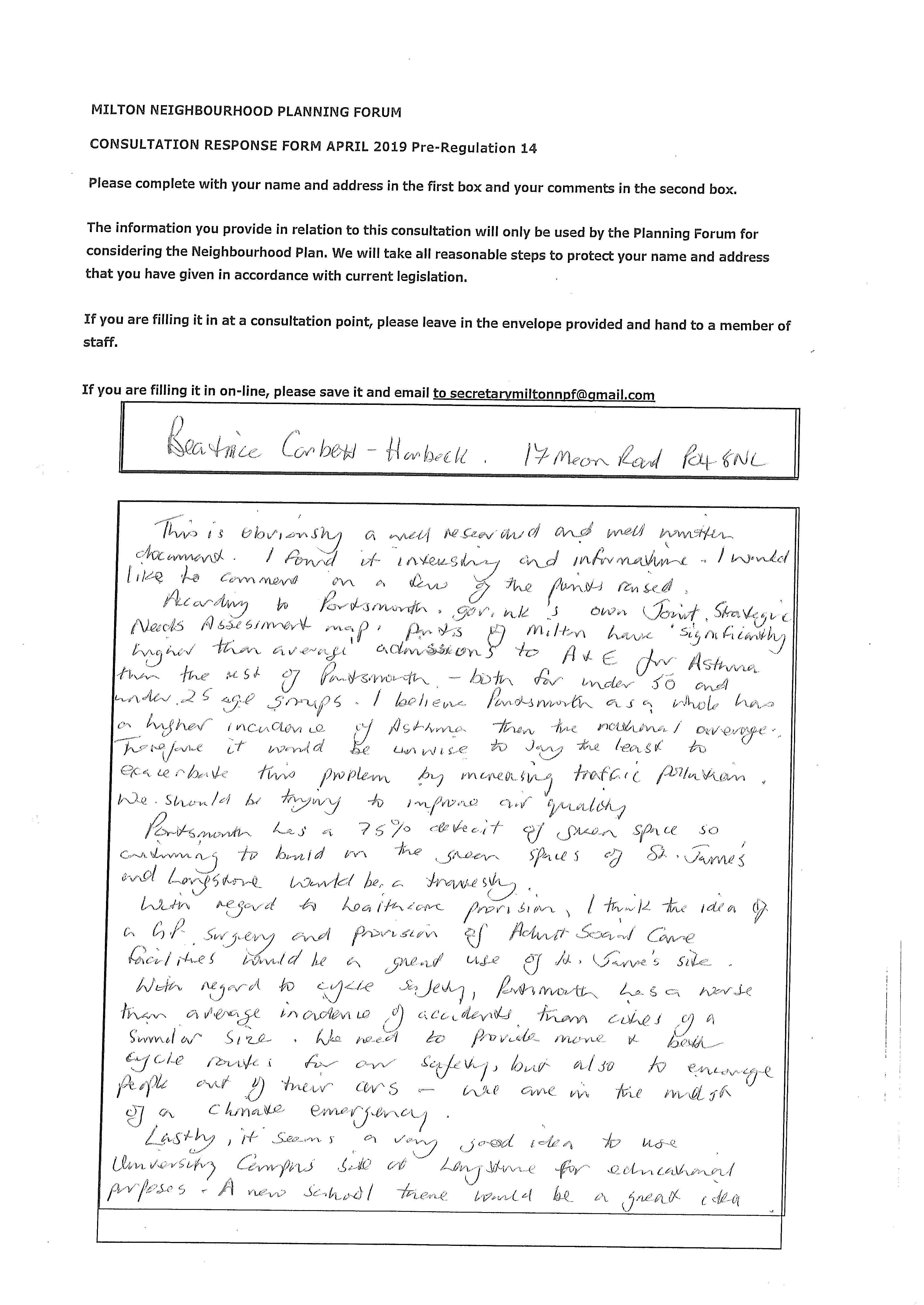
MASTER COPY OF REGULATION 14 COMMENTS RECEIVED

This document contains details of comments received from the Regulation 14 submission.

