



**COUNCIL MEETING – 1 April 2015**

**Question under Council Procedure Rule 14**

**QUESTION 1**

From: Councillor Gosling

To: The Leader

“How much money has Henderson already invested in Silver Hill and if it goes out to tender and Henderson does not get it, will the Council have to refund Henderson?”

**Reply**

“Under the Development Agreement the Developer is required to maintain accounts and records of all items of development costs and to allow the Council to inspect them. The Development Account includes all ‘proper amounts properly incurred by the Developer’. The Development Account therefore includes developer costs incurred both by Thornfields (up to December 2010), and subsequently by Hendersons.

Cabinet last received an update on the Development Account position at a Special Meeting on 10 July 2014 (CAB2603 Exempt Appendix 5 refers). Since this time, the Development Account has been kept under review and a further report on the Development Account position is currently being prepared for Cabinet. It is likely that Henderson have incurred other costs related to the development that are not yet included in the Development Account.

The most recent report to Cabinet (CAB2675, 18 March 2015) explains that if, in any circumstances the Council fails to meet its obligations under the Development Agreement, it could be at risk of a damages claim from Henderson.”



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**Question under Council Procedure Rule 14**

**QUESTION 2**

From: Councillor Power

To: The Leader

“Cabinet paper 2675 (Silver Hill - review of Project Position) gives the impression that only two options for the future of Silver Hill are currently under consideration, a reversion to the 2009 planning permission or a complete restart of the scheme taking another seven years before we see even a start on site.

Can the Leader reassure Councillors and members of the public that all possible options regarding Silver Hill are being considered and request officers to prepare schedules of the risks, benefits and potential costs, for each option that is open to WCC?”

**Reply**

“The recent Cabinet report made clear what the current position is. If the 2009 scheme has not become unconditional before the 1 June 2015 then the Council will have options to consider and the implications of these will be fully set out in the decision making process.”



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**Question under Council Procedure Rule 14**

**QUESTION 3**

From: Councillor Weir

To: The Portfolio Holder for Finance and Organisational Development

“In order to meet the criteria for Council Tax freeze funding across the District in 2015/16 the Winchester Town precept has been reduced by 0.3% for 2015/16. What are the implications for funding of the Winchester Town account in future years?”

**Reply**

“The Winchester Town Total Precept for 2015/16 reduced from an originally proposed band D average council tax of £61.32 (producing total proceeds of £809,014) to a final £61.19 (producing total proceeds of £807,299); a reduction of 13 pence (£1,715).

This reduction was necessary so that the Council could maintain a zero increase in Council Tax for the District and be eligible to receive council tax freeze funding, of which £8,073 has been allocated to the Town Account for 2015/16. In addition, the Winchester Town Account has also been allocated a total of £36,523 in freeze funding for previous years, in 2015/16. The Total Precept for 2016/17 onwards is dependent on the Council Tax Base and the level of Precept proposed. The future precept can be increased, reduced, or frozen in order to meet the required net expenditure (subject to capping restrictions).”



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**Question under Council Procedure Rule 14**

**QUESTION 4**

From: Councillor Bodtger

To: The Portfolio Holder for Environment, Health and Wellbeing

“Winchester District residents have always taken a pride in the appearance of their city and rural areas, so would the Portfolio Holder please advise what measures the City Council has taken to comply with the Department of Transport Code of Practice, which now also covers litter picking on the highways?”

Reply

“The City Council’s Contract Management Team has been working closely with The Landscape Group since they first became aware of the new requirements which came into effect on 1<sup>st</sup> October 2014. The new rules were brought in following several fatalities during litter picking operations.

Unfortunately there was a delay in the issuing of national guidelines on the classification of roads and safety measures required which were not received until early in the New Year. Once these were received it was possible to carry out risk assessments of all types of roads across the district and draw up safety procedures for each classification of road and these were agreed with the contractor earlier this month.

Since that time the contractor has been delivering a programme to restore the roads to the required standard. In some cases this work is being delayed by the lack of availability of traffic management contractors because of national high levels of demand for their services as a result of the new rules.

The recovery programme is being closely monitored and checks made to ensure that the work is completed in a timely manner. Weekly updates will be prepared and circulated to Members to keep them informed of progress.

