MILTON NEIGHBOURHOOD PLAN

SUMMARY OF REGULATION 14 COMMENTS RECEIVED AND ACTION TAKEN

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| ID | Respondent | Policy | Summary of key issues and concerns | How the key issues and concerns have been addressed |
| 1 | Resident |  | Higher than average rates of asthma in Milton so unwise to increase traffic numbers. Portsmouth has 75% deficiency of green space. Likes ideas of GP surgery, adult social care provision, cycle safety. A new school on Langstone site. | Supportive comment. |
| 2 | Resident |  | Should consider housing needs against recreational spaces. Traffic congestion already bad on Locksway road and surrounding junctions without extra houses. | Fundamental objective of the Plan. |
| 3 | Resident |  | Pleased that a Plan is being made. Recognizes need for new houses but concerned by lack of infrastructure such as schools, doctors and dentists. | Supportive comment noted. |
| 4 | Resident |  | Too many houses being built in Milton, no more please, over populated already. | Agree with sentiments. |
| 5 | Resident |  | Impressed with the width and diversity of your aims and fully support your objectives. | Supportive comment |
| 6 | Resident |  | Poor air quality is a grave concern. | Expresses a very widely held local view. |
| 7 | Resident |  | Need to balance over population with necessary infrastructure. | Agree, this Plan attempts to address these concerns. |
| 8 | Resident |  | Note need for GP surgeries. Value the green spaces around us, and support a long-term strategy for maintaining these green spaces. Concerned about the potential local development and the impact of infrastructure particularly in terms of air quality. | Fundamental objective of the Plan. |
| 9 | Resident |  | Wholeheartedly support its aims and objectives. Strategic Housing Market Assessment is seriously flawed and drives inappropriate housing targets for the city. Some of the proposed solutions are simplistic or unrealistic and are not backed by evidence. Developments should reduce the current problems, both of congestion, toxic fumes and parking.  Traffic management in the area to be investigated.  PCC to reinstate AQMA 4 (Milton Market area).  New development needs to be ‘drainage friendly’.  More employment opportunities should encouraged.  Fails to highlight the lack of youth provision in the area. | Expresses a widely held view but very difficult for a neighbourhood plan to address parking in existing residential areas. |
| 9.1 | Resident | COM2 | Loss of public houses should not be considered an issue. | Agreed if not viable. |
| 9.2 | Resident | HSG4 | Stronger encouragement for self-build is required. | Included in HSG4. |
| 9.3 | Resident | EER2 | Any new development of a commercial nature will have increased traffic, so take care in drafting these rules to ensure that you are not discouraging development. | Included in EER2. |
| 9.4 | Resident | EER4 | Encourage 5G development. | Included in EER4. |
| 9.5 | Resident | PLD1 | Need to incorporate vehicle charging capabilities. | Included in PLD1. |
| 9.6 | Resident | ENV1 & 2 | Add an ENV3 covering the need to ‘green up’ existing areas and introduce more trees into the community. | Plan aims to address this in ENV1 & 2. |
| 10 | Resident |  | We fully support the plan.  Imperative that we act locally to support local wildlife and undertake development in a thoughtful way. | Fundamental objective of the Plan. |
| 11 | Resident |  | Milton Common and St James' Green are great places for being in nature and playing, so we're pleased that they're protected.  All the trees at St James should be looked after - and maybe plant more trees. Trees are really important for keeping the air full of oxygen, and they also provide habitats for wildlife, so we shouldn't cut them down.  Safe footpaths or cycle paths please.  We like the idea of adding more solar panels and electric car charging points to the local area. | Addressed across the Plan. |
| 12 | Resident |  | The Plan has been generated from regular, extensive and open discussion with residents who have contributed consistent and measured assessments of the local situation - Milton's special 'village' character and its importance as an area of the city which remains relatively crime free and a happy environment for families well served by local shops and parks with current green corridors and valued wildlife | Supportive comment. |
| 13 | Resident |  | Very aware of impending threats to air quality, health and well-being as unsustainable pressures on the City are emerging. We commend the Plan's emphasis on sustainability, quality of life and its contribution to the City's aim of becoming Carbon-neutral by 2030. | Supportive comment noted. |
| 14 | Sport England |  | It is essential the plan reflects and complies with NPPF Para 96 and 97.  Be aware of Sport England’s statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. http://www.sportengland.org/playingfieldspolicy | The aims of the Plan are to prevent the further loss of sports pitches exacerbated by increased demand associated with the Council’s persistence for permitting housing on open spaces. St James’ Hospital used to provide 2 football pitches until the Council granted consent for approximately 200 new houses which were completed in 2000. |
| 15 | Environment Agency |  | No detailed comments to make in relation to your Plan at this stage.  Natural England, English Heritage and Forestry Commission have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT\_6524\_7da381.pdf. |  |
| 16.1 | Natural England |  | It is currently understood that the timing of the Neighbourhood Plan will run in advance of the Local Plan. This creates a risk the Neighbourhood Plan is not in conformity with the Local Plan. The Neighbourhood Plan may need to rely on more strategic avoidance and mitigation measures secured in the Local plan. | Recognised and amended Environment Policies have been discussed with Council in regular meetings. |
| 16.2 | Natural England | HRA | The Draft Neighbourhood Plan includes Furze Lane Sports-Fields and Langstone Campus Fields as a designated green space, these areas are secondary and core Solent wader and Brent goose sites respectively, which provide functional support to the Solent SPAs. Natural England would advise that these sites are included within the Habitat Regulations Assessment to ensure that the impact of the Plan on these non-designated sites is considered.  A recent judgment from the Court of Justice of the European Union (Case C-323/17 People Over Wind v Coillte Teoranta) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a Habitats Regulations Assessment (HRA) when deciding whether an appropriate assessment of a plan or project is required.  Natural England is currently considering the particular implications of the judgment for its advice on neighbourhood planning and the basic condition that the making of the neighbourhood plan is not likely to have a significant effect on a European site.  Natural England advise that local planning authorities, as competent authority for neighbourhood plans, should consider this judgment before relying on measures intended to avoid or reduce the harmful effects of the plan to screen out neighbourhood plans under the Conservation of Habitats and Species Regulations 2017. | Langstone Policy amended to reflect comments:- see LAN1 & additional text “The former sport-field adjacent Langstone Harbour is now designated as a Core Solent Wader & Brent Goose site (P23b)”. |
| 16.3 | Natural England | SEA 5.67 | Natural England support the recommendation of the SEA, relating to the high quality coastal environment and would like to highlight that two sections of Milton Common have been classified as core Solent wader and Brent goose sites (P23A and P23R) as a result of recent surveys. | Noted and text amended accordingly. “Two sections of Milton Common have been classified as Core Solent Waders & Brent Goose sites (P23A and P23R)” |
| 16.4 | Natural England | ENV1 | Natural England supports the policy to protect and enhance Local Green Space.  It is important to include measures for biodiversity enhancement within green infrastructure and open spaces to help maximize the ecological and biodiversity network opportunities. | Noted and reflected in amended Natural Environment Policy text. |
| 16.5 | Natural England | ENV2 | Natural England supports the inclusion of this policy; however, the policy points should be strengthened to better reflect the ambitions of the Governments 25 Year Environment Plan and the recent consultation on Biodiversity Net Gain within the planning system.  The policy does not mention the requirement for development to be consistent with applicable environmental strategies, including the Solent Wader and Brent Goose Strategy and the Solent Recreation Mitigation Strategy which we recommend are included in the interpretation section for this policy. | Noted and reflected in amended Natural Environment text. |
| 16.6 | Natural England | LAN1 | For the purpose of clarity, Natural England suggest it is re-worded to better reflect the guidelines within section 6.9 of the Solent Recreation Mitigation Strategy, which state that C2 uses are to be assessed on a case-by-case basis and that there are instances where residential care use is compliant with avoiding recreational stress on the protected sites. | Noted and reflected in amended Natural Environment Policy text. |
| 16.7 | Natural England | LAN1 | The eastern portion of Langstone A is a Core Solent Wader and Brent Goose support site and is functionally linked to the Chichester and Langstone Harbours SPA. Natural England advise that any development on this site is likely to require a project level HRA and recommend including this as a point in the interpretation section of the policy | Policy LAN1 amended accordingly. |
| 16.8 | Natural England | LAN1 | In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(1) —  “The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).”  Natural England support the recommendations of the HRA to re-word the final point of the policy to include Chichester and Langstone Harbours SPA and Ramsar site and Solent Maritime SAC and further advise that this should also include reference to the underlying SSSI designations. | Recognised and HRA to be updated. |
| 16.9 | Natural England | LAN1 | Biodiversity gain.  Natural England supports the inclusion of a chapter on the Natural Environment. Natural England strongly recommends that all development proposals achieve net biodiversity gain in line with National Planning Policy Framework (NPPF) paragraphs 170, 174 and 175. We therefore suggest that reference to providing net gains in biodiversity is included in the neighbourhood plan policies, for example ENV2.  Natural England recommends that planning applications are supported by a Biodiversity Mitigation and Enhancement Plan (BMEP). BMEPs could include the following measures and these measures may also be applicable to wider neighbourhood projects:  • All landscape planting (local and strategic) to utilise appropriate native species.  • Promote enhancements of green spaces, wildlife corridors and woodland.  • Creation and long term management of areas of species rich grassland.  • Creation of habitat features such as wildlife ponds, habitat piles, etc.  • Creation of a community orchard (using traditional varieties) and / or the provision of fruit trees within allotment plots or gardens.  • Provision of new bat roosting and bird nesting opportunities within new builds located adjacent to green infrastructure, including the provision of nesting opportunities for swift and other birds.  • Provision of additional bat roosting opportunities within established woodland | Reflected in amended Policies ENV1, ENV2 & ENV3 & in PLD1. |
