

Conservation (Natural Habitats &c.) Regulations 1994

Regulation 48

Appropriate Assessment for Proposed Allocation
of Francis Gardens, Winchester
as a Local Reserve Site

1. Site

Francis Gardens is an approximately rectangular field, 4.4ha in area, which lies on the eastern side of the B3047 Winchester-Kings Worthy Road adjacent to the northern boundary of the Winchester settlement boundary. It is currently farm land. Its northern-most boundary coincides with the northern-most extent of Colley Close, opposite the site to the west of the B3047. The eastern extent of the site is defined by a footpath known as the Nuns Walk. The relationship of the site to the Winchester Settlement boundary can be seen in Map 21 of the *Proposed Modifications to the Winchester District Local Plan Review (WDLPR) Jan 2006*¹. The field itself is nearly split into two parts by a large tree belt running parallel to the B3047. The larger western half of the site, closest to the B3047 is 2.5ha in area (excluding the existing tree belts within the site – See Fig 1.)

2. Policy Context

In early stages of the emerging Winchester District Local Plan Review (WDLPR), the owners of the site objected to the Local Plan, suggesting that the site would be suitable for development for housing. A Public Inquiry was held into objections to the Winchester District Local Plan Review (WDLPR), and any omissions, between June 2004 and March 2005, and the Inspectors' Report of this was published in September 2005.

The Inspectors' Report suggests that 4 sites, including the Francis Gardens site, be allocated as 'Local Reserve Sites', in order to ensure that sufficient land is provided in the District to meet the Hampshire County Structure Plan baseline housing requirement for the District.

Planning permission for any of the Local Reserves Sites will only be granted if monitoring indicates that the Structure Plan baseline requirement for the District is unlikely to be achieved from other sources of housing supply (identified in Tables 1 and 2 of the WDLPR). Further details regarding the

¹ http://www.winchester.gov.uk/Documents/planning/WDLPreview/PM_maps.pdf (pg 137)

triggering of the Francis Gardens site can be obtained from the recent WCC publication: *'Implementation of Local Reserve Site Policy SPD - Public Consultation Draft - January 2006'*².

It should therefore be noted that the Francis Gardens site is a potential development that could substitute for alternative sites which may not come forward for development which, cumulatively, is required to meet the District's housing requirement, deriving from the adopted Hampshire County Structure Plan (Review)³, for 7295 new housing units from 1996 to 2011⁴. Francis Gardens is not, therefore, an addition to this baseline housing requirement.

This assessment has been undertaken following a request for advice from English Nature and the receipt by Winchester City Council of a letter, dated 24 April 2006, from English Nature, advising that the proposal could have a significant effect on a European Site. A copy of this letter is reproduced at Annexe 1.

3. Implications for Nature Conservation Interests

Firstly, it is noted that the Francis Gardens site lies within the current Local Gap that seeks to separate Kings Worthy and Winchester. The arguments surrounding the implications of an allocation in the Local Gap have already been discussed in detail at the Local Plan Inquiry, and feature in the Inspectors' decision making⁵. They will not be re-visited here.

Francis Gardens lies in close proximity to the River Itchen, a designated Special Area of Conservation (SAC) under the terms of the EU Habitats Directive 92/43/EEC. At its closest point, the Francis Gardens site is approximately 50m away from the nearest part of the SAC (Fig.1). The proximity of the site to the SAC and its potential impacts upon it are the

² <http://www.winchester.gov.uk/Documents/planning/WDLPreview/LRSP.pdf>

³ <http://www.hants.gov.uk/structureplanfile/fullversion/> Policy H2 & H3

⁴ <http://www.winchester.gov.uk/Documents/planning/AHR2006/AMRNo1.pdf>

⁵ <http://www.winchester.gov.uk/SubTopic.asp?ID=7059> Para 6.57.23-6.57.28 pgs 206-207

principal concerns of this document, which forms the Appropriate Assessment of the proposed allocation according to Regulation 48 of the Conservation (Natural Habitats &c.) Regulations 1994. In the absence of legislation requiring Development Plans to undertake Appropriate Assessments, ODPM has recently recommended that, where feasible, such assessments are undertaken, in the light of the decision of the European Court of Justice regarding Appropriate Assessments related to Development Plans⁶.

The Winnall Moors SSSI lies between the Francis Gardens site and the River Itchen SAC. According to English Nature, with the exception of the unit relating to Nuns Walk Stream, the SSSI units that are most adjacent to the allocation site are currently in 'favourable condition'⁷ and are physically separated from the proposed allocation by the Nuns Walk Stream.