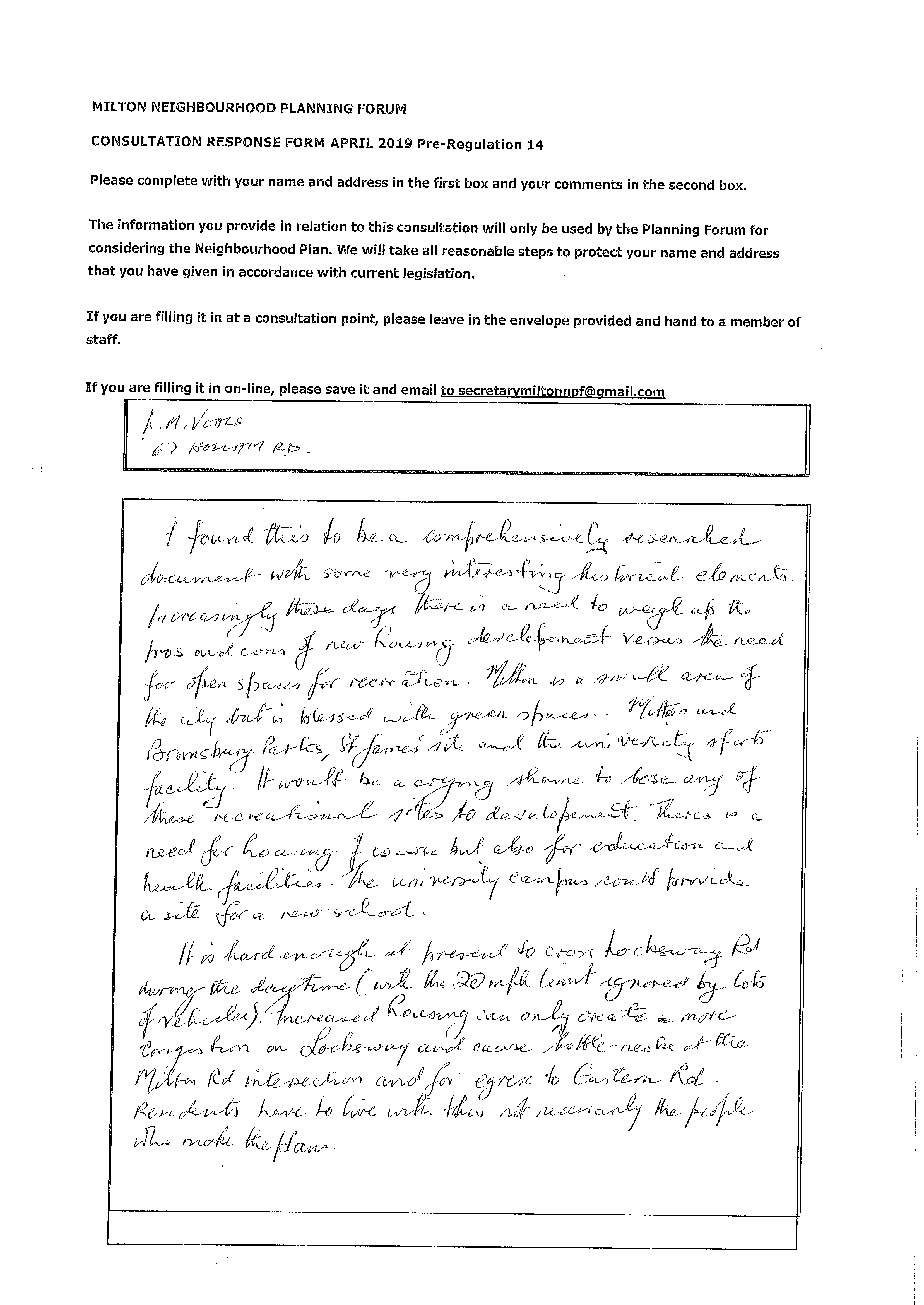
ID numbers against sections or paragraphs relate to a separate document “table of actions taken”.

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| --- | --- |
| ID number | Respondent |
| 1 to 13 | Residents |
| 14 | Sport England |
| 15 | Environment Agency |
| 16 | Natural England |
| 17 | Historic England |
| 18 | LDA Design on behalf of Homes England |
| 19 | Portsmouth City Council |
| 20 | PCC letter to Milton NP - September 18 |
| 21 | PCC legal opinion |
| 22 | PCC comments on draft MNP v23  Due to the size of the document, copy of the draft MNP v23 is available at [www.miltonplan.org.uk](http://www.miltonplan.org.uk) under Consultation documents - MNP v23 PCC comments |