Finally, we have been able to develop guidelines for voluntary litter picking groups in order to ensure that they are able to continue to provide this valuable support to litter clearance across the district. They will not be able to work on high speed rural lanes but can still continue to work in many locations.”



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**Question under Council Procedure Rule 14**

**QUESTION 5**

From: Councillor Pines

To: The Portfolio Holder for Communities and Transport

“Can the Portfolio Holder indicate what plans he is developing for further areas of Winchester becoming 20mph zones in the future, and whether he has given consideration to extending zoning to any of our larger villages and small town in the district?”

**Reply**

“Hampshire County Council (HCC), as the highway authority, is responsible for speed limits across our District. The City Council can implement new speed limits on their behalf, when requested to do so, and one such project was the 20mph zone in central Winchester.

HCC are currently investigating rural village 20mph schemes which include Micheldever. Once these speed limits are implemented, they will be further evaluated after 12 months with speed surveys and village questionnaires. After work has been completed on the pilot schemes HCC will consider implementing similar restrictions in other areas where requests are made.

In regards to the ‘residential’ 20mph schemes, HCC do not currently have a funding programme for additional schemes but are compiling a list of potential future schemes. HCC will be monitoring the success of the recent pilots that were implemented in Winchester and elsewhere around the County.

Furthermore, the Police will only support reduced speed limits where the existing average speeds are at or close to the proposed new limit. Setting unrealistic speed limits will merely create an unmanageable enforcement problem for the Police and further frustration for the local community when the speed limit is continually abused. In these situations other steps may need to be considered.

As Portfolio Holder I am happy to support proposals for lower speed limits where there is an acknowledged problem and to make representations to HCC accordingly.”



## COUNCIL MEETING – 1 April 2015

### Question under Council Procedure Rule 14

#### QUESTION 6

From: Councillor Osborne

To: The Portfolio Holder for Communities and Transport

“Members might be aware that the shop on Stockbridge Road, near the Train Station, is now selling legal highs such as BB Guns and Party Pills. This is a known area for drug issues and re-habilitation. I am concerned about the impact on the safety of residents. Would the Portfolio Holder please advise what powers and licensing constraints can be introduced to address these drugs being sold in Winchester?”

#### Reply

“‘Legal highs’ cannot be sold or advertised for sale for human consumption. Where they are advertised by the seller as incense, salts, or plant food, for example, the sale is likely to be lawful. In truth everyone involved in the process knows what use the substance will actually be put to but proving this can be difficult. However, if the packaging or sales material does suggest that the substance is for human consumption then this is an issue for Trading Standards. Hampshire Trading Standards have already been alerted to the opening of this shop.

Our Licensing Team is not aware of the premises selling/providing any licensable activities (sale of hot food/drink between 2300 and 0500, supply of alcohol or regulated entertainment) as defined in the Licensing Act 2003. Therefore they do not have any powers to deal with the nature of items being sold. However they are being kept up to date by relevant officers because of the understandable concerns around public safety and nuisance.

In terms of exercising control over the shop, we have considered options such as introducing a byelaw or using new powers available under the Anti-Social Behaviour (ASB), Crime and Policing Act 2104. A byelaw could not be introduced to prevent the sale of these substances as a byelaw alone cannot change their legal status.

The Council can apply for a Public Space Protection Notice which is an order designed to protect public spaces from persistently anti-social individuals or groups, or a Community Protection Notice which can be served to prevent a person or company from facilitating anti social behaviour. However in both cases the Council is required to have sound evidence that anti-social behaviour is being caused by activities at the premises, not just a firm belief that the premises are undesirable. As yet no such evidence exists but the Police, Trading Standards and the City Council will be vigilant.”



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**Question under Council Procedure Rule 14**

**QUESTION 7**

From: Councillor Scott

To: The Portfolio Holder for Housing Services

“Can the Portfolio Holder confirm the starting date for the Stanmore Estate Improvements works at Airlie Corner Sheltered Housing (extra parking), Minden Way and Fox Lane (layby's) which local residents were told would happen last year?”

**Reply**

“The works to the Estate Improvements at Airlie Corner, Minden Way and Fox Lane have been awarded to Caroway Construction and are scheduled to begin on 17 May 2015.”



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**Question under Council Procedure Rule 14**

**QUESTION 8**

From: Councillor Gottlieb

To: The Leader

“If the Review on Silver Hill, and any recommendations it produces, is undermined by any action or lack of action taken by the Council before it is completed, there is no point in commissioning the Review.

