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O'ROURKE

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15 May 2018

By e-mail

Our Reference: 2489.05

Dear Suna

**New Milton Neighbourhood Plan Pre-submission Plan consultation
response on behalf of Pennyfarthing Homes**

Thank you for consulting Pennyfarthing Homes Ltd on the pre-submission draft of the New Milton Neighbourhood Plan. This representation is submitted on behalf of Pennyfarthing Homes who are promoting land at Brockhills Lane for residential development.

Pennyfarthing welcomes the inclusion of the Land at Brockhills Lane as an allocation within the emerging neighbourhood plan and is, overall, supportive of the plan. Having considered the draft plan as a whole we wish to make the following detailed comments, made in the context of the 'basic conditions' test.

Introduction & background

Pennyfarthing welcomes the Town Council's aspirations to change the demographic profile of the town to achieve a more balanced age profile. At the same time, it should be acknowledged that New Milton will continue to be an attractive location for the older generation, who are increasingly active into their older years. We consider that some recognition of this should be included in the Vision.

Pennyfarthing is pleased to note that the plan will be subject to a screening assessment under the Habitats Regulations and is keen to ensure that appropriate work is undertaken in relation to such matters to ensure that the plan meets the basic conditions and is legally sound.

They also welcome the recognition of the importance of releasing parts of the Green Belt in order to help meet identified local housing need, and are pleased that the detail of this is/will be set out in the neighbourhood plan.

The Neighbourhood Area

Pennyfarthing welcomes the recognition that the District Council's latest strategic flood risk assessment identifies the proposed allocation at Brockhills Lane as

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being principally within Flood Zone 1, with the ability to provide sustainable drainage.

Planning Policy Context

Paragraph 3.4 sets out those documents that comprise the development plan in New Forest District. Paragraph 3.6 then refers to the Local Plan Part 2: Sites and Development Management. It should be recognised that the Sites and Development Management plan also forms part of the development plan and should be referenced in paragraph 3.4.

The September 2017 Planning Development Control Committee with the Environment Overview and Scrutiny Panel committee papers provided an indication of the direction of travel for the emerging Local Plan and its content at that time. However, we do not consider that it can be assumed that this still represents the District's intended approach given that it has not formally published the next stage of the local plan review for consultation and continues to hold discussions with all site promoters. It will, therefore, be necessary to review and update paragraph 3.8 of the draft neighbourhood plan once the next stage of New Forest District's Local Plan is published and consultation is undertaken, which is currently due to take place in June 2018.

We consider that it would be appropriate and desirable for the neighbourhood plan to acknowledge the scale of development to be accommodated within New Milton, as set out in the local plan, and any additional development to be provided through the neighbourhood plan.

You will be aware that, to date, the District Council is not proposing to meet its identified housing need in full or to respond positively to all opportunities for sustainable growth. At its September Scrutiny meeting, a housing target of approximately 9,900 homes over 20 years (equivalent to 495 homes per annum) was discussed. This compares poorly to the Objectively Assessed Need (OAN) of 12,740 homes (equivalent to 637 homes per annum) and/or the DCLG standard methodology OAN of 965 homes per annum. It even fails to meet NFDC's previous assessment of the OAN, of 521 homes per annum as set out in the October 2017 report.

We continue to believe that an increased housing target in the neighbourhood plan, beyond that in the emerging local plan, will provide resilience and is supported. Pennyfarthing welcomes and supports the ambition of the neighbourhood plan to provide additional housing, which will help to address urgent local need and contribute to ensuring the future sustainability of New Milton. This would ensure that the plan meets the requirements of the NPPF and thus meet the requirement of the basic conditions to have regard to national policies and guidance.

Vision & Objectives

Pennyfarthing supports the draft Vision in 2036. We continue to believe that it would be beneficial to acknowledge in the text that achieving the vision relies on the development of additional housing and employment together with development in the town centre. This sets the framework for the key land use implications advanced by the neighbourhood plan.



Pennyfarthing is broadly supportive of the objectives of the emerging neighbourhood plan but suggests, given the Town Council's desire to see additional housing within the town, that an additional objective related to this is added.