| 16.10 | Natural England |  | Water Quality.  Natural England is concerned about the deterioration of the water environment within internationally designated sites in the Solent area due to new residential development. The Plan should be aware that Natural England strongly recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice and that consideration be given to the use of grey water recycling systems and efficient appliances. Natural England would support inclusion of these measures within appropriate policies in the Neighbourhood Plan. | Reflected in amended Policy HSG3. |
| 16.11 | Natural England |  | Strategies  The neighbourhood planning body should also consider the natural environment policies in the area’s Local Plan. The neighbourhood plan should be consistent with these, and the neighbourhood planning body may decide that the emerging Neighbourhood Plan should provide more detail as to how some of these policies apply or are interpreted locally. Further information on strategies relevant to the neighbourhood plan area is included below.  Bird Aware Solent  The Solent is internationally important for its wildlife. Each winter, the Solent hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent Geese. Research has shown that the planned new housing for the Solent will lead to more people visiting the coast for recreation, potentially causing additional disturbance to these birds. The Solent Recreation Mitigation Partnership Definitive Strategy (known as Bird Aware Solent) provides a strategic solution to mitigate for the additional recreational disturbance arising from new housing. All new housing developments (within 5.6km of the Solent SPAs) can make a financial contribution towards mitigation or, alternatively, provide bespoke mitigation measures. This Strategy is relevant to all new housing within the neighbourhood plan area.  Solent Waders and Brent Goose Strategy  The neighbourhood plan area includes sites that are identified in the Solent Waders and Brent Goose Strategy. This Strategy relates to the network of non-designated terrestrial wader and Brent goose sites that support the Solent SPAs from land take and recreational pressure associated with new development. Further information is available here and this includes maps and guidance. We advise that the ecological value and sensitivity of these areas is incorporated into policies, where appropriate. | “Bird Aware” now referenced in Natural Environment Policy, and forms part of the Evidence Base for Langstone Campus Policies. |
| 16.12 | Natural England |  | The Proposals Map should be amended to include the Solent wader and Brent goose core support area present within the South-eastern section of Milton Common (P23A). | Shown on new map. |
| 17.1 | Historic England | STJ1 | We feel that, at present too much of the direction that the steering group seek to provide through Policy STJ1 is set within the Development Brief, which carries less weight in decision making than the policy itself. We would recommend providing a set of requirements in the policy, for example;  "The listed hospital building and four Victorian Villas (shown on plan x) are preserved and enhanced in a manner appropriate to their significance within any development and put in good order for suitable uses that will ensure their future conservation. | Agreed recommendation and updated text to reflect. |
| 17.2 | Historic England | STJ1 | Expand to include - "Management of the local green space forming the setting of the hospital buildings as publicly accessible parkland is secured through the agreement of a landscape plan, the future management of which will be secured through a legal agreement prior to the commencement of any development".  In similar plans such policies have also set a requirement for such work to be undertaken before a certain percentage of new build development can be occupied within an associated site, providing a strong incentive for  conservation work to be undertaken. | Reflected in amended STJ1. |
| 17.3 | Historic England | ENV1 | The policy does not include a list of the Local Green Spaces affected by the policy and, as such has limited effect, whilst the Plan Proposals Map labels the area as "Proposed publicly accessible open space" - rather than the Local Green Space designation. We recommend that the list of proposed Local Green Places is included within Policy ENV1 and the extent of each clearly mapped in an appendix to the plan. As local green spaces are not only designated for their natural heritage interest (the Green Spaces at St James' Hospital are here considered important for their historic interest and significance) we would also suggest changing the heading above this policy to Natural and Historic  Environment Policies and combining the four policies into a single section. | Included in Plan text in Local Green Spaces and in Natural Environment Policy “Purpose” and Policy text. |
| 17.4 | Historic England | LH1 | We are pleased to support policy LH1. |  |
| 17.5 | Historic England | LH2 | We would like to suggest that the final line of Policy LH2 is amended to read:  "In particular, it supports schemes which incorporate the sympathetic reuse of buildings and are informed by the historic character of these buildings and their context." | Reflected in amended text in LH2. |
| 18.1 | LDA Design on  behalf of  Homes England |  | Homes England's statutory objectives are to improve the supply of housing in line with government policy, secure the regeneration or development of land or infrastructure and to contribute to the achievement of sustainable development and good design with a view to meeting the needs of people. These objectives have guided the proposals for development of the St James site as set out in application 18/00288/OUT. | Noted |
| 18.2 | LDA Design on  behalf of  Homes England |  | Subject to refinement, much of the plan is supported in principle. However, several policies are not considered to be compliant with strategic policies contained within the Development Plan, and/or are not consistent with national policy or guidance. As such, it is considered that the draft Milton Neighbourhood Plan does not meet the Basic Conditions of the Neighbourhood Planning Regulations 2012 (as amended). | Noted |
| 18.3 | LDA Design on  behalf of  Homes England | STJ1 | Homes England object to the proposed policy wording of STJ1. The requirement for the mix of uses identified in the draft policy is not justified or supported by evidence and is not consistent with adopted or emerging Development Plan policy.  Saved Policy MT3 of the Portsmouth City Local Plan (2006) allocates the land at St James for a mix of new mental health care development and housing. The provision of the healthcare element of this allocation has been fulfilled already by the provision of The Orchards and the Lime NHS Solent Trust buildings. The further residential proposals as set out in Homes England's application 18/00288/OUT will not be prejudiced this existing use.  In terms of emerging policy, following the adoption of the Portsmouth Plan in 2012, PCC consulted on draft site allocations documents in 2013 and 2014. PCC prepared a consultation document, 'Site Allocations: Locksway Road, Milton' (August 2014), which put forward St James's Hospital as a new site for proposed allocation, and Langstone Campus as an amended site. The consultation document specifically identified the site (referred to in the document as 'St James Hospital East') as capable of accommodating 'approximately 135 dwellings'. PCC has since taken the decision to undertake a full review of the Portsmouth Plan instead of taking forward the site allocations as a stand-alone document. As part of the preparation of the new Local Plan, PCC published the Local Plan Issues and Options Consultation paper. This proposes continued use of the site for housing through identifying the St James Hospital and Langstone Campus as a proposed strategic site allocation for residential development.  These consultations and emerging policies have identified the site for residential development, which reflects evidence needed. No quantifiable argument has been presented in the Draft Neighbourhood Plan for requiring future development to include a mix of "healthcare, education, community uses and employment, particularly health and elderly care related" at St James, and no consideration as to the viability of these uses has been identified.  The policy is not supported by evidence, undermines the delivery of strategic policies in the emerging Local Plan, and could restrict the delivery of housing in this location which would result in conflict with NPPF Paragraphs 13 and 29, which respectively state that Neighbourhood Plans should support the delivery of strategic policies in local plans or spatial development strategies, and that Neighbourhood Plans should not promote less development than set out in strategic policies, or undermine those strategic policies. | Noted and amended to reflect Saved Policy MT3. |
| 18.4 | LDA Design on  behalf of  Homes England | STJ1 | Interpretation  "Although it is envisaged that the development of the site is likely to include residential elements, it is assumed other uses will have a reduced impact on a constrained local high-way network and are more consistent with achieving Sustainable Development."  Homes England object to this statement, which is unsubstantiated. Speculation that 'other use' will have a reduced impact on the local highways network is not supported by any evidence. Trip generation is complex and is affected by quantum and mix of use. Origin and destination use will typically add new people to a network. A statement such as this cannot be included without justification. For the reasons outlined above the policy wording should be amended to reflect the adopted and emerging Development Plan. | We take the view which is supported by the Council that mixed-uses reduce the need to travel and are more consistent with Sustainable Development (see also 19.24). |
| 18.5 | LDA Design on  behalf of  Homes England | Heritage | Page 62 of the Draft Neighbourhood Plan states: "The grade II listed chapel and central building, together with the surrounding villas, should be retained and incorporated into the layout of the new development. It would be inappropriate to support a scheme that damaged or destroyed the local historic environment. Past harmful alterations and additions should be reversed."  Earlier in the document, Page 60 states: "These fine Edwardian villas are rare national survivals and stand as a testament to civic pride and are of obvious local significance. Clearly connected to hospitals original function and contained within the curtilage of the grounds and as such are considered curtilage listed."  Homes England object to the interpretation in the Draft Plan of the heritage significance of the `Edwardian villas' which is overstated and not supported by evidence. | See 18.7. |