Can the Leader therefore please provide an unequivocal assurance that all actions being undertaken or contemplated by the Council, or on its behalf, in relation to Silver Hill will be completely frozen until such time as the Review is finalised and its recommendations acted upon?”

**Reply**

“As CAB2675 made clear, there may be circumstances in which the Council is required to respond to submissions made by Henderson. It would therefore be quite irresponsible to assure anyone that all actions will be ‘frozen’.

I do agree, however, that it would be quite wrong for the Council to take any steps which would terminate our agreement with Henderson until we have had the chance to consider the Review’s findings.”





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**QUESTION 9**

From: Councillor Cook

To: The Portfolio Holder for Housing Services

“What has been the effect on the Housing Services as a result of the Hampshire County Council cuts to the Supporting People’s Budget?”

**Reply**

“The Supporting People funding reductions in relation to Older Persons services totalled over £0.6m for Winchester and this has resulted in significant changes to the Council’s sheltered housing services as previously reported to Council.

The County Council has also proposed an overall reduction in Supporting People funding for Socially Excluded Groups in the Winchester district of between £0.5-£0.6 million and are currently proposing a redistribution of the residual funding.

The County Council is intending to re-commission all accommodation and floating support for Mental Health, Children’s Services, Probation Services and Single Excluded Groups, with floating support being re-commissioned as wider lots across 3 districts. The County Council’s expected outcome of this approach is that better value for money will be achieved and more services can be provided for less funding. However, the proposals have already resulted in reduced provision in the district and a number of projects are still considering their future.

Some providers have confirmed that they intend to continue to maintain provision, potentially operating outside of the Supporting People regime. Housing officers will continue to liaise with partner projects across the district and will update members with further information as soon as it is available.

The impact to date on Housing Services has been the loss of 20 stage 3 supported accommodation units and 5 stage 2 supported accommodation units, with an expected increase in demand on the housing options service and wider statutory housing duties. There is a risk that this will result in the need to rely on bed and breakfast as temporary accommodation.”



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**QUESTION 10**

From: Councillor McLean

To: The Portfolio Holder for Housing Services

“Would the Portfolio Holder like to comment on the success story that is the reduction from the 19 days target figure for re let properties to 14.21 days?”

**Reply**

“The Council’s target to re-let its General Needs and Sheltered Housing Properties for the financial year 2014/15 was 18 days. It is anticipated that the end of year result will be around 15 working days, which is a significant improvement on the target set.

This performance has been achieved through the hard work and dedication of officers in the Housing team and the void contractor Osborne. The officers involved strive to complete all necessary void works and re-let properties as quickly as possible. Everyone involved in the void process is very conscious of the number of applicants on the Council’s Housing Register and the need to keep void periods to a minimum so that households can be housed without delay.”



**COUNCIL MEETING – 1 April 2015**

**Question under Council Procedure Rule 14**

**QUESTION 11**

From: Councillor Rutter

To: The Leader

“Following on from my question to the former Leader at the last Council meeting, could the Leader please say exactly what arrangements have been made for the repair or replacement of the City Council’s Portable Event Space? When exactly is this going to happen? What information has been sent to local community groups and organisations which have booked the event space for events in the summer, and what arrangements are being made to help them to make other arrangements should these become necessary?”

**Reply**

“Members will recall from previous responses that the contracted supplier of the event space went into administration at the end of last summer, leaving the Council with an unfinished and unusable event space.

You will all know that dealing with this kind of situation can be a protracted business. The first priority for officers was to ensure that there was no hope of securing the final repairs and modifications needed to complete the space from those who originally constructed it and have now moved on to other staging companies. This appears not to be possible.

Officers have also looked into the potential for an insurance claim, and obtained a costing for a local engineering company to complete the work. However, I am not currently confident that this is the best use of Council funds.

The Council has investigated other ‘off the shelf’ options as an alternative, and these are very much more expensive than the Council’s commission. As you know, I am keen to learn lessons from all our projects – and I think we have a lesson to learn here about attempting to procure on a shoestring.

Potential hirers are being informed that the space will not be available this year, pending a final decision about future provision. They have had plenty of notice, and will be in no worse a position than in previous years. If event organisers are struggling to find suppliers, my officers can signpost suppliers or fellow event organisers who will be able to help.