Whilst Pennyfarthing acknowledge that the vision and objectives seek to attract a younger demographic, the neighbourhood plan should acknowledge that there will be a need to continue to house the older generation, particularly given that government projections are for the population of New Forest to continue to age, with a higher number of elderly residents within the District. This is echoed in the District Council's draft Housing Strategy 2018-2023.

Nevertheless, we agree that the provision of additional retail, leisure, recreation, education/early years, health and cultural facilities and services will serve to increase the attractiveness of New Milton as a location for younger people and Pennyfarthing supports wider improvements to the town.

Policy NM1 A spatial plan for New Milton

Pennyfarthing is generally supportive of Policy NM1 but would welcome clarification on what constitutes 'major development' for the purposes of the neighbourhood plan.

Policy NM2 Diversifying Housing

Pennyfarthing appreciates and understands the Town Council's desire to encourage younger people into the town through the provision of starter homes and private rented homes. Achieving this is likely to be challenging and will not necessarily meet the need, in light of the growing ageing population. Whilst Starter Homes are specifically aimed at younger people, private rented housing has no restrictions on occupancy and as such may be occupied by older as well as younger people. An Inspector will have to be assured that this policy meets the four basic conditions. This would include, for example, that the policy is justified by way of credible evidence showing that the requirements of the policy would contribute to the achievement of sustainable development. In addition, consideration will need to be given to the general impact on viability as required by the NPPF. Pennyfarthing has seen little such evidence, or indeed justification, to support this policy and paragraph 6.12 acknowledges that it is not clear whether the desired change in the demographic will be sufficient to change investment patterns in commercial and public services.

Whilst neither Starter Homes or private rented homes are currently considered to be affordable housing under the National Planning Policy Framework (NPPF), the current consultation on revisions to the NPPF proposes to include Starter Homes within the definition of affordable housing and as such this would result in up to 70% of homes being brought forward on sites in New Milton required to be affordable (based on the existing local plan affordable housing policy). In order to be consistent with national policy and thus meet the basic conditions, the definition of affordable housing in the neighbourhood plan must be consistent with the NPPF. It is very likely that revisions to the NPPF will be in place before the neighbourhood plan is submitted for examination. It is not clear whether the impact of this on the viability of development proposals and the neighbourhood plan has been assessed (there is no viability information on the Town Council's evidence base) and Pennyfarthing considers it likely that there will be an adverse



impact, which it considers unacceptable and contrary to Government policy and guidance.

In addition, Pennyfarthing has some concerns regarding the lack of evidence provided to justify the requirement for private rented homes in the neighbourhood plan and also the practical delivery of private rented homes. Paragraph 50 of the NPPF states that tenure can be identified, reflecting local demand but there is limited evidence presented in respect of local demand to justify the neighbourhood plan's position.

Policy NM3 Land at Brockhills Lane

Pennyfarthing supports the proposed allocation of land at Brockhills Lane for residential development. It is, however, disappointed that the plan fails to recognise that the site can accommodate approximately 160 dwellings, over and above the 130 currently proposed in the emerging neighbourhood and local plans. This is despite the evidence provided to the Town Council, a copy of which is appended.

Criterion a) of this policy sets out a requirement for at least 50% affordable housing. As noted above draft policy NM2 would potentially require a further 20% of housing to also be affordable through the provision of Starter Homes under the emerging revised NPPF definition. This is of concern to Pennyfarthing given the impact on the viability and hence deliverability of the scheme. The NPPG is clear that in allocating sites for development in the neighbourhood plan, qualifying bodies should take into account viability and it is not clear that this has been done.

Whilst it is acknowledged that New Forest District Council (NFDC) has historically sought 50% affordable housing on greenfield housing allocations within the district, this policy is now dated and relies on historic information. Indeed, it is Pennyfarthing's experience in respect of delivering a number of previously consented sites in New Forest District that the assessment of viability has resulted in the percentage of affordable housing being at around 50%, which includes a proportion of Starter Homes.

