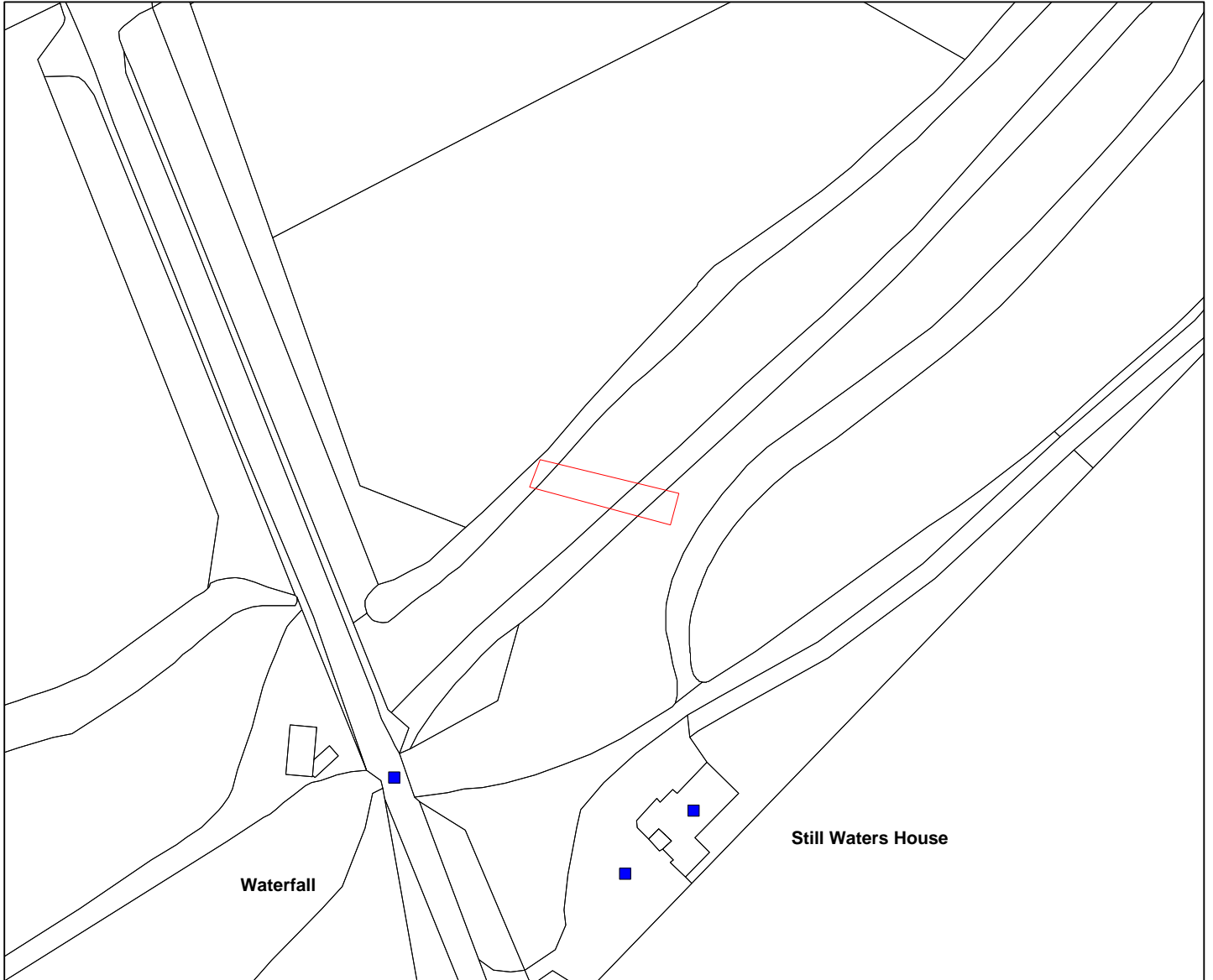


Stillwaters House, Avington

09/01626/FUL



Winchester
City Council



Legend

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| Organisation | Winchester City Council |
| Department | Development Services |
| Comments | |
| Date | 07 April 2010 |
| SLA Number | 00018301 |

Scale:

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

Item No: 2
Case No: 09/01626/FUL / W02331/08
Proposal Description: Installation of an Archimedean Screw hydroelectricity generation (additional information received 21/10/2009 giving more information concerning flow-rates and the ecological impact of the proposal).
Address: Stillwaters House Avington Lane Avington Winchester Hampshire
Parish, or Ward if within Winchester City: Itchen Valley
Applicants Name: Mr Robert West
Case Officer: Mr Andrew Rushmer
Date Valid: 2 September 2009
Site Factors: Avington Conservation Area
County Heritage Site
Conservation Area
Within 50m of Listed Building
Oil Pipeline
Site for Nature Conservation
National Park
Recommendation: Application Permitted

General Comments

This application is reported to the Committee at the request of Itchen Valley Parish Council, whose request is appended in full to this report.