Figure 1

⁶ ECJ 20 Oct 2005 Case C-06-/04

⁷ http://www.english-nature.org.uk/special/sssi/sssi_details.cfm?sssi_id=2000227

In addition, an existing public right of way runs between the proposed allocation and the Nuns Walk Stream⁸. This existing means of public access adjacent to the SSSI accentuates the separation between the Francis Gardens site and nature conservation sites (Fig.1).

Regarding on site nature conservation interests, Winchester City Council has recently commissioned Hampshire Biodiversity Information Centre (HBIC) to undertake a survey of the allocation site. The results of this survey are attached at Annexe 2. The survey does not indicate any on-site features of significant nature conservation interest, or the presence of protected species.

4. Scale of Development on Proposed Allocation

In submissions to the Local Plan Inquiry, the promoters of the site suggested that only a part of the available land would be developed for housing. This position is reaffirmed in the Inspectors' Report which suggests that Francis Gardens should be reserved for an estimated 80 units⁹. It is inconceivable that such a scale of development would occur at this location on less than 1ha, and as a result ODPM Circular 01/05¹⁰ will apply. It is therefore highly unlikely that the development will occur at a density of less than 30 units/ha, and will therefore occupy a maximum of 2.6ha. The development can therefore be contained on the higher western, 2.5ha, part of the site.

It should be noted that the developers' intentions at the Local Plan submission are in line with this, and this is reflected in the Local Plan Inspectors' comments and recommendations.

5. SAC Citation & Designation Criteria

The River Itchen is designated a SAC for the presence, within the chalk streams, of several water crow-foot (*Ranunculus*) dominated habitats. In addition, the citation refers to the presence of strong populations of southern

⁸ <http://www.hants.gov.uk/maps/paths/>

⁹ <http://www.winchester.gov.uk/SubTopic.asp?ID=7059> Para 6.5.20 pg 97

¹⁰ <http://www.odpm.gov.uk/index.asp?id=1144325>

damselfly (*Coenagrion mecuriale*) and high densities of bullhead (*Cottus gobio*)¹¹. A common characteristic of all the featured species and habitats is the presence of water of high quality, the location on chalk giving rise to high water hardness, and low sedimentation of river beds.

6. Evaluation of impacts

Direct Impacts

The proposed allocation is, as outlined above, separated from the River Itchen, so direct impacts on the SAC deriving solely from the location of the allocation can therefore be disregarded.

It is noted that migratory species are cited as a reason for designating the site. Within the SAC citation, the only species that might exist away from the water channel itself are the southern damselfly and the Otter (*Lutra lutra*). However, the southern damselfly has 'very specialised habitat requirements, being confined to shallow, well-vegetated, base-rich runnels and flushes in open areas or small side-channels of chalk rivers'¹². As such, they would not be expected to be found on the Francis Gardens site itself. As regards the otter, it seems probable that the only parts of the allocation site in which otter might be present would be the woodland fringes as these may be used 'for foraging, breeding and resting'¹³.

As a result, as there are no waterbodies within the allocation site (permanent or ephemeral), provided development occurs on the western part of the site and there are no significant losses of the vegetation from the periphery of the allocation, any direct impacts on the migratory species that feature in the SAC citation arising from the allocation can be avoided.

Given the physical separation of the allocation from the SAC, primarily by the public right of way, the Nuns Walk Stream, and also by the body of land

¹¹ <http://www.jncc.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0012599>

¹² <http://www.jncc.gov.uk/protectedsites/sacselection/species.asp?FeatureIntCode=S1044>

¹³ <http://www.jncc.gov.uk/protectedsites/sacselection/species.asp?FeatureIntCode=S1355>

forming the Winnall Moors SSSI, it seems unlikely that there will be an increase in disturbance of the SAC. In any instance, this would be further reduced by limiting development of the allocation to the western part of the site in accordance with the developers' intentions and the Inspectors' Report. Such a move would increase the separation by a further 120m.

It is unlikely that pedestrian access would be provided directly between any development and the Nuns Walk footpath as this would cross the eastern part of the site. This eastern part of the site is likely to remain in agricultural use. If necessary, fencing could be used to prevent such a link being established informally.

Indirect Impacts

The indirect impacts of the proposed allocation on the SAC derive principally from water supply and drainage.