We note that the September 2017 Planning Development Control Committee with Environment Overview Committee committee report indicates that the District Council is currently undertaking viability work in relation to the setting of an affordable housing target. It identifies that the target is likely to be in the range of 35-50%, potentially lower than the current requirement. Whilst it is acknowledged that New Forest continues to experience affordability issues we would expect up to date evidence to be published to support the continued requirement for 50% affordable housing within the New Milton Neighbourhood Plan, which would potentially not be compliant with the requirement in the emerging revised local plan. This information should form part of the evidence base supporting the neighbourhood plan.

Paragraph 173 of the NPPF refers to the need, in pursuing sustainable development, to pay careful attention to viability and costs, to ensure that plans are deliverable. We would expect the evidence submitted with the neighbourhood plan to include an assessment of the implications of both the provision of affordable housing and the provision of Starter Homes and private rented homes



in viability terms. Accordingly, we request that criterion a) includes reference to viability within it.

The prospective minimum capacity of 130 dwellings will result in a relatively low-density development and is unlikely to produce a predominance of smaller units that would favour younger households.

Criteria b) sets out the key requirements for green infrastructure. Pennyfarthing supports the inclusion and nature of the key components outlined and believes the delivery of these elements will contribute to a high-quality development that assimilates with its built and natural surroundings.

Pennyfarthing is also broadly supportive of the objectives set out in New Forest District Council's Mitigation Strategy for European Sites SPD and its application across the District, including within New Milton. Pennyfarthing considers that the guidance note should be applied flexibly, according to on-site conditions and where deviation from the criteria will contribute to an improved landscape strategy whilst still fulfilling the requirements of the Habitat Directive. Accordingly, we suggest that the first bullet of criterion b) is amended, by adding 'as far as practicable and desirable' in relation to the provision of Suitable Alternative Natural Greenspace.

Criterion b i) refers to the need to provide both SANG and the provision of a financial contribution to provide any residual off-site works to projects and towards Strategic Access Management and Monitoring, alongside any other measures that may be required to satisfy the Habitat Regulations and existing Mitigation SPD or any future requirements. Pennyfarthing recognises the need to mitigate the recreational impacts of the development on European sites and to that end the concept masterplan provides an appropriate level of SANG. There is a need to provide further clarification within this criterion in respect of the need to make a financial contribution to off-site works. It should be made clear that this would only be required in the event that it is not possible to provide adequate on-site mitigation through the provision of SANG.

It is noted that the adopted Mitigation Strategy SPD does not currently require developments of over 50 dwellings to pay an access management charge and thus criterion b's requirement to payment represents an inconsistency with the SPD. It should be amended to be compliant with the SPD.

Pennyfarthing is supportive of the draft neighbourhood plan's approach to the retention and protection of positive site features that have significant amenity and ecological value, in particular mature trees and those with potential bat roosts. Pennyfarthing encourages this criteria to be applied with consideration for the range of factors that contribute to good masterplanning and design such that the development of this site can deliver a wide range of benefits.

We consider that the fifth criteria is unnecessary as there are no existing public rights of way on site. The proposals set out in the Development Framework Document make provision to link into existing off-site public rights of way and other informal paths. As such it would be more appropriate to acknowledge the potential for the site to link into these through the layout. Pennyfarthing is supportive of the aspiration to improve connections to the public right of way



network, particularly to the north of Sway Road and the New Forest. Pedestrian access through the site can be provided with provision to cross Sway Road to the national park on the northern boundary.

Criteria d) sets out the key components of infrastructure that are to be provided to serve the development. A preliminary drainage strategy for the site, that will utilise a sustainable drainage system, has been prepared by Mott McDonald for Pennyfarthing Homes. An Overview Transport Strategy has also been prepared for Pennyfarthing Home by I-Transport that identifies the likely impact of the proposed development on the surrounding road network and includes a non-motorised user audit. It identifies that the effects on the local highway network will be minimal and that these can be mitigated satisfactorily. With regard to the infrastructure to be provided Pennyfarthing considers that criteria d) ii should be amended to “include consideration of a pedestrian crossing point” as it has not been demonstrated that this is either required or indeed feasible and will be subject to agreement with Hampshire County Council, as highways authority.

With regard to supporting text to draft Policy NM3 it should be noted that the NPPF requires that exceptional circumstances rather than very special circumstances (as referenced in the draft neighbourhood plan) are required to be demonstrated through a local plan review to enable the release of sites that are currently in the Green Belt. Paragraph 6.15 should be amended accordingly.