| 18.6 | LDA Design on  behalf of  Homes England | Heritage | National policy requires an evidence led approach to plan making. Paragraph 31 of the NPPF states that "the preparation and review of all policies should be underpinned by relevant and up to date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and consider relevant market signals."  With specific regard to heritage, NPPF paragraph 189 states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."  This approach is correctly reflected in Draft Policy LH1 which states that "...all new development is to be accompanied by an appropriate heritage assessment and include measures, which will mitigate or compensate for the loss of any heritage values identified." | Noted up to date evidence is critical in determining significance.  See 18.7 |
| 18.7 | LDA Design on  behalf of  Homes England | Heritage | The heritage significance of these buildings has been specifically assessed as part of Homes England Planning application 18/00288/OUT. The 'Villas' are not statuary listed and not mentioned in the City of Portsmouth Local List of Buildings of Special Architectural and Historic Interest (2011).  An assessment of the Villas (Fair Oak House and The Beeches) was undertaken by qualified heritage consultants who categorised the buildings as follows:  "very ordinary, old-fashioned designs, typical of large houses of the period 1890-1920 and decidedly conservative, even in the late 1920s.  They exhibit no interesting aspects of design or material and are of limited architectural significance... the buildings have some historical significance as examples of purpose-built structures related to new ideas, in the late 1920s, of treating mentally ill patients. This hospital was a pioneer in this type of treatment. However, the buildings do not clearly express these ideas as they contain no design elements that overtly indicate this history. Consequently, they are of little historical significance." | LDA sponsored assessment relies heavily on, and indeed quotes extensively, previous archaeological reporting done in support of the demolition of villa buildings that were further removed from the hospital than those that remain. Crucially those villas were constructed in the 1920s when this design had become established practise.  Of note is the recognition in the assessment that the buildings have some historical significance as purpose-built structures related to new ideas in late 1920s.  Had elementary documentary research been undertaken it would have become clear that the villas discussed here date from 1908 and truly are innovative as existing before WW1, the catalyst for a more widespread uptake of this design. |
| 18.8 | LDA Design on  behalf of  Homes England | Heritage | Separately, a request was made by a local resident to Historic England to urgently assess the two buildings for listing. A response was issued on 9th October by Historic England confirming that the villas were not recommended for statutory listing, commenting as follows:  · Group value "the fact that the main St James Hospital building of 1875-1879 and chapel of 1879, both designed by George Rake, is acknowledged but does not outweigh the lack of architectural and historic interest in the national context."  The available evidence is clear, the buildings in question possess limited heritage value.  · Degree of architectural interest - "they are well-constructed but plain and neither quite symmetrical nor boldly asymmetrical. Later external alterations include the loss of chimney stacks, the insertion of roof-lights, alterations to windows and the loss of a veranda."  · Degree of historic interest "they are not innovative as providing for mental health patients, as there are earlier examples of detached houses or villas used as asylums dating from the later 19th Century. | As above It is their historical context that is of significance. To assess on architectural merit is to miss the point. Commodious and suburban were indeed the desired result of the collaboration between psychiatric professionals and architect.  Surviving later listed 19th Century villas were specifically built for the treatment of epileptics. There are no extant colony villas for psychiatric care that are so demonstrably associated with their ‘mother’ institution. |
| 18.9 | LDA Design on  behalf of  Homes England | Heritage | In terms of the interpretation of curtilage listing, the committee report prepared for application 18/00288/OUT interpreted that the villas were not considered to be curtilage listed. This view has been supported by QC advice obtained by Homes England. | See 21/02/2018  <https://historicengland.org.uk/images-books/publications/listed-buildings-and-curtilage-advice-note-10/heag125-listed-buildings-and-curtilage/> |
| 18.10 | LDA Design on  behalf of  Homes England | Heritage | It would be inappropriate for a policy to place additional heritage significance to a building or asset, or to insist that development proposals retain such structures. This approach is contrary to National policy and also contradicts Draft Policy LH1, which requires an 'appropriate heritage assessment' to determine the measures to 'mitigate or compensate for the loss of any heritage values identified'  In light of the above it is considered that the heritage significance of the villas is overstated in the Draft Neighbourhood Plan, and policy wording insisting on their retention is disproportionate. The current policy ignores evidence provided by Historic England, Portsmouth City Heritage Officers and Heritage professionals and is contrary to NPPF paragraphs 31 and 189. | See also 17.1 submission from Historic England in support of retention of the villas. |
| 18.11 | LDA Design on  behalf of  Homes England | Transport | At page 57 of the Draft Plan, it is noted that "Clearly, the Milton Neighbourhood Plan Area is not in a suitable location for minimising the need to travel because most of the traffic at the morning peak heads northwards towards the mainland and returns in the evening peak (see WSP Traffic Surveys March 2017)."  Homes England object to the presentation of WSP traffic surveys as supporting this statement. The work undertaken by WSP does not suggest the Milton area is not a suitable location for minimising travel, nor does it suggest most people travel north out of the city. Travel is determined by numerous factors, and indeed this is discussed in detail throughout the Transport Assessment supporting 18/00288/OUT. This is misleading and incorrectly suggests WSP support this assertion. We respectfully request this is removed and qualified as appropriate. | Noted and removed. |
| 18.12 | LDA Design on  behalf of  Homes England | Transport | Page 58 states "New development will be expected to demonstrate that highway capacity into the Milton area is adequate to accommodate vehicle movements generated. Significant development would include residential schemes of 20 or more houses...  Homes England do not accept that 20 houses are an acceptable threshold for significant development. on Transport Assessment and previous TfL TA guidance.) Instead, impact of development should be assessed in accordance with the NPPF.  Development thresholds have been removed from national and regional guidance. (Archiving of the 2007 DfT Guidance | Removed from Transport text. |
| 18.13 | LDA Design on  behalf of  Homes England | Transport | As a more general observation, the use of emotive language throughout the plan is noted, for examples:  "The traffic laden A288... intended to reach the tiny village of Milton... Today the A2030 carries a heavy volume of traffic... which bottlenecks on reaching Milton".  Instead we would recommend that emotive language is replaced with more factual and precise descriptions that quantify the current surveyed traffic flows on A288 and clarify the actual capacity of the road. This demonstrates a technically robust position from which a useful conclusion can be drawn. | The Council’s Highways Department currently doesn’t have knowledge of highway capacity. It does say in the background paper to the emerging Portsmouth Plan Velder Ave/Milton Rd, Locksway Rd/Milton Rd and Milton Rd/Goldsmith Avenue Junctions are all Congestion Hotspots as well as the nearby St Mary’s Rd/Milton Rd roundabout junction. |
| 18.14 | LDA Design on  behalf of  Homes England | General | It is noted that the proposals included in application 18/00288/OUT would be considered compliant with Policy HSG1. Housing Mix, HSG 2 Affordable Housing and HSG3 Housing Standards.  The application includes a mix of units with a large proportion of 3 and 4 bedroom homes, 1 and 2 bedroom flats and a suitable range/mix of disabled/accessible homes. The mix has been agreed with PCC housing enabling officers. The proposals provided 30% affordable housing and have been `pepper potted' throughout the development. However, it is suggested that this policy should recognise that provision of 1 and 2 bedroom affordable housing is often more effectively delivered in blocks rather than 'pepper potted' for management and maintenance purposes. All the proposed units have been demonstrated to be able to accommodate the upper end of the Government's nationally described space standards. It is noted that Homes England development proposals would also accord with all 11 of the design and placemaking criteria set out in PLD1. |  |
| 18.15 | LDA Design on  behalf of  Homes England |  | At page 48, the Draft Plan states: "high regard should be given to sustainable development that creates a permeable network of foot/cycle paths and encourages a modal shift away from motorised transport"  It is welcome that the plan prioritises sustainable development and promotion of modal shift. The rationale within the plan should be expanded to ensure development connects to existing and proposed pedestrian and cycle infrastructure and wherever possible avoid development that is focussed on the private car. Roads within new development should be calmed, narrowed and consider shared surfaces which prioritise the pedestrian and cyclist (as is the case with the proposals set out in 18/00288/OUT). | Noted and both TSP 2 and STJ1 amended. |
| 18.16 | LDA Design on  behalf of  Homes England |  | Noting that the Draft Plan will have a 15-year horizon, the Forum may wish to consider a presumption towards development with low car parking and potential for designs to be flexible to enable car-free schemes in the future. Transport technologies and behaviour is rapidly changing. Ownership of electric cars is growing, and most major car companies are working towards automation. *How we travel today is likely to vary significantly from how we travel in just 5 years’ time, and throughout the anticipated duration of the Neighbourhood Plan. This change will not just be limited to the expected exponential growth of electric vehicles and electric bicycles, but emerging travel dynamics such as potential ULEV zone in Portsmouth, or other such initiatives.* Encouraging the promotion of infrastructure and design approaches to help anticipate and achieve these changes could result in significant improvements in air quality and congestion over the period of the plan. | <https://www.theguardian.com/business/2019/jul/04/subsidy-cuts-blamed-for-fall-in-uk-sales-of-electrified-vehicles> |