In the meantime, I am exploring other options for both the future of the unfinished event space, and also potential provision of an alternative for community use.

I will ensure that Members are updated as soon as we have all the information we need to make a decision.”



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**Question under Council Procedure Rule 14**

**QUESTION 12**

From: Councillor Gottlieb

To: The Leader

“However good Ms Lloyd-Jones is, and I am sure she will be very good, her Review will have no value if it does not enjoy the full confidence of the public.

Because the Review was set by the Leader and the Chief Executive, both of whom were involved in making decisions that will be the subject of the Review, it is possible that the public's confidence in the independence of the Review has already been undermined. It does not help that the brief says that the Reviewer will ‘report to the Leader on a day to day basis’.

In order that the public's confidence in the independence of the Review might be underpinned, will the Leader please ensure and confirm that all future contact with the Reviewer and the processing of her recommendations will be directed by councillors and officers, none of whom were personally involved in the making of any key decisions relating to Silver Hill?”

**Reply**

“I am afraid Cllr Gottlieb has misunderstood the position. I, not Officers, selected Ms Lloyd-Jones to undertake the review, having considered advice from the Local Government Association. She began with a short background note provided by Officers, but has determined herself the scope of her work.

Ms Lloyd-Jones is independent, and quite capable of working without daily reporting to me. I have simply suggested that she can approach me if she has any practical or logistical matters to raise. She will decide which papers she reads and which Members or Officers she contacts. That is not a matter for me, fellow Members or Officers.

I fear that it is the irresponsible accusation of some that risk undermining confidence in the review. Ms Lloyd-Jones is an experienced professional and should have the trust of the Council as she undertakes her task. I think it is incumbent on us all to stay silent and let her get on with it.”



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**COUNCIL MEETING – 1 April 2015**

**Question under Council Procedure Rule 14**

**QUESTION 13**

From: Councillor Thompson

To: The Leader

“Does the Silver Hill judgement or the potential long delay in redeveloping the site have any impact on the current or future planning policies of this council including the Local Plan Part 1 and the draft Local Plan Part 2?”

**Reply**

“Policy WT1 in Local Plan Part 1 anticipates that the Silver Hill scheme will deliver most of the retail floor space requirement for Winchester town over the plan period in a highly sustainable town centre location. There may also be a requirement for some retail floor space over and above this in the longer term, but this is not so significant or certain that sites are identified in Local Plan Parts 1 or 2.

The Council has an obligation to meet the assessed need for retail in the same way that it must meet the need for housing. If Silver Hill does not go ahead then the need does not go away and whilst the City Council will continue to promote a ‘town centre first’ approach to development, in line with government policy, other land owners and developers may bring forward other sites. They may argue that as a town centre development is delayed or not currently available the Council should permit retail provision in other locations outside the town centre.

If the Council decides to ‘start again’ on Silver Hill it will have to do so from a review of how a regeneration of Silver Hill can be delivered to meet the social and economic needs of the town centre, including retail provision, whilst remaining financially viable. This may mean reviewing the relevant parts of LPP2 to ensure that it reflects the up-to-date position and that it provides relevant guidance for any subsequent planning application.”



**Winchester**  
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**QUESTION 14**

From: Councillor Pines

To: The Portfolio Holder for Housing Services

“In view of the clear pressures on, and demands for, genuinely affordable homes within the district, will the Portfolio Holder give consideration to setting up a working group to report on different ways of funding and accounting for new developments being completed by the City Council?”

**Reply**

“The Rents Setting Informal Policy Group is currently reviewing the rent setting policy for new homes completed by the Council. Its next meeting is scheduled for 21 April 2015.

The Council has also recently considered ways of increasing the supply of affordable housing as outlined in two recent reports to Cabinet (Housing) in May and November 2014. The conclusion was to investigate further the establishment of a local Housing Company, the creation of Housing Company requires specialist advice of Lawyers and Finance professionals and this has to be managed within existing workloads and pressures on Council Officers.

The Government has recently clarified their position through the publication of the Elphicke – House Review (January 2015) which has reported on what Councils can do to increase housing supply. In summary the authors of the report have suggested that Local Authorities should be “Housing Delivery Enablers”. As part of this report the role of Local Housing Companies has been clarified and all local authorities encouraged to look at their potential, sharing good practice where they have been established already.