As noted above, Pennyfarthing welcomes the recognition at paragraph 6.18 that the site has been identified by Pennyfarthing as having the potential to accommodate around 160 dwellings. We have commented above in relation to the implication of applying both a site-specific policy requirement for 50% affordable housing and the implications of policy NM2, resulting in a significant requirement for affordable housing provision, the viability of which is untested and could affect the deliverability of this and other schemes.

With regard to Plan B we welcome its inclusion in the draft neighbourhood plan but suggest that it should not include the site areas identified. An amended plan can be provided.

Policy NM7E Mitigating Effects on the New Forest Special Protection Area

As noted above Pennyfarthing is broadly supportive of the objectives set out in New Forest District Council’s Mitigation Strategy for European Sites SPD. However, draft policy NM7E not only requires residential development to accord with the SPD but also requires that financial contributions are provided to the proposed Greenway project in New Milton. It is unclear from the policy wording whether this applies to all proposed residential schemes or only to those that come forward within the town centre. If it is the latter, this should be made clear.

Whilst Pennyfarthing supports the concept of a Greenway route it does not consider this policy to be a reasonable approach, as it requires all proposals to provide a contribution beyond that required to mitigate the impacts of that development. This would also be in addition to requirements set out in the district council’s mitigation SPD. It would also be in addition to Community Infrastructure Levy requirements that apply to residential developments in New Forest District, a proportion of which is given to the Town Council. Pennyfarthing suggest that this money, which the District’s CIL 123 list intends to be used for habitat mitigation,



but which it is acknowledged town/parish councils can spend on a wide range of projects to support the development of the area within which development is located, could be spent on the Greenway project. In light of this Pennyfarthing considers that reference to funding the Greenway project should be removed or alternatively that it should be made clear that this relates only to previously developed sites in the town centre.

Policy NM8 Transport and Accessibility

Pennyfarthing is broadly supportive of this policy but is concerned that the requirements set out in criteria ii), iv) and v) do not fully accord with paragraph 32 of the NPPF and hence do not fully meet the basic condition to take into account national policies. Pennyfarthing also considers that policy should be reworded to say “Development proposals will be supported that give consideration to ..”.

Policy NM9 The Greenway Network

Pennyfarthing broadly supports the concept of a Greenway, which will provide a valuable connected pedestrian footpath network within New Milton. Policy text should, however, identify the Greenway as one option to mitigate recreational pressure from residential development within the town centre as there may be other options available that are equally preferable to mitigate recreational impact. Pennyfarthing also considers that policy should be reworded to say “Development proposals will be supported that give consideration to ..”.

We note that the New Milton “Greenway” Mitigation Draft Report which forms part of the evidence base for the neighbourhood plan has not been published on the town council’s website. This is a critical piece of evidence in relation to this policy, supporting the need for proportionate, robust evidence as set out in the NPPG. In light of its absence Pennyfarthing reserves the right to provide additional comments once this has been published.

Policy NM10 Cycling and walking

Whilst Pennyfarthing is broadly content with this policy we consider that clarification should be included that any financial contributions should be clearly related to the development and must meet the other tests contained in the NPPF and Community Infrastructure Levy Regulations 2010.

Provision has been made in the concept masterplan for the Brockhills Lane site for a footpath connection, linking the footway on Brockhills Lane with the northern boundary of the site on Sway Road, thus providing access to the footpath that extends into the national park.

Policy NM16 Design quality

Pennyfarthing is supportive of this policy.

Policy NM17 Connecting the Town

Pennyfarthing is supportive of this policy.

We have made these comments in the spirit of assisting and supporting the neighbourhood plan process and would be happy to discuss them should the town council wish to do so. Thank you once again for the opportunity to comment on the draft neighbourhood plan and we look forward to continuing to work with you to bring forward the Land at Brockhills Lane site.



Yours sincerely,



Technical Director

cc [redacted] Pennyfarthing Homes

Enc. Letter to New Milton Neighbourhood Plan Working Group, 26 February 2018 and updated concept masterplan