Having had regard to The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Circular 02/99 (and the indicative thresholds), it is considered that the proposal does not require an Environment Impact Assessment (EIA). The proposal does not fall within Schedule 1, but it does fall within Schedule 2 and is within a sensitive area (as of the 31st of March 2010, when the South Downs National Park was created). Therefore, it is necessary to consider whether the proposal is likely to have significant effects on the environment. It is considered that, in the light of the consultation responses which have been received (which are set out in detail below), it is reasonable to assume that the proposal is not likely to have significant effects on the environment. Furthermore, whilst it does fall within Schedule 2, the threshold for requiring an EIA is where the development is in excess of 0.5 Megawatts. The maximum output from this equipment is 6.74 Kilowatts (and it is only designed to result in an output of 5.00 KW), which is clearly well below the threshold for requiring an EIA.

Site Description

Stillwaters House is located on a highly sensitive site, adjoining the River Itchen Carrier (a side branch of the River Itchen), in an open and informal part of the Avington Conservation Area, almost opposite Avington Lodge, the former lodge to Avington

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

House and Park.

The road bridge over the Itchen, adjoining Avington Lodge, is Grade II Listed and dates from the early 19th Century, and is a single arch brick bridge with splayed abutments.

A new house of modern design is being constructed adjacent to the river, on the site of a former dwelling of late-twentieth Century date.

The site is approximately 70 metres east of the Avington Lake and River Itchen Site of Importance for Nature Conservation (SINC).

The river runs past the site down to the waterfall, taking water into Avington Lake.

The Archimedean Screw would be located on a grass bank, which also accommodates several trees.

Proposal

The proposal is for the installation of an Archimedean Screw to provide hydro-electricity generation, located on the arm of the Itchen Carrier adjacent to the new Stillwaters House and to the north-east of the road bridge.

The majority of the turbine equipment would be located below ground, with a perspex cover remaining visible for inspection purposes. A generator and gearbox housing (a one meter cube in size, with a stainless steel or timber clad finish) would be located close by.

It is proposed that the electricity generated will be used on site, with any surplus exported to the National Grid.

Relevant Planning History

03/02734/LDC: Use of dwelling in breach of condition No. 3 of planning permission W02331/01 (agricultural occupancy condition) (Lawful Development Certificate) - Certificate Granted -11/05/2004.

03/02077/FUL - W02331/03: (Amended description) Removal of condition 3 of planning permission W02331/01 (Limited to pisciculture occupancy) - Permitted - 04/08/2004.

06/00161/FUL - W02331/04: Demolition of existing house and erection of 1 no. four-bedroom dwelling - Withdrawn - 16/03/2006.

06/01900/FUL - W02331/06: Demolition of existing house and erection of 1 no. four-bedroom dwelling (Resubmission) - Permitted - 20/07/2006.

Consultations

Historic Environment Team:

The Council's Conservation Officer has raised no objection to the proposal. More specifically, she stated that the turbine would be located at a sufficient distance from the bridge not to have a significant effect on its setting, provided that it is sufficiently buried below ground and the vegetation around it is maintained, and augmented, if necessary, to

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

provide adequate screening. In addition, she considered that the finish of the adjoining housing should be sufficiently reticent not to be obtrusive in the landscape and, for this reason, timber cladding may be more suitable than unclad stainless steel. For similar reasons, the character and appearance of the conservation area would be preserved, provided that the installation is sufficiently screened and is not obtrusive in the landscape. Provided that the above measures are followed, there would be no objection to the proposal in historic environment policy terms.

Environmental Protection Team:

The Council's Scientific Officer raised no objection to the proposal, but did request a condition (see Condition 3), in order to ensure that suitable noise insulation measures were incorporated. More specifically, he stated that the applicant's Design and Access Statement contains very limited information on noise and that, although not in close proximity to domestic premises in this case, such equipment can often have the potential to generate low frequency tonal noise that can carry some distance. He also noted that the equipment will be located within a powerhouse that dramatically reduces the external noise, so that it is unlikely that the noise will be perceptible more than 5m. away. However, no acoustic justification for this statement is provided. Furthermore, he drew attention to the reference in the Design and Access Statement that it would be possible to install soundproofing should it be required, but, again, this has not been assessed.