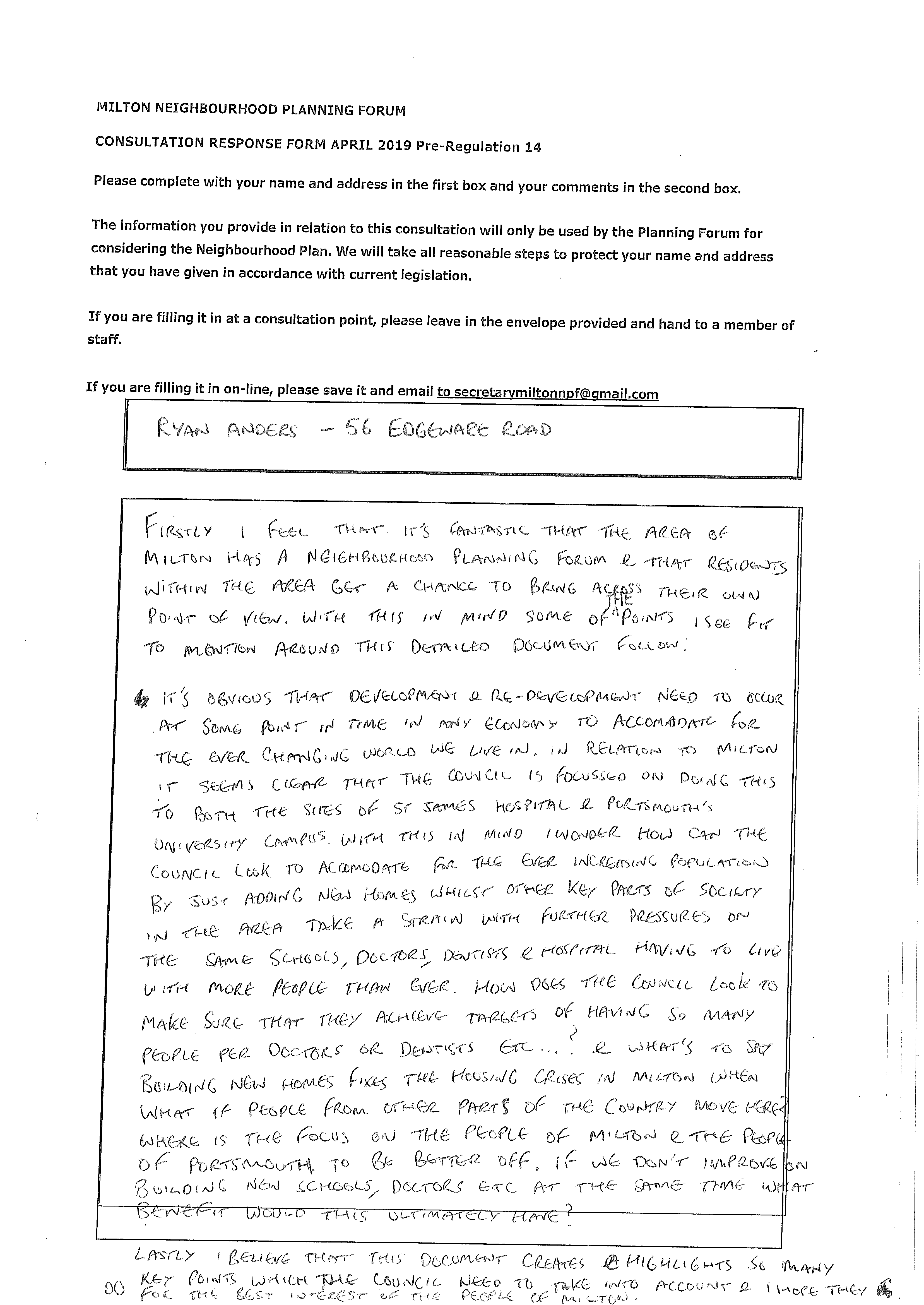
ID -1



ID - 2



ID - 3



ID – 4

Too many houses being built in Milton, no more please, over populated already.

ID- 5

Thank you for undertaking this herculean task. I've read the executive summary and admit I skimmed the rest but I have to say I'm very impressed with the width and diversity of your aims and fully support your objectives.

ID - 6

As a Milton resident I have just taken the time to read the Milton Neighbourhood Plan. Thank you to everyone who has been involved in the making of this document. As a parent of young children, two who have asthma, the poor air quality is a grave concern. I fully support your plan.

ID - 7

I have read through and though not understood everything. The gist I get is that this has the understanding of future requirements balanced well with not overpopulating the area with the right infrastructure first, making sure are highly dense highly populated area does not suffer unnecessarily more than is already occurring under lack of schools, doctors, parking and the amount of cars on the road. I put my backing to the Milton Neighbourhood Plan.

ID - 8

As a recently retired couple, we particularly note the absence of GP surgeries in the area and would very much welcome a new surgery local to us. We also value the green spaces around us, and support a long-term strategy for maintaining these green spaces for our grandchildren. Given that Portsmouth is the most densely populated city outside of London we are concerned about the potential local development and the impact of infrastructure particularly in terms of air quality due to traffic and drainage/sewage issues due to increased housing. Thanks for all the excellent work. It is appreciated.

ID - 9

My primary comment is one of approval, support and encouragement. This is a fantastic piece of work and I wholeheartedly support its aims and objectives. I have made some general comments about parts of the plan below, and below that, I have made specific comments on some of the proposals. However, when reading all of these, please do not let them detract from my support for the plan and approval of its proposals.

*General Comments*

Agree completely that the SHMA is seriously flawed and that this drives the inappropriate housing targets for the city. I accept the AECOM findings mentioned in the Plan, but I think Milton’s needs have to be assessed as part of the wider area. The Local Plan needs to ensure there are enough 3 to 5 habitable room properties to meet needs and also properties affordable for young families – but they do not have to be in Milton. In my view a more logical approach would be to shape the development style and approach which developers need to adhere to rather than specify what we want where – the city has made this mistake too often, trying to find developers willing to buy into a vision based on specific needs or wishes rather than viable components.