Water Supply

Southern Water information indicates that Winchester and its immediate area is supplied with water from a combination of the Easton water supply, as well as an abstraction within the city boundary (blue areas on Fig.2). Due to the boundaries of the water supply network, the proposed allocation could be served from either Easton or Winchester (or a combination of both).

Overlaying this data with the Parish boundaries (red lines in fig 2) and the water supply pipe network (not shown), the Easton and Winchester abstractions together serve almost all of the dwellings within the parishes of Badger Farm, Chilcomb, Headbourne Worthy, Kings Worthy, Littleton, Olivers' Battery and Sparsholt, and the remainder of Winchester as well as parts of other parishes.

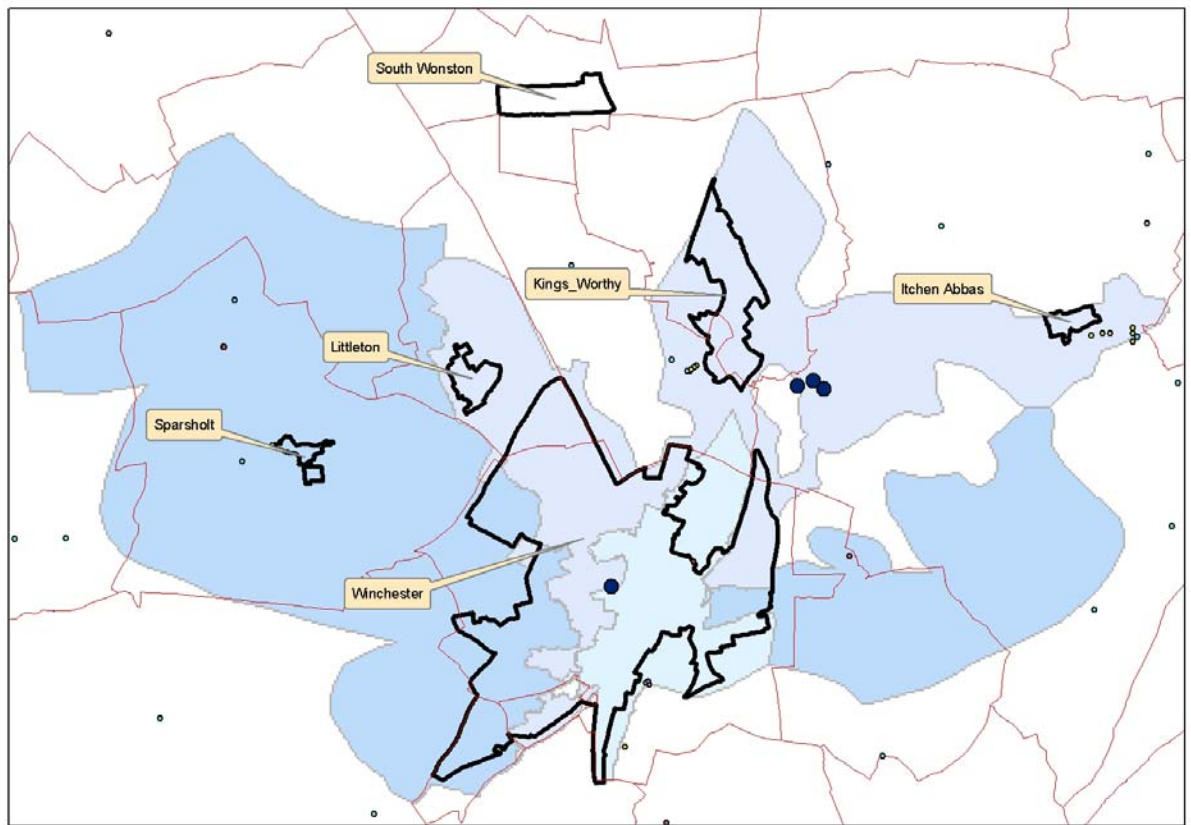


Figure 2

According to Hampshire County Council¹⁴ the 2004 population of the above listed areas totalled 51,659, in 20,500 dwellings. It should be noted that these figures will be an underestimate of the current population served by Easton and Winchester, due to exclusion of the parts of Crawley and Itchen Valley Parishes from the above calculation. These figures also exclude businesses within the area.

