

Policy Ref	Examiners comments	SG Response
Policy Three	The policy elements (b/c/d) go well beyond the matter-of-fact approach taken in paragraph 107 of the NPPF. It would be helpful if the Parish Council explained the way in which it has addressed these matters.	The green spaces identified are extremely important to the community especially given the high level of development and planned development in Botley. The community wishes to make it understood through the Plan, that it understands that sometimes development might be necessary on an identified Local Greenspace and wishes to be sure that if this is proposed, it can be demonstrated there is no alternative option, and that if this case can be proven, mitigation is put in place to minimise the effects.
	Where are maps 1-3 located in the May 2024 version of the Plan?	The local green space maps were taken out of the body of the resubmitted Plan and new ones, of a better quality were added as Appendix 9.
	The tabular information about the proposed Local Green Spaces is very helpful. However, it reads as background information that would sit better in an appendix of the Plan. Does the Parish Council have any views on this point?	The Steering Groups accept the proposed ammendment
	The Parish Council's comments on the representation from the Trustees of the Mulberry Investments Pension Scheme would be appreciated.	See below
Policy Four	The proposed investment priorities are generally appropriate. However, would a museum be deliverable within the Plan period? In general terms, should the contents of the policy be a community aspiration (about how Section 106 monies are applied) rather than a land use planning policy?	Probably not achievable in the Plan period, The Steering Group is content to make this a community aspiration rather than policy given the long term scale of this project

Policy Six	<p>This policy has attracted considerable objection. The evidence suggests that the policy is not in general conformity with Strategic Policy 6 of the Local Plan and fails to take account of the outcome of the examination of the Local Plan. The evidence suggests that the policy is not in general conformity with Strategic Policy 6 of the Local Plan and fails to take account of the outcome of the examination of the Local Plan. In this context does the Parish Council wish to add anything further to its approach to the proposed Local Settlement Gaps in the Plan?</p>	<p>There is very strong feeling in the community that the “countryside” in and around Botley which continues to allow it to still be a relatively rural environment despite significant development and helps to separate Botley from the much larger conglomeration of Hedge End and the neighbouring Curdridge, should remain. For this reason, Policy 6 identifies two areas which are important to ensuring there is no further coalescence with neighbouring communities. This will ensure that Botley can retain most of its green infrastructure as well as its individual characteristics. The Parish Council, through the Steering Group believe sufficient evidence has been presented to demonstrate both the reasoning behind this policy, and a justification for it remaining in the Plan. The resubmitted Plan includes additional evidence in order to demonstrate the importance of this Policy to the Community. The Steering Group also believe it to be in general conformity with the Local Plan as it does not seek to challenge any of the strategic policies.</p>
Policies seven and eight	<p>For clarity, my comments and questions relate to the two policies as now presented in the May 2024 version of the Plan. The policies have attracted considerable commentary. My initial conclusion is that the Plan includes limited detailed evidence about:</p>	<p>The original policies seven and eight, Woodhill School north and south, were amalgamated into one Policy (Policy 7) in the resubmitted version of the Plan. This included several changes to the actual Policy both in terms of numbers and mitigation. Following a discussion with the Environment Agency, additional wording has also been suggested to address the issues of flooding. This is shown in detail under responses to the Environment Agency. Mitigation is also included in the new Policy 7 and an additional policy (Policy eight in the resubmitted plan) deals solely with mitigation. Additionally, the Steering Group has accepted some of the recommendations made by Eastleigh Borough council in relation to this policy, which can be seen under EBC comments. Discussions with Natural England have allowed for a decision to be made in relation to Policy seven and the site selected. The final Policy will state that a maximum will allow for no more than 49 homes to be developed on this site which will enable an addition to the Policy to state that solely SAMMS contributions will be required.</p>
	<ul style="list-style-type: none"> • the deliverability of the allocated site; 	
	<ul style="list-style-type: none"> • the way in which potential flooding issues can be resolved; and 	
	<ul style="list-style-type: none"> • the way in which the environmental issues associated with their development can be appropriately mitigated. <p>On the one hand, these technical issues which may be capable of being resolved. On the other hand, the inclusion of the site in the Plan depends on the integrity of (and interplay between) the site selection process, the Environmental Report, and the Habitats Regulations Assessment. The Parish Council’s comments on these observations would be appreciated. It would also be helpful if it advised about the extent to which the significant objections to the proposed development and mitigation package from statutory bodies (Natural England and the Environment Agency) can be addressed.</p>	