Some of the proposed solutions are simplistic or unrealistic and are not backed by evidence. For example, the thought that “Bespoke conversion (at St James) would be attractive to our elderly residents looking to downsize from under-occupied terraced housing.” Old people don’t downsize, they resize or stay where they are. The most common move for over-55 is to a four-bedroom property, and 46% invest more when they move, according to housing research body, the NHBC Foundation.

Similarly, there is too much emphasis on reducing cars when there is no evidence that people want to or are willing to do so. Yes, we should look at ways of matching the predicted growth in traffic with comparable growth in alternatives, in the hope that the overall effect is net zero – and we should couple that with developments which reduce the current problems, both of congestion, toxic fumes and parking.

The plan needs to look at traffic from and to Milton and also, traffic passing through Milton – where are the improvements to the Eastern Corridor that take through traffic away from Milton all together? Where are the inducements to reduce the pollution caused by traffic from and to Milton (not proposing solutions, just giving possible examples: an area wide parking zone free for EV’s and say £100 for other vehicles, restrictions on commercial vehicles parked on the street or on the number of vehicles per property, charges for local businesses who use the street as their personal parking areas, much congestion in Milton Rd could be reduced by splitting traffic at Velder Avenue such that city / University traffic was routed to Goldsmith Avenue via Rodney Rd, seafront traffic sent down Priory Crescent and Winter Rd and local traffic and Eastney Beach traffic left to use the current route – these are simple changes which may get us through the next 10-15 years until autonomous vehicles and smart streets combine to ensure the whole street network is used rather than just the arterial routes and these changes may be enough, though I still believe we need a link route from the Eastern Rd to Hayling Ferry bypassing the neighbourhood completely.

I am also uncomfortable that the suggestion that ‘opening the link between Furze Lane and Moorings Way’ would encourage or create a ‘rat run’. If this was done as part of an imaginative implementation if could greatly enhance local traffic flows and reduce congestion. For example, if that link were opened and a point on Locksway Road, say between Ironbridge Lane and Trevis Road had ‘smart camera technology’ which charged a toll for any vehicles passing that point that were not registered in say, ‘PO4 8’ you could make travel for local residents much better without necessarily creating a rat run.

Air pollution will be solved by switching to electric vehicles and in the interim, minimising queueing traffic and keeping HGV’s and old diesel vehicles out of the area – would be good to see a constructive proposal that brings these changes forward rather than bleating on about there being too many cars.

Agree completely we need to push the council to reinstate AQMA 4 – we need valid data on which to base future plans.

It would also be good to have a more sustainable approach to new developments – we complain about the overflow of sewage into Langstone Harbour when we have heavy rain, yet I think we need to mandate SUDS for new developments, rather than just encourage it, to ensure the problem does not get worse. The same applies to existing build – every time a front garden lawn is replaced with a hardstanding for cars, we increase the demand on our drainage system – the plan could / should mandate that any such development needs to be ‘drainage friendly’ incorporating soakaway or similar to ensure the load is not increased.

I’d also like to see more employment opportunities encouraged in the plan – Langstone Campus or St James have some ideal sites for a factory producing modular housing for example and such housing could go a long way toward meeting local development needs in an affordable way as well as generating inbound trade benefits from elsewhere in the area. Over the years we have lost so many major employers in the area, including Foster Hall, White & Newton, St James, Langstone Campus and the many smaller pubs, shops and businesses which have been converted into residential dwellings.

Agree the ‘green corridor’ needs to be maintained and the summary of green spaces and recreational uses is excellent – however the plan does fail to highlight the lack of youth provision in the area. Bransbury Park needs an adventure playground / community centre like those in Somerstown and Landport.

Minor point: Image 8 needs to be updated with the Crayfern development.

*ID – 9.1*

*Specific Policies:*

COM2: Loss of public houses should not be considered an issue. Markets for facilities such as the Travellers Joy and the Brewers Arms may be diminishing, but they are being replaced by craft alternatives like the Brewers Tap and Staggeringly Good. COM2 could reduce the value of unprofitable / untenable public houses and delay the transition to newer forms of socialising.

ID – 9.2

HSG4: I believe a stronger encouragement for self-build is required within the neighbourhood plan.

ID – 9.3

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.

ID – 9.4

EER4: Maybe irrelevant. With 5G, hardwired connections largely become redundant. It is good to see the Plan NOT taking a stand against 5G. Would be nice if there was ‘early support and encouragement’ for its deployment locally, giving the area an advantage over less well-connected alternatives.

ID – 9.5

PLD1: Need to incorporate vehicle charging capabilities as part of any new scheme. (I know it is in the transport section, but worry it needs to be more obvious to potential developers)

ID – 9.6

ENV1 & 2: I would add an ENV3 covering the need to ‘green up’ existing areas and introduce more trees into the community.