Landscape Team:

The Council's Landscape Architect raised no objection to the proposal. More specifically, she stated that the Archimedean Screw will be predominantly buried underground, although there will be some visibility above ground that could potentially be seen from Avington Road and the Grade II Listed bridge. She also noted that existing protected trees and undergrowth will provide some screening, which should be retained and marked on a plan for removal/retention. All trees should also be fully protected during the excavation works. She recommended a condition to address the issues in respect of the trees (Condition 2).

Environment Agency:

The Environment Agency raised no objection to the proposal, but recommended a condition requiring a methodology to demonstrate how the flow over the waterfall will be maintained in line with the existing flow regime (Condition 4).

The Environment Agency also stressed that the flow data, presented in Appendix 1 of the revised Design and Access Statement (October 2009), characterises flow over the waterfall only in terms of the proportion of time within which a given flow rate is reached. It does not characterise how flow rates vary in time throughout the year. The condition requires that variability in flow rate in time throughout the year should be characterised, in order that it, too, can be matched.

Natural England:

Stated that the proposal was not likely to have any adverse impact on protected species, the River Itchen Site of Special Scientific Interest (SSSI), which is located just to the north of the site, or the Avington Lake and Woods Site of Importance for Nature Conservation (SINC).

Southern Water:

Registered no comment on the proposal.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

Hampshire County Council Ecology:

Raised no objection to the proposal. More specifically, the Senior Ecologist at Hampshire County Council stated that the ecology addendum has clarified the protected species issues previously raised and satisfies her concerns regarding protected species.

She recommended a condition in order to ensure that the flow rate into the lake is not affected, and also recommended a condition requiring that the site vegetation shall be managed to make it unsuitable for water voles (and reptiles) until the works are commenced. In addition, the Senior Ecologist requested a condition requiring that, immediately prior to the commencement of the scheme, an updated water vole survey will be carried out, the results of which (along with a plan of any necessary mitigation) will be submitted and approved, and any necessary mitigation implemented. Furthermore, she also requested the submission of, and adherence to, a working methods statement (based on measures described in the revised Design and Access Statement, page 30/31), which will demonstrate how habitat damage, disturbance and pollution will be prevented during construction (Conditions 4, 6, 7 & 8).

Hampshire and Isle of Wight Wildlife Trust:

Stated that, subject to the conditions recommended by the Environment Agency and the Senior Ecologist at Hampshire County Council, the Trust has withdrawn its original objection to the proposal.

English Heritage:

Stated that its primary concern was in relation to the impact of the proposal on the lake. English Heritage's Landscape Architect was concerned that the details submitted by the applicant conflict with those who have local knowledge of the lake, in terms of how the different watercourses feed into the lake, and that the large scale OS maps do not provide sufficient reassurance. English Heritage requested that further information be submitted prior to the determination of the application, in order to provide reassurance concerning the methodology for maintaining the flow rate, the construction process and how the proposal will cope with seasonal fluctuations in flow rates. English Heritage also recommended that the screw be completely buried. English Heritage stated that, provided the information was requested and was considered to be satisfactory by the Local Planning Authority, then it had no objection to the proposal and the application should be determined in line with the Council's specialist conservation advice.

Garden History Society:

Registered no comment on the proposal.

Representations

Itchen Valley Parish Council:

Objected to this application. The Parish Council stated that its objection is not to the concept of a micro generation project, but reflects concerns about the effect of any change in the water flows as they affect Avington Lake, an important local amenity which depends on the Itchen for its survival.

The Parish Council stated that it notes that the original plans showed extraction and return from and to the same arm of the river, thus causing no reduction in the eventual inflow to the lake. Any reduction in inflow will adversely affect the wellbeing of the lake

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

and will exacerbate the present inflow of untreated sewage into the Itchen from Avington village. This inflow of sewage is a matter of issue between the Environment Agency and Southern Water plc and the Parish Council requested that the case officer cross reference this.

The Parish Council also stated that the Environment Agency has set out certain conditions concerning flows at the point of extraction, but submits that the related data appears to overlook that the point of return is to a carrier which completely bypasses the lake, thus leading to a permanent reduction in water feed to the lake.