Policy nine	The policy has also attracted considerable commentary.	An agreement was reached with Natural England to remove this policy as part of the solution to their representations at Regulation 16, therefore in the referendum version of the Plan, this will not be included.
	Has the Parish Council tested the impact of the policy (including the requirement for allotments or additional community space and a cemetery) would have on the overall delivery of housing on the site and its deliverability/commercial viability?	
	Is the Parish Council satisfied that the policy is in general conformity with Strategy Policy 1 of the Local Plan?	
	Is the Parish Council satisfied that the policy has regard to national policy (in paragraph 29 of the NPPF) that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies?	
	Does the Parish Council wish to elaborate further on the contents of paragraph 92-98 of the Plan? Is it reasonable for me to conclude that the principal driver for the policy is the community feedback (as described in paragraph 92 of the Plan)?	
Policy ten	Does this policy bring any added value beyond national and local policies? Is it needed?	Although this is covered by national and local policies, the community are very keen to ensure that utilities provision is considered by developers. They have been worried that previous development which has taken place has not sufficiently addressed this issue, therefore this Policy has been included. A response has also been made via Eastleigh Borough Council representations. Through the use of photos, the community believes it has demonstrated how there is currently inadequate provision locally.
Policy eleven	Does this policy bring any added value beyond national and local policies? Is it needed?	As with Policy ten, local flooding issues are being addressed through this policy as it is believed that adding a local dimension (evidenced through a series of photographs) to existing policies is helpful to address local needs.

<p>Policy twelve</p>	<p>Does this policy bring any added value beyond national and local policies? Is it needed?</p>	<p>The community believe that in past development, insufficient notice has been taken of the network of both pipelines and electric cables. Therefore the Steering Group believe that by including a local Policy would help to reniforce national policy. Point 125 in the policy evndence identifies that a "<i>A report by Linewatch in 2018 recorded a 5% increase in the number of infringements reported about high-pressure pipelines. This increase is attributed to landowner and developer action through localised activity, such as fencing.</i>" EBC comments are noted and are responded to in the section on EBC comments. This will result in modifications to this policy.</p>
<p>Policy thirteen</p>	<p>This policy has attracted a range of comments. I would welcome the Parish Council's response to the Borough Council's representation.</p>	<p>Eastleigh Borough Council's comments are noted, and the Steering Group has agreed to most of the ammendments. More detailed response at EBC comments.</p>
<p>Policy fourteen</p>	<p>As the Plan acknowledges, this policy seeks to build on the contents of Policies DM23 and DM24 of the Local Plan. In principle, such an approach is acceptable, and I note that the two policies in the Local Plan are not strategic policies. National policy comments that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area where they are in conflict (NPPF paragraph 30). In this context the extent to which the submitted policy meets the basic conditions is a particularly important matter. An important issue is the differing approach taken in the Local Plan and in the Neighbourhood Plan. Whilst the two policies in the former are non-prescriptive, Policy Fourteen is very prescriptive and has various layers and requirements. In addition, it does not appear to have been tested for its impact on commercial viability, and therefore several of its elements provide an opportunity for an alternative approach to be taken (where justified). It would be helpful if the Parish Council expanded on the way in which it has approached this matter.</p>	<p>The Steering goup is mindful that in the main, Eastleigh Borough Council support this policy and will consider the suggestions for modifications under the section on EBC comments.</p>

	On a specific point, and as the Borough Council comments, there is a risk that the development of sites allocated in the adopted Local Plan with a 35% affordable housing threshold applying could be made unviable and therefore undeliverable if the threshold in the submitted policy is introduced without any supporting viability evidence to justify the higher figure. It would be helpful if the Parish Council commented on the extent to which it has addressed this potential risk.	The Steering Group accepts that a development needs to be viable, and has added that should the mix not be achievable if credible evidence is produced this can be modified. In addition, a further response has been given to EBC comments. The Steering Group is also aware that point i) refers to Policy Seven and Policy Eight which will need to be altered to just Policy Seven.
Policy fifteen	In general terms, this is good policy which is underpinned by the Botley Design Guide. In the round it is a very good local response to Section 12 of the NPPF.	noted
	Criterion d) is vague. How would an applicant know which elements of the Strategy applied to the development concerned. Please can the Parish Council advise on its thinking?	The Eastleigh Borough Council's Climate Change Strategy is wider than development, however the Steering Group believes that this gives guidance to potential developers in order to raise awareness of the need to consider climate change when proposals are submitted for any development. Rather than being prescriptive, it is intended to provide a baseline and seeks to remind developers that climate change is being considered in the Borough, and any plans need to put it at the forefront of their proposals.
	Criterion e) is prescriptive. I am minded to recommend that it should apply where it is viable and practicable to do so? Does the Parish Council have any comments on this proposition?	The Steering Group accepts the suggested amendment to add a sentence regarding "if viable and practicable" however it would wish to retain the "first approach" to be the need to meet the regulations in any rewording.
	Several developers make detailed comments on the policy. The latter part of this Note provides an opportunity for the Parish Council to comment on such matters.	Comments below on individual developers comments