I agree and support the specific proposals for St James and Langstone campus.

ID - 10

Thank you for taking the time to create the plan. We fully support it.

Having previously completed the survey, my husband and I are pleased that you've taken the views from the community into account. Given the more recent developments in the situation with our climate, it's even more imperative that we act locally to support local wildlife and undertake development in a thoughtful way. It's refreshing to see a plan that considers what will happen in the longer term. We particularly like that our locality is being considered as a whole - including noting the lack of education and medical provision in the local area.

We really hope to be able to vote on this plan in a local referendum.

ID - 11

We have talked about the Milton Plan with Mummy and we really like it.

We use Milton Common and the park at St James' Green a lot. They are great places for being in nature and playing, so we're pleased that they're protected.

We would like to look after our local trees and wildlife, so that we are able to spend more time in nature. We think that all the trees at St James should be looked after - and maybe we should 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.

We also walk or scoot through St James to get to Bransbury Park. We would like to have safe footpaths or cycle paths for us to travel on, away from cars.

Perhaps we could add more plants to the area, so there are more places for wildlife to live and for the bees.

At home, we have solar panels on our roof and an electric car. We like the idea of adding more solar panels and electric car charging points to the local area.

ID - 12

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.

ID - 13

The Plan has emerged as residents are 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. The Plan Policies set the minimum standard for the future development of Milton and should not prevent more ambitious targets for area improvements nor retention of current valued open space and access.

ID - 14

Sport England

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England’s statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England’s playing fields policy is set out in our Playing Fields Policy and Guidance document.

<http://www.sportengland.org/playingfieldspolicy>

ID - 15

Environment Agency

Based on the environmental constraints within the area, we therefore have no detailed comments to make in relation to your Plan at this stage. However together with Natural England, English Heritage and Forestry Commission we 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.

The sites that are proposed within the plan (St James’ Hospital and Portsmouth University’s Langstone Campus) are not currently at risk of flooding (in flood zone 2 or 3) according to our flood map for planning. It should be noted that this may change in the future due to climate change. Climate change mapping for Portsmouth can be found in the PUSH Strategic Flood Risk Assessment and should be taken into account when allocating sites for development.

ID – 16.1

Natural England

Timing of the Neighbourhood Plan

A key consideration is the timing of the Neighbourhood Plan in relation to the Local Plan, as the Neighbourhood Plan may need to rely on more strategic avoidance and mitigation measures secured in the higher tier plan. It is currently understood that the timing of the Neighbourhood Plan will run in advance of the Local Plan. This creates a risk that all development identified in the Neighbourhood Plan is not in conformity with the Local Plan. In the absence of an adopted Local Plan, the Neighbourhood Plan can only proceed if adequate avoidance and mitigation measures can be secured at the Neighbourhood Plan level.

ID – 16.2

Habitat Regulations Assessment

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. The court concluded that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means that it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).

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 (paragraph 1, Schedule 2 of the Neighbourhood Planning (General) Regulations 20121).

In the interim, we 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. We appreciate this ruling may have implications for the Titchfield neighbourhood plan. Local planning authorities may wish to take their own legal advice on the implications of the judgment. We would be happy to discuss the above further in due course. Notwithstanding the above, we have provided some comments on the neighbourhood plan for your consideration.

ID - 16.3

Strategic Environmental Assessment

Natural England support the recommendation of the SEA, relating to the high quality coastal environment (section 5.67 of the Environmental Report) 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.

ID – 16.4

Draft Neighbourhood Plan

Proposed Policy - ENV1

Natural England supports the policy to protect and enhance Local Green Space. It is acknowledged that open space and green infrastructure provide important health and well-being opportunities to the wider community and we recognise the challenge to ensure green spaces are protected as development comes forward. We consider that it is important to include measures for biodiversity enhancement within green infrastructure and open spaces to help maximise the ecological and biodiversity network opportunities.

ID – 16.5

Proposed Policy - ENV2

In general, 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 (see Biodiversity gain section below).

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 (see Strategies section below).

ID – 16.6

Proposed Policy - LAN1

For the purpose of clarity, Natural England suggest the extract provided below 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.

Extract from Interpretation section of policy LAN1 - “Residential Care uses are recognised in the Solent SPA as compliant with avoiding recreational stress and hence will not adversely affect wildlife habitats or the long term needs to secure a site for a new school.”

ID – 16.7

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.

ID – 16.8

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.

ID – 16.9

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.

ID – 16.10

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 Neighbourhood Planning group 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.

ID – 16.11

Strategies

The neighbourhood planning body should also consider the natural environment policies in the area’s Local Plan. The neighbourhood plan or order 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.

ID – 16.12

Milton Plan Proposals Map

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).

ID 17.1

Historic England

Thank you for consulting Historic England on the pre-submission version of the Milton Neighbourhood Plan. Historic England's remit is for the Historic Environment and such I have limited my review of the plan to this areas that fall within our remit.