Investigations into the establishment of a local Housing Company will continue in light of the new guidance and the findings, with recommendations, will be considered by Cabinet (Housing) Committee.”



**Winchester**  
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**QUESTION 15**

From: Councillor Laming

To: The Leader

“As the Council has been forced to undertake an Independent review of Silver Hill could the Leader please tell us the expected cost of this and the amount of officer time required?”

**Reply**

“Councillor Laming may recall that when I became Leader on 19 February, just eight days after the Court’s Judgment was handed down, I called for an Independent Review. That call had the support of all parties. Far from a Review being ‘forced’ on us, we all recognised early on how necessary it is.

Cost will depend on the time the review takes, the time required of Officers will depend on how many interviews the Reviewer wishes to conduct. I am not in a position to give an indication of either at present.”





**COUNCIL MEETING – 1 April 2015**

**Question under Council Procedure Rule 14**

**QUESTION 16**

From: Councillor Scott

To: The Portfolio Holder for Communities and Transport

“Can the Portfolio Holder confirm the timing of the mid/lower Traffic Regulation Order (TRO) for Stanmore Lane and when this will be implemented, and will the Portfolio Holder confirm which other areas in Stanmore are being monitored for consideration for TRO's because of commuter parking problems?”

Reply

“Plans showing the extent of the current proposal to extend the residents' permit parking restrictions in the lower section of Stanmore Lane have been drafted. The associated schedules are being worked on and full details are expected to be with Councillors and the police to confirm their support to proceed formally in early April 2015.

The timescale for implementation of these proposals will be determined to some degree by the number and nature of representations received during the formal consultation period. However it is envisaged that the agreed measures will be on the ground most likely in late summer of this year.

The Council is also currently carrying out informal consultation with residents of Drayton Street, Octavia Hill and lower section of The Valley to establish the extent of parking issues in these areas.”



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**QUESTION 17**

From: Councillor Laming

To: The Portfolio Holder for Business Services

“Has the Portfolio Holder considered the acquisition of the head lease of the Brooks and including the Brooks and Middle Brook Street Car Park along with Silver Hill into a master plan for the entire area?”

**Reply**

“There are two parts to this question.

On the question of the head lease, yes, we are considering our position in relation to the head lease. I am sure that he will understand if I do not go into any more detail as this is a commercially sensitive matter.

A masterplan for the entire area he describes may be an option for the Council to consider in due course.”



## COUNCIL MEETING – 1 April 2015

### Question under Council Procedure Rule 14

#### QUESTION 18

From: Councillor Learney

To: The Portfolio Holder for Communities and Transport

“The closure of Friarsgate car park has caused considerable concern about parking pressures to our smaller retailers and residents at a time when the Silver Hill judgement has created uncertainty about the future of Winchester’s town centre.

What arrangements has the Portfolio Holder made in the short term to cope with these pressures at such times as the Farmers Market?

Given the considerable delay before parking will be made available as part of Silver Hill, can he tell us the costs of bringing Friarsgate car park back into use, and for how long that would extend the life of the facility?”

#### Reply

“In the light of plans for the redevelopment of Silver Hill, the Council long ago decided not to invest in repairing Friarsgate Car Park. Consequently the Car Park has regularly been inspected by Consulting Engineers who have advised that Friarsgate Car Park has reached the end of its economic life.

Steelwork within the structure has corroded to such an extent that it causes the concrete to fracture and it has been necessary in recent months to inspect the car park on a weekly basis, and to knock off large lumps of concrete which might otherwise fall onto customers causing injury. Numerous floors within the car park have been closed because it was no longer considered safe for them to be used by the public. Given this it will be prohibitively expensing to bring the car park back into use.

There are five car parks situated close to the Friarsgate Car Park suitable for use by shoppers, Upper Brook St, Middle Brook St, The Brooks, Colebrook St and Chesil MSCP. Even after the car park closes we will have 2829 spaces in the town. The City is also well served with park and ride sites which provide a further 1623 spaces.

The loss of 131 substandard parking spaces within Friarsgate are more than compensated by the spaces within existing City Centre car parks which have been made available by workers who have switched to the cheaper park and ride facilities at the edge of the City. It should also be noted that, with the exception of Christmas, the Friarsgate car park is rarely ever full and we are confident that there is sufficient parking capacity elsewhere to cope with its closure including when events like the Farmers’ markets are held.”