Policy seventeen	The thrust of the policy is very appropriate. However, it includes both land use policies and supporting text. Was this deliberate?	<p>No, with apologies, it was an oversight. This Policy can be rewritten with "text" removed.</p> <p>a) development proposals which can help to meet the need for off road parking will be supported.</p> <p>b) Such proposals will need to demonstrate the suitability, in planning terms, of any ancillary development, as well as the suitability of the proposed parking site in meeting the identified needs of the community.</p> <p>c) the provision of accessibility through 'active travel' (non-car) to educational establishments should be the primary focus for development. d)Where feasible, increased parking for educational facilities should be offset through provision of sustainable travel such as new / improved cycleways, new / improved footpaths, and links to key services in accordance with Policy Four.</p> <p>d) Electric vehicle charging points are expected to be installed alongside any off-road parking that is provided for educational facilities in line with Policy Sixteen of this Plan.</p>
	The fourth part of the policy has now been overtaken by the introduction of Part S of the Building Regulations. As such, I will recommend that this part is deleted, and that the national position is addressed in the supporting text.	The Steering Group accepts the proposed ammendment
Policy eighteen	I am minded to recommend that the order of the two elements of the policy is reversed so that it has a positive focus. Does the Parish Council have any comments on this proposition?	The Steering Group accepts the proposed ammendment
	The first part of the policy comments about existing community facilities. Is this intended to have general effect (without identifying specific facilities) and as advised in paragraph 191 of the Plan?	yes, it is intended to have general effect and would be content for this Policy to be re-worded should the examiner consider it appropriate and necessary

Representations

Trustees of the Mulberry Investments Pensions Scheme	An overarching comment is that the Botley Neighbourhood Plan "raises the spectre that new development is to be viewed negatively..."	In response, the Steering Group wishes to be clear that the Neighbourhood Plan has not been developed to prevent development, nor does it take a negative view of development. It seeks to put into context the amount of recent development throughout Botley and wishes to use the Neighbourhood Plan to influence future development in Botley, so it meets the needs of the community. The Neighbourhood Plan proposes a site for development of at least 58 new homes.
Trustees of the Mulberry Investments Pensions Scheme	Objectives 3 / 7 /10	Objectives are not policies. They set the scene for delivery of the Vision of the community.
Trustees of the Mulberry Investments Pensions Scheme	Policy One	this policy has support from EBC with suggested modifications
Trustees of the Mulberry Investments Pensions Scheme	Policy Two	this policy has overall support from EBC with suggested modifications
Trustees of the Mulberry Investments Pensions Scheme	Policy Three	There is no exact definition of size for "extensive tract of land" within the NPPF. As such, the Steering Group believes that Areas 28, 29 and 31 all meet the relevant criteria. The areas referred to all border the area proposed for the new bypass. Following the construction of the bypass, the community has indicated that to compensate for the loss of habitat to the new road these areas become wildlife enclosures and/or community orchards.

Trustees of the Mulberry Investments Pensions Scheme	Policy Four	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Trustees of the Mulberry Investments Pensions Scheme	Policy Six	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Trustees of the Mulberry Investments Pensions Scheme	Policy Seven	dealt with under examiners clarification notes above, and response to Environmental Agency concerns in relation to flooding. The response of Mulberry Trustees are in response to the previous plan, not the updated re-submission Plan which has updated the Woodhill School sitel policy and added an additional policy, Policy eight, which refers to mitigation.
Trustees of the Mulberry Investments Pensions Scheme	Policy Nine	Under agreement with Natural England, this policy is to be removed
Trustees of the Mulberry Investments Pensions Scheme	Policy 13	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations

Trustees of the Mulberry Investments Pensions Scheme	Sustainability Statement	The Trustees wish to suggest that the Neighbourhood Plan will create further congestion and pollution. The current situation is unsustainable and ignoring it will not solve the issue. Therefore the Neighbourhood Plan is seeking the "least worst" option of providing additional spaces to prevent the current situation of cars driving around and around seeking spaces rather than settling in one place. Ignoring
Trustees of the Mulberry Investments Pensions Scheme	Conclusion	The Trustees wish to suggest that the Plan is not in general conformity with the Local Plan and is designed to frustrate the deliverability of housing on brownfield and strategic allocations. This is clearly not the case as the Plan allocates a site for delivery of around 58 homes. It also seeks to create policies which will support future development and shape the way these are delivered in line with the communities wishes. This is the purpose of a Neighbourhood Plan.
Bloor Homes first Reg 16 / second reg 16	2.10 Botley SHLAA	The site assessment process was undertaken in full in order to resubmit the current Neighbourhood Plan. An explanatory note accompanies this assessment setting out the reasons for inclusion / exclusion of certain sites. The Steering Group believes this is comprehensive and explains the reasoning for not reassessing SHLAA-3-39-C Land South of Maddoxford Lane. This site is a strategic allocation and is already under construction for development.
Bloor Homes first Reg 16 / second reg 16	Policy Four	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Bloor Homes first Reg 16 / second reg 16	2.19	highlighted questionthis is a typo missed in the proofing. Apologies

<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy Six</p>	<p>Answers to this are dealt with in the Examiners' clarification question and response to EBC representations</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy seven</p>	<p>Bloor homes suggests that the NP "promotes less development than set out in the strategic policies...." This is clearly not the case. The NP allocates a site over and above the strategic allocations set out in the Eastleigh Borough Local Plan.</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy seven</p>	<p>other issues referenced by Bloor Homes in relation to Policy seven are dealt with either above in examiners clarification notes or as a response to Eastleigh Borough Council's comments</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy eight</p>	<p>Following significant objections from Natural England a number of measures have been added to the Neighbourhood Plan to address the issues. Policy eight is one of these measures and was developed in conjunction with Eastleigh Borough Council to help find a way forward with Natural England.</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy Nine</p>	<p>Policy Nine is being removed from the Plan</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy Ten</p>	<p>Answers to this are dealt with in the Examiners' clarification question and response to EBC representations</p>

<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy eleven</p>	<p>Bloor Homes has suggested an ammendment to the policy to make it clear that the requirement for a design statement showing method of discharge of surface water flows should only be applied to major development. The Steering Group do not have any objections to this in principle, however clarification of what represents a major development is required. The Steering Group suggest "New development in excess of 50 homes will be required to provide"</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy twelve</p>	<p>Answers to this are dealt with in the Examiners' clarification question and response to EBC representations</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy thirteen</p>	<p>Answers to this are dealt with in the Examiners' clarification question and response to EBC representations</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy fourteen</p>	<p>Bloor Homes refers to the more "generic nature" of the policy in the Local Plan compared to Policy fourteen in the Neighbourhood Plan. It is the role of the Local Plan to set the strategic direction whilst the Neighbourhood Plan interprets this at a local level, whilst remaining in general conformity with the Local Plan.</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>Policy fifteen</p>	<p>Although the Policy requires developers to give regard to the Design Guide without being prescriptive in order to allow for innovation and appropriate deviation.</p>
<p>Bloor Homes first Reg 16 / second reg 16</p>	<p>general comments</p>	<p>the Steering Group acknowledges that in some instances, the documentation referenced is not the most up to date. The Neighbourhood Plan has undergone significant changes since it was first submitted in early 2023 and the examination was halted. When re-submitted, not all documents had changed. Therefore, in the referendum Plan, the latest documents will be referenced.</p>

Miller Homes second Reg 16	Policy four	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Miller Homes second Reg 16	Policy eight	this was considered in response to Bloor Homes
Miller Homes second Reg 16	Policy ten	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Miller Homes second Reg 16	Policy Eleven	issues raised have been dealt with in response to examiners clarification questions
Miller Homes second Reg 16	Policy thirteen	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Miller Homes second Reg 16	Policy fourteen	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Miller Homes second Reg 16	Policy fifteen	These issues are dealt with in response to both Bloor Homes, Eastleigh Borough Council and the examiners clarification notes
Bellway Homes second Reg 16	supplied by ToR & Co, who have also supplied the responses on behalf of both Bloor Homes and Miller Homes it is felt not to be necessary to repeat individually here	Given the repetition of the comments, the responses to Bellway Homes are the same as given to both Bloor Homes and Miller Homes