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

ID -17.2

"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".

The development brief could then helpfully expand on how these requirements should be delivered. 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. We have identified the Newport Pagnell Neighbourhood Plan as an example of good practice on this basis, for example.

Whilst the green space at the hospital is described as being suitable for designation as local green space (a designation carrying considerable weight in planning),

ID – 17.3

Policy ENV1 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.

ID – 17.4

We are pleased to support policy LH1.

ID – 17.5

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."

From LDA Design on behalf of Homes England

To Secretary Milton Forum (By Email)

6473\_DB

16th May 2019

**Draft Neighbourhood Plan April 2019 Consultation Response Pre-Regulation 14**

I write on behalf of Hones England to submit their representations in response to the Draft Milton Neighbourhood Plan Consultation from 1st April —17th May 2019

Homes England own land within the Neighbourhood Plan Area, located towards the centre of the St James and Langstone Campus site in the Milton area of Portsmouth, shown within the redline boundary on enclosed plan 5018\_002.

The site comprises 3.60ha of land and was formally owned and operated by the NHS Solent trust. For some time the NHS Property Services have been in the process of moving services from the St James Hospital site to other locations within Portsmouth and have, following consultation and due process, identified buildings within the wider St James estate that are surplus to requirements and the disposal of which would not affect the delivery of healthcare services.

A planning application on the site for 107 units was submitted to the local authority in February 2018 (ref 18/00288/OUT). The application was deferred on the eve of the planning committee in February 2019. Homes England are currently in discussion with Portsmouth City Council to confirm a revised committee date for this application.

ID – 18.1

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.

Comments on the Draft Milton Neighbourhood Plan

ID – 18.2

These representations focus on the policies section of the consultation draft Milton Neighbourhood Plan, and in particular: Special Policy Area— St James' Hospital Site, as well as heritage and transport policies. 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).

Special Policy Area — St James Hospital Site STJ1: St James' Hospital Site

In addition to applying the other policies contained in this plan, development proposals must respond to the following brief for the St James' site.

Suitable uses for the St James' Site are:

Mixed use development including residential, healthcare, education, community uses and employment, particularly health and elderly care related, and open space.

ID – 18.3

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.

ID – 18.4

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.

ID - 18.5

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.

ID - 18.6

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."

ID – 18.7

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."

ID –18.8

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:

· 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 C19.

· 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.

ID – 18.9

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.

ID – 18.10

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.

ID 18.11

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.

ID – 18.12

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. Development thresholds have been removed from national and regional guidance. (Archiving of the 2007 DfT Guidance on Transport Assessment and previous TfL TA guidance.) Instead, impact of development should be assessed in accordance with the NPPF.

ID – 18.13

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.

ID – 18.14

General comments and observations

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.

ID – 18.15

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).

ID – 18.16

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.

ID - 18.17

Finally, at 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.

In 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).

Kind regards

David Bell Associate

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**ID – 19.**

**Milton Neighbourhood Plan- Portsmouth City Council regulation 14 response**

**Introduction**

**This document has been prepared using comments provided by the following teams at Portsmouth City Council:**

* **Planning**
* **Housing**
* **Transport**
* **Conservation**
* **Education**
* **Public Health**

The draft Milton Neighbourhood Plan is supported by a SEA draft Environmental Report and HRA report. The council referred the draft material to its biodiversity and ecological advisers, provided under Service Level Agreement by Hampshire County Council. In the summer of 2018, HCC officers provided a response to the Milton NP SEA and HRA documents which has been included. The letter (see ID 21) sent from PCC to Milton Neighbourhood Forum setting out further clarity based on legal advice received (Sept 18) has also been included again here for completeness sake.

In addition to the comments set out in this document, an annotated version of the regulation 14 Milton Neighbourhood Plan is submitted to the Neighbourhood Forum containing a number of detailed technical comments (see ID 22) specifically relating to the policies and supporting text of the Milton Neighbourhood Plan. The annotations should be read as part of the planning comments on the regulation 14 Milton Neighbourhood Plan. These points pick up on specifics which are not necessarily discussed within this document. This section adds detail to points raised in the annotated document where it is felt further detail / clarification is needed.

**Planning comments**

ID – 19.1

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.

ID – 19.2

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.

**Specific Policy comments**

In addition to the technical comments contained within the draft Neighbourhood Plan document, the following specific policies are highlighted -

ID – 19.3

**Policy 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.

ID – 19.4

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)

ID 19.5

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.

ID – 19.6

**Policy 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/>.

ID – 19.7

**Policy 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 Neighborhood Plan should look to use this measure instead.

ID – 19.8

**HRA comments**

**Advice received by Portsmouth City Council regarding Milton Neighbourhood Plan and HRA from legal and HCC Ecology August 2018**

**Introduction**

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. It is recognised that some of the references to polices in the HCC advice may now be out of date. The letter (see ID – 21) sent from PCC to Milton NP setting out further clarity based on legal advice received (Sept 18) has also been included.