| 18.17 | LDA Design on  behalf of  Homes England |  | page 62 and 63 "Pedestrian convenience should take priority in the design... Car parking and highways should be carefully integrated... cycle facilities should be provided... convenient east-west movement across the site should be designed in to the layout". All of these are core to the submitted design for application 18/00288/OUT and the Homes England proposal would be wholly compliant with the draft plan in this regard. | A positive comment. |
| 18.18 | LDA Design on  behalf of  Homes England | Summary | Some of the emerging policies and proposals contained within the Draft Milton Neighbourhood Plan are not considered to be compliant with strategic policies contained within the Development Plan, and/or are not consistent with national policy or guidance.  There is a lack of evidence to support the mix of uses suggested in policy STJ1, which would also undermine housing delivery on this site, for which there is an identified need.  The interpretation of and response to heritage assets within the Neighbourhood area should be evidence based and considered in line with national policy.  The use of WSP transport evidence is misleading, and the use of development thresholds are not consistent with national or regional guidance.  Future transport behaviours and technologies could be explored and expressed in policies throughout the plan.  As such, it is considered that the current draft Milton Neighbourhood Plan does not meet the Basic Conditions of the Neighbourhood planning Regulations 2012 (as amended). | This is a difference of opinion and implies LDA hasn’t read the Plan right through. MT3 and MT4 are existing policies carried over from the Plan preceding the current one and were drafted on an assumption (in 2001) Portsmouth would still have an adequate infrastructure and Air Pollution would be history.  The emerging Plan has not been examined and the Site Allocations were withdrawn. Since then Environmental constraints have strengthened and Pubic Health consciousness on mental as well as physical health have exposed conflicts in Portsmouth’s shortcomings in Town planning here this Millennium. The sheer absence of anywhere near sufficient numbers of Parks and Open Spaces undermining our Health outcomes. With the NHS looking to prevent ill-health rather than treat it, on open space grounds alone the magnitude of housing being considered here will only stress these very fragile outlets for seeking tranquillity and release of energy because even greater numbers of people and dogs will burden these Open-Spaces even more.  By trying to site a new school in the locality we are trying to redress an imbalance in School provision on what is essentially public land. |
| 19.1 | PCC response | Planning | The Milton Neighbourhood Plan will need to make sure it is in line with the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The National Planning Policy Framework (NPPF) provides more detail and context. Para 13 of the NPPF says qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic polices. | Have discussed with Council and amended accordingly |
| 19.2 | PCC response | Planning | The National Planning Practice Guidance states that in order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. We welcome the changes made based on the feedback on the earlier version of the Plan in January 2019. We do however believe the Neighbourhood Plan and its supporting documentation needs more revisions before it proceeds to examination. | Noted and Policies improved after discussion with Council |
| 19.3 | PCC response | LAN1 | When the Plan is submitted for Examination, it is expected that the Independent Examiner, when considering the city's housing need and the National Planning Policy Framework, will expect the Plan to consider opportunities for residential development where possible and would not support the exclusion of residential development from the possible list of uses which could be delivered on this site. With that in mind, it is recommended that the Neighbourhood Plan takes a flexible approach to planning the future of this site. | Noted and LAN1 is amended to allow residential C3 uses on Site B in the event of a total vacation of Site A. |
| 19.4 | PCC response | LAN1 | That includes recognising the potential for residential development to be part of the mix of potential future uses on Langstone site A, if it can be providing it can be brought forward in a way which can be acceptable in planning terms.  The site was previously identified as a potential housing site by the City Council in its draft Site Allocations Document that was approved for consultation by Cabinet in March 2013. The proposal including 110 dwellings as part of the mix of uses for the site was again consulted upon as part of the 'Milton Development Sites Consultation' which looked to provide additional detailed consultation for a revised Site Allocations document in the summer of 2014. It was also identified in the City Council's Housing and Economic Land Availability Assessment (February 2019) as having potential to accommodate an element of residential development (120 dwellings) | See above and Plan in any case allowed the re-use of the 1990s Student Blocks for an Institutional Residential Uses (Retirement/Care home) in recognition of habitat constraints. |
| 19.5 | PCC response | LAN1 | Reflecting this in the policy would not mean that issues such as transport, air quality, and impacts on protected species would not be addressed - instead, the policy could and should set out in full detail what the expectations were if development of the site were to come forward. | Agreed. |
| 19.6 | PCC response | ENV 2 | Greater clarity is needed on the importance of the Brent Geese support areas for the SPAs / Ramsars. The policy needs to clearly define the difference between protection of designated sites and incorporating green infrastructure in new development. These elements may make more sense as separate policies. Further detail on the Brent Goose support areas is set out in the Solent Wader and Brent Goose Strategy <https://solentwbgs.wordpress.com/page-2/> | Agreed and Policy ENV2 amended accordingly. |
| 19.7 | PCC response | TSP1 | The reference in the policy to 20 dwellings or more as being significant development appears to be arbitrary. The Local Highway Authority would normally consider that a development resulting in an increase of 30 or more movements through a particular junction would be considered as having a material impact, requiring a full capacity assessment of the junction. Trip generation associated with a particular development is a more accurate trigger for junction assessment compared to the overall number of dwellings due to the different trip rates from different types of housing. The Milton Neighbourhood Plan should look to use this measure instead. | Transport Policy amended accordingly. |
| 19.8 | PCC response | HRA | Advice received by Portsmouth City Council regarding Milton Neighbourhood Plan and HRA from legal and HCC Ecology August 2018.  The Milton Neighbourhood Plan is accompanied by a supporting SEA and HRA. Advice was sought on these documents in the summer of 2018 and passed to the Milton Neighbourhood Plan group. This advice has been included for reference as the Neighbourhood Plan SEA / HRA has not been updated since that advice was given. We recognise that The Milton Neighbourhood Forum has sought advice from AECOM in the letter submitted to PCC in December 2018 and consequently decided to proceed to regulation 14 submission based on that advice. | Will be addressed by updated HRA. |
| 19.9 | PCC response | HRA | It is understood that the forum has considered this matter and proceeded with this formal consultation, which of course it is entitled to do. Nonetheless, the city council is of the view that the legal and ecological comments set out in this section, specifically the HRA implications must be satisfactorily addressed before the plans are submitted for examination. Given the complexity of this issue and the work involved the council would welcome the opportunity to work with the Milton Neighbourhood Forum to resolve this important technical issue. | See 19.8 above. |
| 19.10 | PCC response | HCC advice | I fully appreciate that the AECOM report was submitted in March 2018; however, in April 2018 the Court of Justice of the European Union published a ruling in the Case C323/17 with regards to the Habitats Directive. As such, the document would need to be updated accordingly. In light of the recent ‘People Over Wind ruling’, provision of mitigation measures at the screening stage is no longer applicable. | See 19.8 above. |
| 19.11 | PCC response | HRA | The HRA Page 9 Paragraph 4, would need to be updated as it is no longer acceptable for an HRA likely Significant Effect test (aka screening) to give consideration to mitigation measures. | LAN1 amended accordingly after discussion with Council. |
| 19.12 | PCC response | LAN1 | Another example which requires updating is Policy LAN1- Langstone Campus (Table 3), where is it stated that the ‘impacts are likely to be avoidable by the provision of careful working practices which may include restrictions on the time of year that works close the designated sites can be undertaken.’ and has concluded that therefore there are no HRA implications | LAN1 amended. |
| 19.13 | PCC response | LAN1 | in March 2018, a new classification for wader and Brent goose sites was introduced. The Solent Wader and Brent Goose Strategy (SWBGS), updated data and maps have been prepared by the SWBGS Steering Group following updated survey work and site analysis and are publicly available. Therefore, Page 20, Table 3: Policy LAN1: Langstone Campus, the section referring to ‘Uncertain Wader Site’ needs to be updated. Based on the new classification, Core Area and Secondary Support Areas are present within the campus. | Addressed by the inclusion of a requirement for a Project Level HRA in LAN1. |
| 19.14 | PCC response | HSG1 | Page 16, Table 3: Policy HSG1 Housing Mix – Whilst I agree that this is a development management policy and no specific locations are provided, depending on the housing mix, there will be an implication on how the recreational pressure is addressed, giving rise to an HRA implication. This is reflected in the scale of payments required depending on the type of houses. For instance, the Definitive SRMP (Solent Recreation Mitigation Partnership) mitigation strategy was adopted on 1st April 2018 and the costs are for a sliding scale (e.g. £337 for 1 bedroom dwelling and £880 for 5 bedroom dwelling). Furthermore, in accordance with the recent court ruling, the LPAs could previously simply state that a proposal is captured by SRMP and that, as long as payment is made, no likely significant effect (LSE) occurs. However, this is not the case anymore as the SRMP is a mitigating measure and cannot now be used to screen out LSE. So, for each proposal which would trigger SRMP payments, an Appropriate Assessment should be produced which documents that an LSE is likely as a result of increased recreational pressure but through the SRMP, the LSE can be mitigated. | Also addresses by the inclusion of a requirement for a Project Level HRA in HSG1. |