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**COUNCIL MEETING – 1 April 2015**

**Question under Council Procedure Rule 14**

**QUESTION 19**

From: Councillor Gottlieb

To: The Leader

“When the Leader was a member of the Planning Committee that approved Henderson's revised scheme in December 2014, if he had known of the possibility that the 2009 scheme might become financially viable, as is now being suggested by Henderson, would he have agreed to accept a reduction in the due affordable housing contribution equivalent to in excess of £5,000,000?”

**Reply**

“In December 2014 the Planning Committee was considering only the application before it and the advice it had on that application. That is how all planning applications are decided as Cllr Gottlieb knows.

We do not know whether the 2009 scheme can be viable and we await any submission from Henderson.”



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**COUNCIL MEETING – 1 April 2015**

**Question under Council Procedure Rule 14**

**QUESTION 20**

From: Councillor Pines

To: The Portfolio Holder for Environment, Health and Wellbeing

“While charitable groups such as Winchester Litter Pickers do invaluable work in supporting our own staff in reducing litter on our estates and in the town centre, can the Portfolio Holder put pressure on the County Council to undertake similar work on the major roads leading to Winchester, and their approach roads, because currently these are in a worse state than they have been for many years?”

Reply

“The County Council does not have responsibility for litter picking of the major routes approaching the City which is a City Council function. However, it is important that the City Council works closely with them in order to try and co-ordinate litter picking operations with highway maintenance works. There have been recent discussions about this very matter which also included the Highways Agency who are responsible for some routes.

This year there have been a number of factors have made the situation worse including a wider cut of verges by the County Council which has exposed more litter. There have also been delays in the City Council’s annual litter programme for these roads as a result of changes in legislation which classified this activity as road works and therefore increased the level of safety required. This required assessment of all routes against the new standards and agreement on the method which could be used. In some cases traffic management arrangements will be needed such as lane closures and because of the new legal requirements companies providing these services were experiencing high levels of demand nationally which is restricting their availability.

The Contract Management Team has been working closely with our contractor and has agreed a plan to restore the routes to the required standard. They will be monitoring this work closely and it is planned to prepare weekly updates which will be circulated to Members and used as information on the Council’s website in order to keep everyone informed of progress.”



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**Question under Council Procedure Rule 14**

**QUESTION 21**

From: Councillor Learney

To: The Portfolio Holder for Built Environment

“News that the European Commission is taking the United Kingdom to court over the failure of Southern Water’s Winchester Central and South treatment works to meet requirements on waste water discharges into sensitive areas is a matter of considerable concern to all of us who care about the water quality of our local rivers.

Given that these treatment works were upgraded less than two years ago, is the Portfolio Holder satisfied that we can sustainably meet the wastewater needs of the thousands of new homes planned for Winchester?

What action is the Portfolio Holder taking to ensure new developments in Winchester and elsewhere comply with the City council’s planning policy CP17 to prevent developments adversely impacting our water environments?”

**Reply**

“I share Councillor Learney’s concern about this issue, but policy CP17 of Local Plan Part 1 provides a robust basis for resisting development which would cause deterioration to water quality. This policy also requires that adequate drainage/wastewater infrastructure is provided to service new development and that treatment facilities can be developed/expanded where needed.

In order to implement these requirements, the Environment Agency and Southern Water have been consulted at all stages in the development of the Local Plan Part 1 and the draft Local Plan Part 2. In addition, an Infrastructure Delivery Plan has been developed in conjunction with LPP1 and CIL. This identified the need for improvements to both the Morestead and Harestock waste water treatment works and the Morestead improvements have been undertaken. Neither the Environment Agency nor Southern Water have indicated a need to resist/delay development in Winchester due to problems with waste water treatment. Southern Water and (where necessary)

the Environment Agency are consulted on specific development proposals, both in terms of the network's capacity to cope with additional demand and protecting the water environment.

Given the recent improvements to the Morestead Works, which were aimed at improving the quality of treated wastewater, this would appear to be an issue relating to the treatment of waste at the works, rather than being due to a lack of capacity.

If, however, the statutory undertakers advise the City Council that there are drainage issues in certain areas where development is planned, and this can be supported by appropriate information, Policy CP17 would provide the basis for considering this matter in the context of determining a planning application.”