The Parish Council also did not consider that planning conditions were an adequate means of addressing the situation, on the grounds of what it considers to be the explicit dangers of the application set out in the Design and Access Statement. For example, the Parish Council asserted that page 19 of the revised Design and Access Statement, dated October 2009, is interpreted as revealing an 86% drop in water feed to the lake, and also attached a plan showing how water extracted will never be recovered for the lake's replenishment. The Parish Council considered that the re-entry feeder is totally separated from the lake system, as is clearly shown on the plan, and that, in any case, the carrier into which the water is returned is at a lower physical level than the lake, further evidencing the permanent damage to the lake's water supply.

The Parish Council requested that the application be refused and recommended that a set of data on river flows be established for the last three years, at a point upriver from the applicant's property.

Two letters received, objecting to the application for the following reasons:

- The asset and amenities of Avington Park House will be diminished, as water will be diverted away from their property affecting 2,700m of lake and carrier;
- Insufficient flow data has been provided (Where exactly was the data collected and by whom? Why is there no flow data pertaining to the two upstream pipes, the turbine house and waterfall individually? Why are all the numbers so regular i.e. 600 and 300? Nature is rarely this uniform. Why are there no variant fluctuation parameters taken over time and no mean data?);
- Whatever water is taken off by this scheme will not rejoin, as the two streams never meet again;
- The little flow that exists is greatly reduced, as are all flows on the Itchen; if flow is further reduced, the waterway is at risk of terminal siltation and would represent a considerable flood risk to property at that point, let alone natural habitat;
- This asset cannot afford to be further undermined and there is no evidence that the works are benign;
- The feasibility statement states that no biodiversity report is needed: how so, when a small stream will have it's level raised and a bigger one decreased?;
- If there is any doubt, then the answer must be "no";
- Why, when there is already a hydro system venting back into the watercourse just below point x, do we need another that does not vent back into it's own course?
- The flow over the waterfall and through the old turbine intake, marked as Avington Lodge, is an error on the site plan forming part of the application;
- The owners of Avington Park House were not given an opportunity to make representations on the existing abstraction licence and they consider that this

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

proposal would result in more permanent abstraction, and hence more significant detrimental impacts;

- Any further reduction in flow will increase the likelihood of the already heavily silted lake becoming a bog, reducing the amenity value and habitat for nesting waterfowl enjoyed by the public visiting the picnic area, as well as the proprietor's residents and visitors to Avington Park House and the village of Avington;
- The build up of silt will cause increased risk of flooding to Avington Park House, as water backs up at times of high rainfall, which is already a problem, and this will cause substantial damage to a historic building;
- The normal flow over the waterfall, and through the old turbine beside it, is essential for the proper operation of the sewerage treatment from Avington Park House and the village of Avington, which is constantly monitored by Southern Water, who will, no doubt, have an objection to the proposed development, at least on these grounds alone;
- It is stated in the application that neighbours were consulted by the applicant about this proposal, but no such consultation was had with the occupiers of Avington Park House, who are the neighbours most affected.

County Councillor Porter also wrote supporting the principle, but expressing concern about the outcome of the application. She raised the following points:

- The process of *construction* will probably require diverting the river. This may put the river bed in danger of silting up, which will cause a drop in river flow/volume. Anecdotal evidence seems to suggest that this has happened during construction to date, and that river levels are lower now than they were at the start;
- She requested that some mechanism, legal or otherwise, be employed which can protect the river flows, both in the operation of the generator *and during construction*.

Relevant Planning Policy

South East Plan 2009:

NRM1, NRM2, NRM5, NRM10, NRM11, NRM15, NRM16

Winchester District Local Plan Review

DP1, DP3, DP4, CE5, CE9, CE10, CE11, HE4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

PPS 9 Biodiversity and Geological Conservation

PPS 22 Renewable Energy

PPG 24 Planning and Noise

PPG 25 Development and Flood Risk

Planning Considerations

Principle of development

The principle of the development should clearly be supported, provided that it can be shown that there will not be an unacceptable impact upon the environment.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

More specifically, Planning Policy Statement 22 states that: *'The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.'* (page 7).

In addition, Planning Policy Statement 22 states that planning authorities should not, therefore, reject planning applications simply because the level of output is small (page 8).

In terms of balancing the environmental consequences of the proposal, Planning Policy Statement 22 states that proposals: *'should demonstrate any environmental, economic and social benefits, as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.'*

In terms of assessing the proposal in the light of the above stipulations contained within Planning Policy Statement 22, the sustainability benefits of the proposal are clearly a significant material consideration in favour of permitting the application.

