3.3 The response also highlights where information set out throughout the document and evidence base needs to be updated to reflect the latest/adopted position, in order to accord with national requirements and adopted local policies. In this context, it is important that the NP and its accompanying supporting documents are accurate and reflect the most up to date position.
- 3.4 Bloor 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, Bloor would welcome the opportunity to provide further comments or evidence as necessary as part of the examination process.

Appendix 1 – Site location plan for Land at Maddoxford Farm



Madoxford Lane
Bloor Homes

Site boundary
Approx. 4.33ha



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Land at Maddoxford Farm
(Newell)
Site Location Plan
151068 -TDR-SK007
Scale @ A3: 1:2500
01/09/2023

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