| 19.15 | PCC response | LAN1 | Page 20, Table 3: Policy LAN1: Langstone Campus – There are clearly HRA implications. I understand that Langstone Campus is not an allocated site in the adopted Portsmouth Plan. Depending on the development proposals, there will be an HRA implication. AECOM recommends that the text of the final point is reworded to include reference to the protection of all European designated sites as follows: ‘not result in likely significant effects upon European designated sites such as Chichester and Langstone Harbours SPA and Ramsar site and Solent SAC’.’ Caution must be exercised in including wordings similar to the above in policies as this could be contradictory to the delivery of the policy. For instance, the development of part of the site as a sports facility may result in likely significant effects on the European Designated Sites if the sports facility is regularly used or requires spotlighting, therefore resulting in likely significant effects on the designated sites. | Agreed and a revised HRA will be undertaken. |
| 19.16 | PCC response |  | Tyldesley (2009) for Natural England usefully sets out guidance for dealing with uncertainty. For instance, the Milton Neighbourhood Plan has more general and strategic provisions.  Therefore, its effects are more uncertain. The protective regime of the Directive is intended to operate at differing levels. In some circumstances assessment at a lower tier in the planning hierarchy (e.g. a site-specific SPD) will be more effective in assessing the potential effects of a proposal on a particular site and protecting its integrity. However, it is only appropriate to consider relying on the Habitats Regulations Assessments of lower tier plans where the HRA of the for instance Neighbourhood Plan, cannot reasonably assess the effects on an International site in a meaningful way.  Conversely, the lower-tier plan can identify more precisely the nature, scale or location of development, and thus its potential effects.  Therefore, HRA of proposal at a lower level will be able to change the proposal if an adverse effect on site integrity cannot be ruled out, because the lower tier plan is free to change the nature and/or scale and/or location of the proposal in order to avoid adverse effects on the integrity of any International site (e.g. it is not constrained by location specific policies in a higher tier plan).  Additionally, the HRA of the plan or project at the lower tier is required as a matter of law and policy. It is however seen as relevant and important for the HRA of the higher tier plan to indicate what further assessment may be necessary in the lower tier plan and how the requirements may be adjusted, in the event that the HRA of the lower tier plan shows that adverse effects on an International site could not be ruled out. Because the higher tier plans are more uncertain, and may possibly rely on unrealistic assumptions about the effects on International sites in lower tier assessments, it is however important to adopt a precautionary approach.  If adverse effects on International sites could occur as a result of the amount or location of development to be provided for within the higher tier plan, it is necessary to make every effort – given acknowledged limitations and constraints where fully justified - to adapt the higher tier plan to avoid such effects in any case. This precautionary measure could apply to a number of policies within the Neighbourhood Plan which AECOM has flagged as not having any HRA implications, which depending on the location and type of development will require an HRA. | See responses 19.13 & 19.14 above. |
| 19.17 | PCC response |  | Sustainability Appraisal / site assessment.  The National Planning Practice Guidance states that 'While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.' The Neighbourhood Planning Forum needs to consider if they have provided sufficient evidence that they have considered the alternative options on sites in the Neighbourhood Plan Area. This could potentially take a Sustainability Appraisal format. | This misunderstands the Plan Boundary which includes an area of Baffins and Bransbury Park which is sometimes considered as Eastney. |
| 19.18 | PCC response | Housing | The plan talks about the amount of new development in Milton when some of the sites named are in Eastney and Baffins, it also contains a statement that there are no GP surgeries in Milton.  Portsmouth desperately needs more housing and that includes all areas of the City including Milton. There has been a lot of regeneration around the city in recent years (one of the most successful being in Dickens Ward (Portsea) and St Thomas's Ward (Gunwharf Quays). There has also been a lot of new development in Fratton, Hilsea, Drayton, Paulsgrove, Cosham, all over the city.  There must also be some careful management with the redevelopment, for example it may not be appropriate to put in mostly 1 bed units in the main Hospital conversion. Housing should be delivered which meets the identified needs of the city. | Agreed and addressed in the Plan. |
| 19.19 | PCC response | Housing | Economic Growth comments  New housing needs to attract new young families, professional staff and retain students.  The St James and Langstone sites in Milton provide an excellent opportunity to provide new high quality family homes to attract middle ranking professional workers to provide the skills our companies need to grow and prosper. They also offer the opportunity to provide private rented sector housing to ensure the brain drain of new graduates from local universities does not happen as good quality new housing would be available.  These sites have potential to attract new workers to the City and attract people who currently commute long distances to live in the City.  Because the City is so short of sites they need to be seen not just as a local resource but for the whole economy of Portsmouth and in fact the Solent. It is far better for people to live in Milton and work on the island of Portsea than commute in from further afield. | Agreed and is a fundamental objective of sustainable development. |
| 19.20 | PCC response | Housing | We agree with much of the development considerations given to Milton Market and Warren Avenue areas, in that it proposes to preserve or enhance employment generating businesses in the Plan area, as well as protecting and enhancing the natural landscape. This would reduce the need for the economically active population to commute out of the Plan area to other employment opportunities, exacerbating congestion and pollution in our City. | Agreed but NP Regs require completion in 5 years and we started in July 2015. |
| 19.21 | PCC response | Housing | It would be useful if the Plan ran to 2036 to be in line with the Local Plan and with the emerging Economic Development and Regeneration Strategy.  We would go further to encourage the protection of current and limited number of commercial and retail buildings from turning into residential use. We would also encourage the use of disused commercial buildings for small enterprise developments, to achieve sustainable development. | Noted. |
| 19.22 | PCC response | Housing | For any future developments, we would expect the developer to submit an employment and skills plan to the council, normally be agreed through a section 106 agreement. The 106 Agreement would be discussed with planning officers during the pre-application stage and prior to the decision being made. It is crucial that we work with the developer on the content of their employment and skills plan, drawing up detailed measures and requirements before development starts on site. | Agreed and is fundamental to the objectives of the Plan for achieving Sustainable Development (see also comments under 18.15). |
| 19.23 | PCC response | Transport | The City Council has a long-standing commitment to reducing reliance on the private car and increasing the uptake of sustainable & active travel modes.  There are delays at peak times on the main routes through and around the Neighbourhood Plan area; the three areas of severe congestion identified in the Local Transport Plan continue to be an issue and are reflected in the Milton Neighbourhood Plan. These areas continue to be a focus for investment by City Council investment to reduce congestion and encourage increased cycling and walking. | See above and comments under 18.15. |
| 19.24 | PCC response | Transport | Mixed use neighbourhoods can reduce the need to travel and assist in reducing reliance on the private car. Existing transport and planning policies seek to ensure that key traffic generators are located where the need to travel is minimised and the use of sustainable transport modes maximised.  It is not, however, the role of the Local Highway Authority (LHA) to determine the suitability of a land use other than to consider whether the local and wider Highway network can accommodate that use. | Agreed and it’s fundamental in helping to achieve/realise Sustainable Development. The Existing Plan Policy MT4 allows for exactly that. See also response to 18.4 above. |
| 19.25 | PCC response | Transport  TSP1 | The objectives of policy TSP1 of the Neighbourhood Plan broadly reflect the obligations placed on developers by the LHA through existing City Council policies.  We would not, however, agree that a scheme of 20 dwellings would automatically be deemed significant in Highway terms. The LHA would normally consider that a development resulting in an increase of 30 or more movements through a particular junction would be considered as having a material impact, requiring a full capacity assessment of the junction. Trip generation associated with a particular development is a more accurate trigger for junction assessment compared to the overall number of dwellings due to the different trip rates from different types of housing. | TSP 1 amended accordingly but the community fears incremental development which evades the qualification if every development is 29 homes or less. |
| 19.26 | PCC response | Transport TSP 2 | Emissions from traffic are identified as a key contributor to air pollution across the city, and in particular in the five existing AQMAs. We support the objectives of policy TSP2 of the Neighbourhood Plan in looking to support sustainable transport and active travel modes and in particular the expansion of the Electric Vehicle charging point network in Portsmouth.  To formally assess the likely transport impacts of proposed development within the Neighbourhood Plan area (whether for housing, healthcare, education, or other uses) further detailed work will be needed to support and inform planning applications; this is especially the case for the special policy sites based on the anticipated amount and type of development envisaged. | Confirms community’s fears on air pollution (see responses 1, 2, 6, 8 and 13 but Planning Forum understands the need for further detailed studies. |