Furthermore, the Design and Access Statement and Biodiversity Report, as supplemented in response to concerns raised by the Environment Agency, the Senior Ecologist at Hampshire County Council and the Hampshire and Isle of Wight Wildlife Trust, outlines the various impacts of the development and demonstrates the steps which have been taken in order to ensure that the proposal will have no materially detrimental impact on the local environment.

In addition to Planning Policy Statement 22, Planning Policy Statement 1 explicitly states that the goal of the planning system is to deliver sustainable development, which is clearly another material consideration in support of permitting the proposal, in principle.

Planning Policy Statement 9 also stresses the aim of achieving sustainable development, but also of conserving and, where possible, enhancing natural habitats. More specifically, Planning Policy Statement 9 outlines that the determination of applications should be based on up-to-date information. Furthermore, the Local Planning Authority should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests and should ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species, and to biodiversity and geological interests within the wider environment.

Policies NRM11 and NRM16 of the South East Plan encourage the provision of renewable energy technologies, and, indeed, Policy NRM16 stresses that *'local authorities should, in principle, support the development of renewable energy'*, although Policy NRM15 emphasises the necessity of balancing the goal of supporting renewable energy proposals with the requirement to protect biodiversity, and recommends that, in sensitive areas, renewable energy proposals should generally be small scale. This proposal fulfils the requirements outlined above, as it is both small scale and has incorporated measures in order to ensure that the biodiversity of the locality is safeguarded.

Biodiversity and other Environmental Issues

Concerns have been raised by the Parish Council and others with regard to the reduction of the river flow and a consequent reduction in the water level in Avington

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

Park lake. Any reduction in the level of the lake could potentially have an impact on protected species and the Site of Importance for Nature Conservation (SINC).

Despite the concerns raised, it is considered that the proposal will not have a detrimental impact on the SINC or protected species and, as such, the proposal is in accordance with Policy CE9 of the Winchester District Local Plan Review (WDLPR), Policies NRM5 and NRM15 of the South East Plan, Planning Policy Statement 9, the Conservation (Natural Habitats) Regulations 1994 and the Wildlife and Countryside Act 1981. The proposal has been assessed by Natural England, the Environment Agency and the Senior Ecologist at Hampshire County Council, and none have objected to the proposal. In addition, conditions have been recommended in order to ensure that the proposal meets the requirements of the policies and legislation listed above.

Turning more specifically to the level of the river and the lake, the applicant has outlined (on page 19 of the Design and Access Statement and through additional information submitted on 31st March 2010), a means by which they can avoid reducing the flow of the river. Moreover, the applicant already has an existing abstraction licence to remove water from the River Itchen, which is abstracted via a bypass channel further upstream, and has provided a copy of the discharge consent already granted by the Environment Agency in order to accommodate this current proposal. The applicant proposes to reduce the amount of water abstracted upstream commensurate with the amount abstracted for the Archimedean Screw. The result is that the screw should have a neutral impact on the level of the river, and the fact that the water diverted to the screw does not flow into the lake is not a basis for refusing planning permission, as the discharge consent granted in relation to the proposal actually requires that a greater flow over the waterfall is to be maintained than is required by the previous discharge consent. This situation can be enforced through a planning condition, as recommended by the Environment Agency (Condition 4).

A condition requiring that the level of water flowing over the waterfall was not reduced would not be a reasonable condition to impose, as obviously the level could be reduced further upstream, which would be beyond the applicant's control, and it would not be reasonable to then impose on the applicant the responsibility of raising the water level, where the reduction in the flow does not stem from their development.

In terms of the operation of the sewage treatment works serving Avington, Southern Water has been consulted on this application and has raised no objection.

Turning to noise, Planning Policy Guidance Note 24 provides guidance in relation to noise issues, and is echoed by Policy NRM10 of the South East Plan. However, in this case, the guidance is of limited assistance in assessing the merits of the application, in so much as it tends to focus on the effect of major sources of noise such as roads, railways and airports. However, it does outline some general parameters, such as separating noise sensitive uses from noisy activities and the consideration of whether mitigation could be secured by conditions. The intensity and frequency of the noise in question should also be considered when assessing the likely impact upon neighbouring land uses.

In the light of the consultation response from the Environmental Protection Team, the policy guidance, and having taken account of the relevant case law in relation to statutory nuisance, it is considered that a condition would adequately address any

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

concerns about potential noise generation stemming from the proposed equipment (Condition 3).