<p>Environment Agency Second Reg 16</p>	<p>The Environment Agency expressed considerable concerns in relation to flooding at both Botley Mills site and the site selected, Woodhill School.</p>	<p>Following a meeting with Laura Lax of the Environment Agency, the following was agreed: Woodhill School Site</p> <ul style="list-style-type: none"> -the South Hampshire Strategic Flood Risk Assessment indicates that the majority of the site lies outside the existing / future flood risk areas -the policy should be amended to be clear development should be located outside the flood risk areas, and that there should also be a suitable buffer to the river -the strategic flood risk assessment should inform the plan making staging. Therefore, this reference should be taken out of the policy requirements for the planning application and referenced in the supporting text on evidence to the plan. <p>Botley Mill site</p> <ul style="list-style-type: none"> -any proposals are only likely to involve the use of the existing Botley Mill building -the EA confirmed they would have no objection to the re-use of the existing mill for retail use (it is only a new building which would create a displacement effect which could increase flood risk elsewhere) -the policy should clarify that only the re-use of the existing building will be supported <p>BO3</p> <ul style="list-style-type: none"> -cemetery provision – notwithstanding the Borough Council's objections on this point, the EA's comments could be resolved by a requirement to assess ground water levels to assess whether the site is suitable (subsequent to the meeting with EA, it was agreed with Natural England to remove the Policy in relation to BO3) <p>The EA and neighbourhood forum agreed to liaise on revised wording for the above points and the following was subsequently agreed: Botley Neighbourhood Plan – Policy Seven bullet (I) proposed wording</p> <p>A sequential approach to flood risk should be taken to development on this site and proposals must ensure that no built development is proposed within areas</p>
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Natural England second Reg 16	Natural England have concerns in relation to mitigation and how their ongoing discussions with Eastleigh Borough Council affect the Neighbourhood Plan.	<p>Following a meeting with representatives from Natural England, a number of proposals were put forward for their consideration. Possible Options:</p> <p>The Botley neighbourhood plan allocates 58 new dwellings. Based on Natural England's standard of providing SANG at 8ha per 1,000 population this would only generate for the whole plan 1.1 hectares of SANG. Given the low numbers of dwellings proposed, the apparently lower proportions of people in the Botley area visiting the New Forest, and the popularity of improving footpath networks, The Botley Neighbourhood Plan Steering Group in conjunction with Eastleigh Borough council suggested that the most effective mitigation in this case would be:</p> <ol style="list-style-type: none">1. SAMMS – at £200 per dwelling (or potentially higher to reflect basing mitigation solely on SANGs)2. A mixture of SAMMS at £200 per dwelling and specified improvements to local footpath networks. The footprint survey (2018) which elicited 138 responses, however in 2024, a further survey was conducted with a considerably larger sample size (1000 responses) within the Eastleigh Borough. Along with the above proposals for both SAMMS and SANG, the results of these surveys together with supporting information have been passed to Natural England and their response is awaited. (Natural England and Eastleigh Borough Council continue to discuss these wider points as part of the Local Plan.
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	<p>Further responses from Natural England to Steering Group: From our perspective as it stands, you have three options: 1.The number of houses allocated in the neighbourhood plan is reduced to a number less than 50. This would enable the plan policy to state that solely contributions to SAMM for the New Forest is required. 2.Potential SANG land is identified within the neighbourhood plan which could be brought forward in conjunction with the 120 houses from the Eastleigh Local Plan, at a rate of 8ha/1000 residents. 3.The housing allocations are removed entirely, thus not requiring any mitigation.</p> <p>From SG to NE: <i>Following your email below, we have now had discussions with Eastleigh Borough Council and I can confirm that the Neighbourhood Plan will chose the option of reducing the number of houses on the allocated site to below 50, enabling us to write into the policy that contributions to SAMM are required.</i></p> <p>Response from NE to SG: Thank you for your email and for letting us know about Botley’s housing number amendment for this Neighbourhood Plan. We will continue to work with Eastleigh on their Local Plan, to hopefully reach a resolution going forwards.</p>	<p>The Steering Group have concluded that the most satisfactory option to achieve the aims of all parties would be to reduce the number of homes on the site at Woodhill School to no more than 49. This will then include the necessity for contribution to SAMM for the New Forest. The Steering Group believes this solution removes the objection by Natural England to this policy.</p>
Stratland Estates	Objection Policy six	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Landquest UK (Southern) Ltd	Objection Policy seven and eight (May 2024 submission)	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Persimmons	Objection Policy seven and eight (May 2024 submission)	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations
Persimmons	Objection Policy six	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations

CCW Services Ltd	Objection Policy one	Eastleigh Borough Council have recommended modifications to this Policy which are accepted by the Steering Group and therefore answers concerns put forward by CCW Services Ltd
CCW Services Ltd	Objection Policy six	Answers to this are dealt with in the Examiners' clarification question and response to EBC representations