ID – 19.9

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.

**The Draft Plan - HCC advice.**

In summary, items 1 and 2 relate to some recent case law and changes to the Solent Wader and Brent Goose Strategy. Items 3 – 4 relate more specifically to the policies with suggestions to reconsider whether a HRA would be required. Item 5 is a general note of advice in relation to uncertainty of plans and how to deal with it. Please find below my detailed comments:

ID – 19.10

1. 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. The ruling by the Court concluded that:

‘*Article 6(3) ………. must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site*.’

ID – 19.11

In particular, 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.

ID – 19.12

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.

ID – 19.13

1. Again, I appreciate that the report was submitted in March 2018; however, 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.

ID – 19.14

1. 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 a LSE is likely as a result of increased recreational pressure but through the SRMP, the LSE can be mitigated.

ID – 19.15

1. 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.

ID – 19.16

1. 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.

ID – 19.17

**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.

ID – 19.18

**Housing comments**

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.

ID – 19.19

**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.

ID – 19.20

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.

ID – 19.21

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.

ID – 19.22

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.

**Transport Comments**

**ID – 19.23**

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 Neighborhood 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 Neighborhood Plan. These areas continue to be a focus for investment by City Council investment to reduce congestion and encourage increased cycling and walking.

ID – 19.24

Mixed use neighborhoods 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.

ID – 19.25

**TSP 1**

The objectives of policy TSP1 of the Neighborhood 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.

ID – 19.26

**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 Neighborhood 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 Neighborhood 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.

We look forward to continued collaboration with the Milton Neighborhood Forum as their Neighborhood plan progresses to ensure that the best outcomes for Milton and the City of Portsmouth are achieved.

ID – 19.27

**Conservation (see planning comments provided, January 19)**

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.

**Education comments**

There are a number of particular statements in the draft Neighbourhood Plan which PCC children's services wish to respond to. To aid legibility the Neighbourhood Plan statements are set out below in *italics* and the education teams responses are **in bold**

***Local need***

*The Neighbourhood consultation survey showed the local people overwhelmingly prefer the option of education for the Langstone Campus/Furze Lane site. 331 of 375 respondents chose education in their top three preferred land uses for the site. Concern over schools’ capacity and a preference for new school site has also been expressed by a local head teacher.*

*Portsmouth City Council has predicted a rising shortage of school places from around 2023. Additionally, PCC is aware of, and planning for an increasing number of Special Education Needs and Disabilities (SEND) places that are required in the City.*

*The ‘emerging’ Portsmouth Local Plan to 2034 designates St James & University of Portsmouth Langstone Campus as one of 5 strategic sites for the city for housing & development. There is no mention of either site (especially University of Portsmouth) as a possible option for education use whereas in the current Portsmouth Plan, education is one of the potential options for the future redevelopment of the site.*

*Currently the Council's strategy for meeting additional demand for school-places is by extending existing schools at the expense of losing playground and open space which may explain Portsmouth's higher than average childhood obesity levels.*

**ID – 19.28**

**PCC comment 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.**

*This strategy is acknowledged as a short-term fix and even the Council's long term planning is only up to 5 years. Furthermore, it assumes the biggest expansion will be at Portsmouth Academy where the outdoor sports pitches are situated adjacent to Fratton Road in Portsmouth's worst air pollution corridor*

**PCC comment 2: the standard term for educational planning places is a 6 years horizon and not 5 years.**

**PCC comment 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.**

*The education department uses a comprehensive mixture of data to predict future number of pupil numbers. However, the Director of Childrens’ Services has reported to the Education Committee on 9 March 2017 saying “Many of the city's secondary schools are on constrained sites and many of the 'quick wins' had already been exhausted”.*

**PCC comment 4: The forecasting methodology has been proven over many years to be very accurate.**

**ID – 19.29**

**PCC comment 5: 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**](https://www.portsmouth.gov.uk/ext/your-council/policies-and-strategies/schools-plans-and-policies)

*ID – 19.30*

*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 comment 6: 6-year basis, not 5-year basis.**

**PCC comment 7: 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.**

*The 2800 housing target from the 5 strategic sites listed in the emerging Portsmouth Plan. Any account of the Partnership for Urban South Hampshire (PUSH) housing target of 14k (minimum) to 17k (maximum) by 2033.*

*The City has limited potential areas for building new schools. The University grounds at Langstone Campus are an ideal site for the future, away from traffic pollution in a part of the City not best served by schools and where alternative land-uses are in any case constrained (see section on Coastal Conservation and Conflicts).*

*ID -19.31*

*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 8: 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?**

ID – 19.32

**Public Health Comments**

Public Health Portsmouth welcomes the opportunity to comment on the draft Milton Neighbourhood Forum Plan (henceforth 'the Plan').

Planning and health

ID – 19.33

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.