| 19.27 | PCC response | Conservation | I have viewed the revised document, and note that in relation to the sections addressing heritage and design there is very little difference between this and the first iteration of the plan. I (along with others) offered detailed feedback/ comments on this, and would urge the Neighbourhood Forum to consider those suggestions. I don't have any further comments to make at this stage. | Valid comment and Policy amended accordingly. |
| 19.28 | PCC response | Education | Under Local Need  1. The statement 'at the expense of losing playground and open space which may explain Portsmouth's higher than average childhood obesity levels' is highly subjective and inaccurate. In many of the expansions the council has funded additional outdoor space has been created through more hard surfaces which can be used throughout the year.  2. The standard term for educational planning places is a 6 years horizon and not 5 years.  3. It should be noted that the council is expanding four secondary schools, and not just the Portsmouth Academy. The Portsmouth Academy is not the "biggest expansion" and the expansion there is no greater than at Charter Academy for example.  4. The forecasting methodology has been proven over many years to be very accurate. | The policy is aimed at children’s health and well-being. Meon School staggers playtimes to avoid injury. Larger spaces create more opportunities to play and exercise freely, organised games are more fun and Public Health England recognises the importance of open-spaces in improving mental health.  The Plan reflects a 6 year forward plan rather than 5. This Neighbourhood Plan is for 15.  In meetings with PCC we have explained the Air Pollution risks to children The Academy is located in a non-legally compliant AQMA. It is unsafe location to cycle to and we have 50% higher traffic related injury rates to children in the City than the national average.  The advice from PCC is they still have a deficit of 401 places at the end of our Plan period. |
| 19.29 | PCC response | Education | Pupil place planning has moved on significantly since the quoted comment in March 2017 and this comment is very out of date. More current information is available here:  <https://www.portsmouth.gov.uk/ext/your-council/policies-and-strategies/schools-plans-and-policies> | We are relying on the Council’s “School’s Plans and Policies”. |
| 19.30 | PCC response | Education | The MNP states –  *The fundamental issues with Pupil Place Planning on a 5-year basis in relation to the emerging Portsmouth plan are: The data only runs to 2023 but the emerging plan is for a period expiring in 2033. The methodology ONLY includes APPROVED planning applications and the CURRENT shortfall is based on known applications as of summer 2017. We estimate this to be an under-provision of circa 300-400 places over the plan period.*  PCC comments  1. 6-year basis, not 5-year basis.  2. Please can the basis for the final comment be explained. How is the figure of 300-400 places calculated and what factors were included? Is this expected child yield from all planning applications, and in what timeframe? This estimate is very unclear. | We have amended 5 yrs to 6 in our updated text  The number of 401 was given to us by PCC in July 2018. See also amended text. |
| 19.31 | PCC response | Education | The MNP states  *Currently, the university site has no allocation, only an existing use. Furthermore, a single use housing allocation would significantly enhance the land value and potentially place too great a burden on the Department for Education, effectively removing the opportunity for this to be considered as a site for a new school*.  PCC comment  Please explain what is meant by "place too great a burden of the Department for Education". This comment is not understood by PCC Education. Perhaps the language needs expanding/clarifying? | In meetings with the Council we have explained the basis of Existing Use Value. Until 2018 Langstone Campus was primarily fulfilling an education function. With a housing use the land value is significantly enhanced and the DfE would need greater funds to build a new school. |
| 19.32 | PCC response | Public Health | Public Health Portsmouth welcomes the opportunity to comment on the draft Milton Neighbourhood Forum Plan (henceforth 'the Plan'). | Noted. |
| 19.33 | PCC response | Public Health | Public Health broadly supports the recommendation in the Plan to restrict planning permission for new betting shops and food outlets within the defined boundaries of Milton Market. We would refine 'food outlets' specifically to A5 hot food takeaways or 'fast food'. Whilst not all fast food is unhealthy, it is typically high in saturated fats, salt and calories.  Research indicates that increased access to unhealthier food retail outlets is associated with increased weight status in the general population, and increased obesity and unhealthy eating behaviours among children residing in low income areas. One Cambridgeshire based study found that exposure to takeaway food outlets in home, work, and commuting environments combined was associated with marginally higher consumption of takeaway food, greater body mass index, and greater odds of obesity. Any approach to improve the food environment, such as limiting planning permission for new hot food takeaways, needs to be part of a whole system approach to tackling diet and obesity. | A positive comment. |
| 19.34 | PCC response | Public Health | We welcome the support within the Plan to address problem gambling in Milton. Harmful gambling has been defined as 'any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have impacts on an individual’s physical and mental health, specifically stress, depression, and anxiety. Harmful gambling has also been associated with job loss, financial hardship, financial hardship, family and relationship issues and loss of social supports and community connections.  District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises: Planning teams may also be able to play a role in relation to local gambling premises, which is being examined as part of the refresh to the Portsmouth Local Plan. In 2017, it was estimated that 51% of all gambling took place on mobile phones and tablets (an increase of 8% since 2016). Therefore, any such measures will not be able to tackle the whole problem. | A general observation. |
| 19.35 | PCC response | Public Health | Air Quality, Active Travel and Road Traffic Accidents  We recognise that air pollution is the largest environmental risk to the public’s health in the UK, contributing to cardiovascular disease, lung cancer and respiratory diseases. Over the long-term, air pollution has been attributed to between 28,000 to 36,000 deaths in the UK each year  The main source of air pollution in Portsmouth is road traffic, which accounts for around half of the air pollution in the city. Other sources are industrial, commercial, domestic, and background and trans-boundary pollution (unavoidably brought into the city via weather systems). Of traffic pollution, around 34% comes from diesel cars; 14% light goods vehicles (diesel); 8% bus; 8% petrol cars; 4% rigid Heavy Goods Vehicles; 1% articulated Heavy Goods Vehicles.  There are many benefits associated with reducing the source of emissions: Increasing active travel increases physical activity (in turn reducing obesity and reducing the risk of CVD, cancer, falls, and many other conditions). Former Chief Medical Officer, Liam Donaldson, once said that “if a medication existed which had a similar effect to physical activity, it would be regarded as a “wonder drug” or a “miracle cure”. Studies that have shown that the benefits to health from adopting cycling and other modes of active transport outweigh the likely risks from exposure to UK air pollution. Reducing air pollution also has benefits for mental health, community cohesion, and reduced road traffic accidents. | Accords with our Plan’s findings and our aim to reduce car-dependency. |
| 19.36 | PCC response | Public Health | As the plan notes that there is an existing Air Quality Management Area (AQMA) concerned with measuring NO2 exceedance situated within Milton. Portsmouth City Council is required by the Department for Environment, Farming and Rural Affairs to have an Air Quality Action Plan in place by October 2019, which will address some of the concerns relating to air quality in the Milton Neighbourhood Plan.  Measures to reduce nitrogen dioxide emissions in the city include bus engine retrofitting, and electric vehicle charging points, as suggested in the Plan. Public Health would strongly support new housing developments to have limited parking provision, and comprehensive safe cycle and wheel storage to further promote active travel. | Constructive comment and Policy HSG1 amended accordingly although the initial recommendations in the LAQP is not widely accepted outside of Council circles. It says for example it will seek to discourage car usage and improve sustainable transport but that was an aim in both the Portsmouth Plan of 2001 and the 2011-2026 Plan (as was reducing Air Pollution!)  AQMA 9 pollution is mainly from cars so retro-fitting what few buses we have is irrelevant.  Policies amended on parking. |