An additional 80 dwellings at Francis Gardens would represent a 0.39% increase in the number of dwellings within the water supply area. It should be noted that the Institute of Public Policy Research indicates that in 2003 only 23% of Southern Water's existing customers are metered¹⁵ and metering

¹⁴ <http://www.hants.gov.uk/factsandfigures/winchesterpop2004-2011.html>

¹⁵ <http://www.ippr.org.uk/ecomms/files/SE%20water%201.pdf> Table 2, pg 23

reduces water demand by 9%¹⁶ over unmetered households. It seems reasonable to assume that this proportion applies across the supply area in question, and therefore the net effect of development on the proposed allocation will be less than this 0.39% as any new dwellings must be metered, and the bulk of existing houses are not.

When considering the proposed allocation from an 'in combination' perspective, it is useful to look at identified Urban Capacity Sites identified within the 2001 Urban Capacity Study (UCS)¹⁷. The Winchester District Annual Monitoring Report 2004-2005¹⁸ identifies that, as of March 2005, there is potential scope for an additional 818 houses within the settlement boundary of Winchester alone¹⁹ (i.e. excluding sites within the other settlements that are also within the affected supply area). UCS identifies a possible additional 159 units in Kings Worthy, and a further 26 from Headbourne Worthy, Littleton and Sparsholt combined. The 818 additional units within Winchester alone would represent an increase of 4% over the existing number of houses. Together with the possible additional units from other settlements within the supply area, this would total 1003 units, or a 4.9% increase over the existing number of houses

Assuming that average supplies equate to 90% of the lawful abstraction levels for Easton and Winchester, a 5% increase in housing numbers will not result in current permitted abstraction levels being exceeded. A 5% increase in total housing numbers will only result in a need for additional water to be abstracted if current abstraction levels at Easton and Winchester combined exceed 95% of permitted abstraction levels²⁰.

¹⁶ <http://www.ippr.org.uk/ecommm/files/SE%20water%201.pdf> pg 22

¹⁷ <http://www.winchester.gov.uk/SubTopic.asp?id= SX9452-A77F6E39>

¹⁸ <http://www.winchester.gov.uk/SubTopic.asp?ID=9434>

¹⁹ Sites that have permissions with outstanding completions, or identified urban capacity sites yet to receive permission. Many of these sites identify single figure additional units.

²⁰ Note – Actual abstraction levels are not available due to commercial confidentiality, but an assumed operating level of 90% of permitted abstraction levels is reasonable assumption, as this allows for seasonal and operational considerations (EA Water Resources staff, May 2006, pers. comm.)

Therefore development at the scale proposed on the Francis Gardens allocation is not expected to necessitate an increase in currently permitted abstraction levels from the Easton/Winchester supply area. Indeed, the scale of increase necessitated by such a development, alone or in combination with other developments in the vicinity, would be so small as to be negligible given the scale of existing development served. This is especially true as the Francis Gardens site will only be triggered in the event that alternative sites do not come forward at an adequate rate to deliver the district-wide annual housing completion rate over the period to 2011.

In coming to this conclusion Winchester City Council is also mindful of the English Nature's position regarding these matters in relation to a recent planning application (and subsequent appeal) relating to Barton Farm, Winchester²¹

Nevertheless, policies exist within the emerging Winchester District Local Plan Review (WDLPR) that encourage developments to incorporate sustainable construction techniques, including water efficiency measures. Implementing these policies at the Francis Gardens site, will further reduce the potential for additional draw from licenced abstractions.

Drainage

The implications for the mains foul drainage system serving Winchester are of a similar scale to that for water supply. From analysis of Southern Water sewer information, it is likely that a proposed development at Francis Gardens would dispose of foul drainage to either the Morestead Sewage Treatment Works (STW) or to the Harestock STW. These 2 works combined serve very nearly the same area as the water supply areas listed above. Although the population of Oliver's Battery parish (664 houses, 1533 population in 2004) is served by the Chickenhall STW, Harestock also serves South Wonston (1097

²¹ Planning Inspectorate Appeal decision APP/L/1765/A/04/1159940, Oct 2005, para 222.

houses, 2761 population in 2004). The combined area served by Morestead and Harestock is therefore 52,900, in 20933 dwellings.

Non-mains connection (ie to septic tanks or treatment plant systems) for the proposed development would not be sustainable under Circular 03/99²² or PPS23²³, given the proximity of available mains connections, and would therefore not be permitted if proposed at the planning application stage.