Around a third of children in Portsmouth are leaving primary school obese or overweight. Children who are overweight are more likely to be overweight as adults, and are at greater risk of developing preventable diseases such as type 2 diabetes, heart disease and some cancers.

The food environment plays an important role in promoting a healthy diet, but this is a complex system influenced and determined by a series of factors, including a person’s proximity to food retail outlets and the type of food available

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.

ID – 19.34

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.

ID – 19.35

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.

ID – 19.36

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.

ID – 20.1

**PCC letter to Milton NP - September 18**

**MILTON NEIGHBOURHOOD PLAN**

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.

ID – 21

**Portsmouth City Council - Milton Neighbourhood Plan - OPINION**

**Introduction**

1. I am asked to advise Portsmouth City Council (“the Council”) on the issues set out below in relation the draft Milton Neighbourhood Plan (“the MNP”).
2. The MNP has been prepared by the Milton Neighbourhood Planning Forum (“the Forum”) and has been submitted to the Council in draft ahead of public consultation pursuant to regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

**Issue 1: Appropriate Assessment**

1. The Forum commissioned AECOM to undertake a Habitats Regulations Assessment (HRA) of the MNP.

ID – 21.1

1. 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, see e.g. *R (on the Application of Hart DC) v Secretary of State for Communities and Local Government* [2008] EWHC 1204 (Admin) in which Sullivan J (as he then was) concluded at paragraph 61 that:

“… if the competent authority is satisfied at the screening stage that the proponents of a project have fully recognised, assessed and reported the effects, and have incorporated appropriate measures when deciding whether an appropriate mitigation measures into the project, there is no reason why they should ignore such measures when deciding whether an appropriate assessment is necessary… ***as* a matter of common sense, anything which encourages the proponents of plans and projects to incorporate mitigation measures at the earliest possible stage in the evolution of their plan or project is surely to be encouraged.** What would be the point, from the proponents' point of view, of going to the time, trouble and expense of devising specific mitigation measures designed to avoid or mitigate any effect on an SPA, and incorporating those proposals into the project, if the competent authority was then required to ignore them when considering whether an appropriate assessment was necessary?”.

1. 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 page 4 and the conclusions at page 23:

ID – 21.4

“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.

ID – 21.2

1. 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).
2. Plainly, then, the HRA has been prepared on an incorrect legal basis.

ID – 21.3

1. 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.

ID - 21.5 (ID 21.4 is shown after ID 21.1)

1. 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.

ID 21.6

1. 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, as set out under issue 2 below, I consider that the AMP 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.

**Issue 2: The NMP’s development management policies**

ID – 21.7

1. 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).

ID – 21.8

1. 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.

Paragraph: 041 Reference ID: 41-041-20140306

ID – 21.9

1. 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.
2. 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.
3. 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.
4. 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.
5. In short, the MNP needs to make its intended approach much clearer. I would be happy to discuss this matter further with Officers via telecon if that would assist.

ID -21.10

1. 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:
2. 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.
3. 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?

ID – 21.11

1. All of the policies need a thorough review to make sure they are as clear as possible. For example:

COM policies:

* 1. 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”?
  2. 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?

TSP policies

* 1. TSP1 defines “significant development” but this is not then applied in any policy?

ID – 21.12

1. 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,
   1. what is a “larger family house” / “smaller family house”?
   2. what does the requirement that the larger family houses should be “suitable for local families to move into” actually mean?
   3. what does the requirement that smaller family houses should be “suitable for first time buyers” / “those wishing to downsize” mean?
   4. Why is the “local families” requirement applied only to larger houses?

ID – 21.13

1. 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).

ID – 21.14

1. 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?

ID 21.15

1. With regard to the St James “Brief” (page 63):
   1. the requirement for an overall masterplan is clear although surely there needs to be a requirement that the MNP is approved by the Council?
   2. 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?)
   3. 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?)
   4. 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.
   5. 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.

ID – 21.16

1. Similarly, the “special policy” for Langstone needs significant further work. For example:
2. 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?
3. 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.
4. 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.
5. 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?

ID – 21.17

1. **Conclusions.** Overall, as set out above, in my view:
2. AECOM should be asked to review the need for appropriate assessment in the light of the *Sweetman* decisions; and
3. the MNP needs to be thoroughly reviewed if it is to function effectively / enable the delivery of sustainable development.
4. In terms of workload, given the extent of the revisions required to the drafting of the NMP it would make (further) sense for AECOM to review the HRA prior to regulation 14 consultation being undertaken.
5. Please do not hesitate to contact me to discuss any aspects of this Opinion.

**Robert Walton, Landmark Chambers, 14th August 2018.**

ID – 22

PCC comments on draft MNP v23

Due to the size of the document, copy of the draft MNP v23 is available at [www.miltonplan.org.uk](http://www.miltonplan.org.uk) under Consultation documents - MNP v23 PCC comments