| 20.1 | PCC letter to Milton NP - September 18 | HRA | The purpose of this letter is to set out our understanding of the implications of the recent decisions of the Court of Justice of the European Union (CJEU) regarding Habitats Regulations Assessment and the Milton Plan.  The Forum commissioned AECOM to undertake a Habitats Regulations Assessment (HRA) of the Milton Neighbourhood Plan. When AECOM prepared the HRA it was well established in UK law that mitigation could be taken into account to screen out the need for appropriate assessment.  Understandably therefore AECOM took into account the scope for mitigation in deciding that the MNP would not be likely to have significant effects on protected sites.  The HRA was published in March 2018, a month before Court of Justice of the European Union issued its decision in People Over Wind and Sweetman v Coillte Teoranta (C-323/17). The CJEU held that, contrary to the established UK position set out above, it is not permissible to rely on mitigation to screen out the need for appropriate assessment. This approach was subsequently confirmed in Grace & Sweetman v An Bord Pleanala (C-164/17). Together, they have been described as the Sweetman decisions.  Given this, the HRA for the Milton Neighbourhood Plan has been prepared on an incorrect legal basis. The HRA will need revisiting and reviewing in light of this new legal basis. Whilst this is a matter for the Forum to decide upon, it may well be the simplest way forward is for the Forum to ask AECOM to revisit the HRA in the light of the Sweetman decisions.  Assuming that AECOM agree with our understanding that appropriate assessment is required then this should then be undertaken. It is worth noting that at appropriate assessment stage it is permissible to take mitigation into account, so it may well be that AECOM will ultimately reach the same conclusion – i.e. that taking into account mitigation the likelihood of any significant effects can be excluded – but this needs to be done at appropriate assessment stage rather than at the initial “screening” stage.  Finally, there is the question of timing. First, there is no legal requirement that appropriate assessment must be undertaken prior to regulation 14 consultation. Ultimately it will be a matter for the Forum to decide, but we consider it would be sensible for AECOM to revisit the HRA first, so that the Forum can take into account any changes required by the HRA process in the MNP. This then safeguards against the possibility that the MNP is published for consultation, but the HRA subsequently carried out leads to significant changes to the document.  Related to this, I know you met with Tom and Toby some weeks ago to discuss the emerging Neighbourhood Plan. Some deficiencies as we saw it were discussed, and Tom provided you with some advice regarding the structure of the document and the wording of policies. We believe you have been undertaking a significant amount of further work in this regard. Given the potential review of the HRA it would be worth taking stock of where you are with the MNP document and therefore we would be happy to informally review your most recent draft. | Whilst this letter is not part of the Regulation 14 response from PCC it has been included for clarity as the Reg 14 response refers to it.  Acknowledged and updated HRA will be commissioned. Policies HSG1, STJ1 & LAN1 amended to require a “Project Level HRA to assess the effect on the Langstone Harbour SPA |
| 21.1 | PCC response | Legal opinion | When AECOM prepared the HRA it was well established in UK law that mitigation could be taken into account to screen out the need for appropriate assessment.  Understandably, therefore AECOM took into account the scope for mitigation in deciding that the MNP would not be likely to have significant effects on protected sites. | See answer to 20.1 above |
| 21.2 | PCC response | Legal opinion | The HRA was published in March 2018, a month before Court of Justice of the European Union issued its decision in People Over Wind and Sweetman v Coillte Teoranta (C-323/17). The CJEU held that, contrary to the established UK position set out above, it is not permissible to rely on mitigation to screen out the need for appropriate assessment. This approach was subsequently confirmed in Grace & Sweetman v An Bord Pleanala (C-164/17).  Plainly, then, the HRA has been prepared on an incorrect legal basis. | See reply to 20.1 above |
| 21.3 | PCC response | Legal opinion | In my view the way forward here is for the Forum to ask AECOM to revisit the HRA in the light of the Sweetman decisions.  Assuming that AECOM conclude that appropriate assessment is required this should then be undertaken. At appropriate assessment stage it is permissible to take mitigation into account, so it may well be that AECOM will ultimately reach the same conclusion – i.e. that taking into account mitigation the likelihood of any significant effects can be excluded – but this needs to be done at appropriate assessment stage rather than at the initial “screening” stage. | See reply to 20.1 above |
| 21.4 | PCC response | Legal opinion | “It should be noted that due to the proximity of Langstone Campus to the Chichester and Langstone Harbours SPA / Ramsar site and Solent Maritime SAC … potential likely significant effects could result. However, the risks of these effects arising depends on details that will only become available as the sites are designed in detail and all are considered avoidable through careful design or standard construction practices or mitigation solutions that are already deployed in the Solent Area.  And as such it is recommended that any development at this site is supported by a project level HRA. | See reply to 20.1 above. |
| 21.5 | PCC response | Legal opinion | In terms of timing, there is no legal requirement that appropriate assessment must be undertaken prior to regulation 14 consultation. Ultimately it will be a matter for the Forum to decide, but in my view, it would be sensible for AECOM to revisit the HRA first, so as to allow the Forum to decide whether to make any changes to the MNP before it is published for public consultation. | See reply to 20.1 above. |
| 21.6 | PCC response | Legal opinion | The other option is to press on with public consultation before AECOM reports back. This could save time, e.g. if AECOM’s work does not lead to any / any significant changes to the MNP, and given that the MNP does not allocate any sites this may well prove to the end result, but that is difficult to predict at this stage. Further; I consider that the MNP itself needs to be thoroughly reviewed before it goes out to public consultation, so it may be that AECOM could revisit the HRA whilst the Forum review the MNP. | See reply to 20.1 above. |
| 21.7 | PCC response | Legal opinion | The MNP will have to meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.  These include:  a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan…  d. the making of the neighbourhood plan contributes to the achievement of sustainable development.  e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). | Agreed and Forum is precuring independent advice on Conformity with Strategic Policies and Basic Conditions. |
| 21.8 | PCC response | Legal opinion | Further, the NPPG states that:  A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. | Policies amended accordingly. |
| 21.9 | PCC response | Legal opinion | Allocations.  The first issue is whether there are any consequences arising from the fact that than allocating any sites for development, the MNP sets out “general” policies on a number of matters, including housing, and “special policies” in relation to what it describes as the “main strategic sites” i.e. St James’ Hospital and Langstone Campus.  The fact that the MNP does not allocate any sites for development is not, of itself, problematic. There is no requirement for Neighbourhood Plans to allocate sites, although that is an option should the plan promoters choose to do so.  However, as drafted the MNP seeks to provide detailed guidance on how development should come forward on sites that are defined as “strategic” - i.e. St James / Langstone – when these sites are not identified as strategic sites for redevelopment in the adopted Local Plan.  In my view the Council and the Forum need to give this issue very careful thought, in particular as to the desirability / practicality of including development briefs in part of the development plan ahead of the sites potentially being allocated in another part of the development plan, particularly given that the development briefs are being prepared without reference to the quantum of development that would be identified at allocation stage. Further, it is not clear whether the intention is that the various uses suggested in the special policies for St James / Langstone are intended to limit the type of uses for which the sites could be allocated. As things stand the risk is that the MNP would fail the basic conditions, particularly (d) compliance with strategic policies and (e) delivering sustainable development.  In short, the MNP needs to make its intended approach much clearer. | PCC has published the Local Plan Issues and Options Consultation paper. This identifies using St James’s Hospital for housing continuing from existing Plan Policy MT3 and it introduces Langstone Campus into a proposed strategic site for development notwithstanding an absence of any Presumption in Favour of Sustainable Development by virtue of the SPAs but this was before the Sweetman ruling. |
| 21.10 | PCC response | Legal opinion | Policies.  Further, I am concerned that in large part the NMP is too vague to allow effective development control decisions. In my view the drafting needs to be thoroughly reviewed prior to regulation 14 publication, so that consultees can respond on a more informed basis.  By way of example:  On page 43 the MNP states that “Growth in Milton will be concentrated around the redevelopment of part of the St James Hospital site and possible redevelopment of the built part of Langstone Campus”. It is not immediately clear what purpose this statement serves. It is clearly not policy, so (assuming this is correct) it would be sensible to make it clear that it is intended to set out the Forum’s understanding of where development is *likely* to come forward over the plan period – see my concerns under “Allocations” above.  Page 43 refers to St James / Langstone as “the main strategic sites” – it is not clear whether this phrase adds anything – as things stand, they are not strategic sites in any policy document – suggest delete? | Acknowledged and Policies clarified accordingly. |
| 21.11 | PCC response | Legal opinion | All of the policies need a thorough review to make sure they are as clear as possible.  Better to reword COM1 to say eg “Development proposals will not be permitted where they significantly reduce the community value of an existing community facility”?  COM 2 and 3: why have residential amenity and road safety been included as specific criteria for pub / community facility developments rather than as general design criteria applicable to all development?  TSP1 defines “significant development” but this is not then applied in any policy? | Acknowledged however we have revised COM Policies using wording from a Neighbourhood Plan that was Adopted.  Transport Policies amended accordingly. |
| 21.12 | PCC response | Legal opinion | Draft policy HGS1 appears to suggest that all housing schemes must include a mix of certain specified house types – i.e. larger family houses, smaller family houses, and specialist accommodation. Is this the intention?  Further, some of the detailed requirements are very vague.  For example,  what is a “larger family house” / “smaller family house”?  what does the requirement that the larger family houses should be “suitable for local families to move into” actually mean?  what does the requirement that smaller family houses should be “suitable for first time buyers” / “those wishing to downsize” mean?  Why is the “local families” requirement applied only to larger houses? | Acknowledged but we were advised to adopt this wording from our Consultant who wrote the Guide to Neighbourhood Planning. The text is intended to mix the type of housing and comply with Affordable Housing requirements. |
| 21.13 | PCC response | Legal opinion | The EER policies could also be more tightly worded, e.g. EER2, which applies specific criteria (traffic, amenities) which surely apply to all development, and which requires no impact at all on heritage assets (which is inconsistent with the NPPF, which allows impacts that can be justified). | Noted and STJ1 & LAN1 amended accordingly. |