Thus the effect of the proposed allocation on the SAC, either alone or in combination with other proposals, would result in a slightly smaller increase in sewer loads than that which applies for water supply (see above). It should be noted that, unlike the water supply networks in the area, the sewage treatment network, particularly Morestead (the more likely of the 2 works to serve the proposed development), possess holding facilities prior to treatment, and the effect of development on existing water quality and quantity thresholds are therefore further reduced.

The effect of the proposed development, alone or in combination with other developments, on the sewage system and thereby the SAC is therefore assessed to be negligible.

In so far as on-site changes to drainage are concerned, existing policies within the WDLPR will ensure, though planning conditions imposed on any permission granted at the planning application stage, that installed surface water run-off systems will be directed to soakaways in order to ensure aquifer recharge and a negligible change on the existing water regime at the site, in terms of both water volume and quality. Additionally, surface water run-off rates within any development can thereby be attenuated to ensure that there is no risk of increased flood risk resulting from the allocation. Policies within the WDLPR also encourage the use of SuDS for the disposal of site drainage.

²² http://www.odpm.gov.uk/pub/395/Circular0399PlanningRequirementinrespectoftheUseofNonMainsSeweragePDF258Kb_id1144395.pdf

²³ <http://www.odpm.gov.uk/index.asp?id=1143916>

Furthermore, it will also be possible at the planning application stage to impose planning conditions on site construction methods, to ensure that temporary drainage systems for the construction period are appropriately considered, and that methods of working on site are conducted such as to minimise any impacts on the local environment.

Other indirect impacts

The only other impact identified within English Nature's letter of 24 April not addressed elsewhere in this document is the additional noise and light pollution that may result from the development and their effects on bird species.

In this context, it is noted that there are no bird species associated with the SAC citation, only with that for the SSSI of the Itchen and Winnall Moors²⁴. In addition, the Hampshire Biodiversity Information Centre (HBIC) site survey work did not confirm specific protected bird presence within the site (see Annexe 2). Thus, technically, this aspect falls outside the scope of this Appropriate Assessment. Nevertheless, given that, as outlined above, any development will be restricted to the western half of the site, the separation between the SSSI and the proposed development will be approximately 120m. As a result, the additional houses will be further away from the SSSI than more than 100 existing houses on Cavendish Grove, Grosvenor Drive, Green Park Close and Charles Close. It seems therefore that existing noise sources are more likely to have a greater impact on the SSSI than any that might result from allocating Francis Gardens for development, especially as the bulk of development on the proposed allocation will be screened from the SSSI by existing tree belts on site that will be retained, particularly the 'finger' of tree-belt shown in Fig.1.

²⁴ http://www.english-nature.org.uk/special/sssi/sssi_details.cfm?sssi_id=2000227

Regarding light pollution and its impacts on the SSSI, it is noted above that the intention is to provide the 80 houses on the western half of the site. The resulting development would therefore present a total frontage towards the SSSI of approximately 130m, of which 95m (73%) would be fully screened from the SSSI by the existing 'finger' of woodland within the site. It will be possible, though either site layout, design, or planting schemes in any planning application for the site to mitigate any light-related impact remaining from the smaller northern part of the development.

7. Conclusion

This appropriate assessment of the proposed allocation at Francis Gardens, Winchester has concluded that any significant impacts of the development on the nearby River Itchen SAC can be avoided. Existing, lawful, abstractions and discharges will not need to be increased as a result of the development either alone, or in combination with other developments in the vicinity. Thus the principle of the development, as defined within this document, does not compromise SAC objectives and considerations.

Any residual impacts arising from the development to either the SAC or nearby SSSIs can be mitigated by either site layout considerations or planning conditions at the planning application stage, and planning policies currently exist in the emerging WDLPR to support the imposition of such conditions. Should a development proposal come forward that is contrary to these principles, there therefore remains a means by which permission for harmful development could be withheld. The Council is proposing to make a minor change to the Local Plan Review explanatory text so as to emphasise the need to address Plan policies on nature conservation, flooding, pollution, etc.

Existing tree stands and associated vegetation on site can be substantially retained, and the extent of any development will be limited to the western half of the site. Winchester City Council will, in dealing with any subsequent planning applications for the site, seek to ensure that prospective developers

incorporate measures to conserve and enhance the nearby SSSI. However, given the physical separation that exists between the allocation and the SSSI it is probable that these will be limited to on-site elements.

ANNEXE 1 : ENGLISH NATURE LETTER DATED 24 APRIL 2006

ANNEXE 2 : RESULTS OF ON-SITE ECOLOGICAL SURVEY