| 21.14 | PCC response | Legal opinion | Draft policy STJ1 is difficult to follow.  It states that “In addition to applying [i.e. meeting] the other policies contained in this plan, development proposals must respond to the following brief …”.  Then, under the heading “Suitable uses ….”, the policy says “Mixed use development including residential, healthcare, education, community uses and employment”.  It appears that this is intended to require any development of the site to include all these issues, but the “Interpretation” section then says “Although it is envisaged that the development of the site is likely to be primarily for residential purposes [missing words?].  However, the policy does enable mixed use, with residential as part of the mix” (my underlining). This appears to be inconsistent with the previous text, which appears to call for mixed use redevelopment. If there is no requirement for mixed use then what is the policy intending to achieve? | Agreed and STJ1 amended accordingly |
| 21.15 | PCC response | Legal opinion | With regard to the St James “Brief” (page 63):  the requirement for an overall masterplan is clear although surely there needs to be a requirement that the MNP is approved by the Council  the three “models” put forward under “Urban Form” are too vague, and in any event are only “suggested” (i.e. is this a requirement or not?)  It is not clear why the development is limited to three storeys – and it is unclear why this is referenced to scheme viability (has any analysis been undertaken to support this conclusion?)  The statement that it would be “inappropriate to support a scheme that damaged … the local historic environment” is inconsistent with the NPPF, which allows harm to heritage assets where it can be justified.  The statement that design solutions that incorporate “superior environmental performance will be welcomed” is too vague to function as a development control policy; ditto the *encouragement* given to the re-use of the hospital’s boiler. | Agreed with PCC to retain Masterplan requirement but references to Urban Form & Design Review are amended. |
| 21.16 | PCC response | Legal opinion | The “special policy” for Langstone needs significant further work.  For example:  LAN1 says that various uses on Site A and Site B will be “considered”. If this is intended to restrict these areas to these uses the policy should make this clear. In any event, the uses put forward in the current draft are very vague, e.g. “continuing education use, including the possibility of changing part or the entire campus site to a local school” – in short, what does this really mean?  On page 67 LAN1 sets out various requirements in relation to the impact on the SPA – it is not clear why this is necessary given the legal protection that is already afforded to European Sites.  The section headed “Interpretation” is difficult to follow – it doesn’t really explain (i.e. “interpret”) the policy itself – it is perhaps more suitable to the “rationale” section on page 65.  The “Brief” itself would also need tightening up:  See above re need for Masterplan approval;  The “Environment” section says that “new development must be balanced by demolition of existing development” – it is not clear why this is actually required? Surely there could be no in principle objection to increased development if ecological interests were sufficiently protected?  Under “Traffic” the Brief doesn’t really say anything more than highway / air quality impacts will need to be assessed. What does this add?  The text in the first paragraph under “Mixed Use” is very unclear – is it intended as a guide to the acceptability of individual proposals? | Agreed and LAN1 amended accordingly. |
| 21.17 | PCC response | Legal opinion | Conclusions.  AECOM should be asked to review the need for appropriate assessment in the light of the Sweetman decisions;  the MNP needs to be thoroughly reviewed if it is to function effectively / enable the delivery of sustainable development.  In terms of workload, given the extent of the revisions required to the drafting of the MNP it would make (further) sense for AECOM to review the HRA prior to regulation 14 consultation being undertaken. | HRA will be reviewed. See reply to 20.1 above.  Plan Policy texts are amended accordingly. |
| 22.1 | PCC comments on MNP v23 | Page 44  Para 92 | Is there more detail available on the types of community facilities needed? | We want to encourage the widest possible responses, but known deficits are in public meeting and activity spaces. |
| 22.2 | PCC comments on MNP v23 | Page 44  COM1 | Does this policy apply to just those community facilities identified on the proposals map? It may be worth stating that the list / map is not exhaustive and that other facilities may open / be identified which would be subject to the policy. | Noted. |
| 22.3 | PCC comments on MNP v23 | Page 44  COM1 | Should the Policy include some test to measure if reasonable measures have been taken. | Noted. |
| 22.4 | PCC comments on MNP v23 | Page 44  COM1 | Would there be consultation over and above that which is in the standard planning application process? | No. |
| 22.5 | PCC comments on MNP v23 | Page 45  COM3 | Would it be worth having a separate amenity policy? | Discussed, but not felt necessary |
| 22.6 | PCC comments on MNP v23 | Page 48  EER1 | Rename Policy, Mallard Road is the adjoining residential street, with no commercial or industrial uses on it. | Noted, and amended. |
| 22.7 | PCC comments on MNP v23 | Page 48  EER2 | After - Congestion - Is this covered by the transport Policy? | Yes. |
| 22.8 | PCC comments on MNP v23 | Page 48  EER3 | After - Area - The Proposals map highlights a number of shops outside the Eastney Road Retail area. Does this policy also apply to them! |  |
| 22.9 | PCC comments on MNP v23 | Page 48  EER3 | After - Capacity - Is this already covered in the transport Policy? | Partially, and revised to take into account. |
| 22.10 | PCC comments on MNP v23 | Page 52  PLD1 | After - Interpretation - local materials - Is this locally sourced materials, or materials fitting with the local vernacular or both? | Both. |
| 22.11 | PCC comments on MNP v23 | Page 54  ENV1 | After - Space - |  |
| 22.12 | PCC comments on MNP v23 |  | Need to make sure the Local Green Space allocations are in line with the NPPF definition.  "National Planning Policy Framework (NPPF) introduced a new concept of a Local Green Space designation This is a discretionary "designation to be made by inclusion within a "local development plan or "neighbourhood development plan.  The designation should only be used where the land is not extensive, is local in character and reasonably close to the community; and, where it is demonstrably special, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife  Policies within the local development plan or neighbourhood development plan for managing development within a Local Green Space should be consistent with the policies protecting green belts within the NPPF. | Noted. Basic Conditions Statement will ensure compliance. |
| 22.13 | PCC comments on MNP v23 | Page 54  ENV1 | After - Spaces - The Local Green Spaces need to be clearly set out on the proposals map. | Done. |
| 22.14 | PCC comments on MNP v23 | Page 54  ENV2 | After - Sites - Set out clearly what the protected sites in the Neighbourhood Plan area. | Done. |
| 22.15 | PCC comments on MNP v23 | Page 54  ENV2 | After - Account - Look at the concept of 'net gain' in line with national policy. | Noted. |
| 22.16 | PCC comments on MNP v23 | Page 55  ENV2 | After - Alternative - Point 2 of this policy, relates more to design than to protected sites, perhaps it should be in the design | Noted. |
| 22.17 | PCC comments on MNP v23 | Page 56  LH1 | After - All - Perhaps this should be, development proposals which have the potential to affect heritage assets (rather than all new development). There is guidance on the PCC web site on when different information documents are asked for. https://www.portsmouth.gov.uk/ext/development-and-planning/planning/submitting-a-planning-application | Noted and revised. |
| 22.18 | PCC comments on MNP v23 | Page 58 | A north/south route through St James' Hospital…. Transport comment: The reference to a path through St James' is not clear that they mean for pedestrians/cyclists… at least I presume that is what they mean! Although it may not go into the policy, they may wish to liaise with our rights of way and active travel officer who has been looking at the potential routes through the site and would be keen to work with them to define a preferred route. | Noted and revised. |
| 22.19 | PCC comments on MNP v23 | Page 59  TSP1 | After - 20 - Transport comment: agree with much of what they've written however I don't agree that 20 homes represent significant development, the movements arising from this would not result in a material impact upon local junctions. Even if junctions are over capacity, it is unlikely we could argue that the number of movements arising from 20 homes would represent a "severe" impact upon the highway network as is the test set out in the NPPF. | Noted and revised. |
| 22.20 | PCC comments on MNP v23 | Page 59  TSP1 | After - Proposal - Transport comment: May also wish to include some reference to impact upon highway safety, the test for which is now whether the impact of a development would be "unacceptable". | Noted and revised. |
| 22.21 | PCC comments on MNP v23 | Page 59  TSP2 | After - Provision - For TSP2 mention of public transport as well as walking and cycling. May suggest that the forum have a look at paragraph 110 of the NPPF. | Noted and revised. |
| 22.22 | PCC comments on MNP v23 | Page 62  STJ1 | After - Employment - Are all types of employment suitable? Perhaps be more specific. | Noted and revised. |
| 22.23 | PCC comments on MNP v23 | Page 63 | After - Urban Form – Three - Retain flexibility to accommodate other potential built forms as well. | Noted and revised. |
| 22.24 | PCC comments on MNP v23 | Page 63 | After - Storeys - Is it clear which parts of the site this refers to? | Noted and revised. |
| 22.25 | PCC comments on MNP v23 | Page 63 | After - Reversed - Need to be clear which additions are considered as harmful. | Noted and revised. |
| 22.26 | PCC comments on MNP v23 | Page 63 | After - Imitation - Imitation may be subtle in some instances | Noted and revised. |
| 22.27 | PCC comments on MNP v23 | Page 65 | After - Public - Would this be across the playing fields, Brent Geese use of the fields would need to be taken into account. | Noted and revised. |
| 22.28 | PCC comments on MNP v23 | Page 67  LAN1 | After - The - Mention protection of open space for Brent Geese. | Noted and revised. |
| 22.29 | PCC comments on MNP v23 | Page 67  LAN1 | After - Uses - Mention potential flood risk | Noted and revised. |
| 22.30 | PCC comments on MNP v23 | Page 67  LAN1 | After - environment - What form is this envisaged to take? | Noted and revised. |
| 22.31 | PCC comments on MNP v23 | Page 56 | After - Wards - Are they? Possibly but there are lots of other causes, contributing to lower life expectancy in these areas. | Noted and revised. |
| 22.32 | PCC comments on MNP v23 | Page 56 | After - Flat - Also a major opportunity to promote sustainable transport | Noted and revised. |