Design and impact on Heritage Assets

It is considered that, in terms of design and scale, the proposal is in accordance with the requirements of Policy DP3 of the Winchester District Local Plan Review 2006 (WDLPR). In addition, it is considered that the proposal will preserve the character of the conservation area, and is hence in accordance with the requirements of Policy HE4 of the WDLPR.

The screw will mainly be sited below ground, the exact details of which are to be finalised by condition (Condition 9). The generator will be housed in its own covering, the finishing material of which is to be finalised prior to the commencement of development (see Condition 5). Clearly, timber would be the most sympathetic form of cladding. The Conservation Officer is satisfied that, provided suitable finishing materials are utilised and appropriate landscaping provided, the design is acceptable, and that the proposal will have an acceptable impact on the character and appearance of the conservation area, and it is submitted that both of these issues can adequately be addressed by planning conditions.

In relation to Planning Policy Statement 5, there are several relevant heritage assets in the vicinity, namely the registered historic park and garden, the Avington House lake, the listed bridge and the conservation area. It is considered that in the light of the consultation responses received from the Council's Conservation Officer, Landscape Architect, Arboricultural Officer, the Environment Agency, the Senior Ecologist at Hampshire County Council and English Heritage, as well as the information provided by the applicant, there is no evidence that the proposal will have a harmful impact on any of the heritage assets in the vicinity.

Furthermore, in relation to the visual impact of the Archimedean Screw, this will be minimal when compared with the visual impact of the house currently under construction.

Impact on neighbouring properties

It is considered that, in terms of impact on the residential amenity of neighbouring properties, the proposal will be in accordance with the requirements of Policy DP3 of the WDLPR.

The only way in which the proposal could have any detrimental impact on neighbouring properties is from noise generation. However, a condition has been recommended by the Environmental Protection Team in relation to insulation, and hence this issue can be adequately dealt with by a condition (Condition 3).

Landscape/Trees

The Council's Landscape Architect considers that, given the nature of the proposal, it will not have a significant landscape impact, and is therefore in accordance with Policy CE5 of the WDLPR.

In relation to trees, none are proposed to be removed and the Council's Landscape Architect has recommended a condition requiring an Arboricultural Method Statement to

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

be submitted, which will ensure that the proposal does not have an unacceptable impact on trees in the vicinity of the proposed development (see Condition 2). The proposal is therefore considered to be in accordance with the requirements of Policy DP4 of the WDLPR.

Miscellaneous Issues

Concern has been raised about the information on which the flow rates are based. However, the documentation clearly states that the flow data is supplied by the Environment Agency, and it seems reasonable to base the analysis on such data.

The fact that the owners of Avington Park House were not consulted about this existing abstraction licence is not material to the determination of this planning application, as the application for an abstraction licence was determined by the Environment Agency, in line with its procedure and regulations.

The condition recommended by the County Ecologist, concerning the requirement that the site vegetation shall be managed to make it unsuitable for water voles (and reptiles) until the works are commenced, does not seem sufficiently certain for it to be imposed as a condition, and it is considered more appropriate to impose a landscaping condition, through which this requirement can be balanced with the goal of providing adequate screening, through consultation between the Senior Ecologist at Hampshire County Council and the Council's Landscape Architect at the stage of the discharge of conditions.

Recommendation

Application Permitted, subject to the following conditions:

Conditions

1. The development, hereby permitted, shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. An Arboricultural Method Statement, in accordance with BS5837:2005, shall be submitted to and approved by the Local Planning Authority, prior to any demolition, construction or groundwork commencing on the site. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the trees on the site, as required by Policy DP4 of the Winchester District Local Plan Review 2006.

3. Details of a scheme for insulating the turbine house, hereby approved, against internally generated noise shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development and completed before the development is brought into operation. Such noise insulation shall thereafter be maintained in accordance with the approved scheme.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

Reason: To secure the reduction in the level of noise emanating from the building and to protect the amenities of the occupiers of nearby premises.

4. Prior to the commencement of development, a detailed methodology to demonstrate how flow over the waterfall will be maintained in line with the existing flow regime, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter operated in accordance with the approved details.

NB: The applicant's attention is drawn to Informative 4 below, concerning the nature of the methodology.

Reason: In order to prevent a reduction in the water supply necessary to sustain the ecological interest features of Avington Lake and Woods Site of Importance for Nature Conservation (SINC).

5. Prior to the commencement of development, the finishing materials of the generator cover are to be agreed in writing by the Local Planning Authority, and the development carried out in accordance with the approved details.

Reason: In order to ensure that the character and appearance of the conservation area is maintained, in accordance with the requirements of Policy HE5 of the Winchester District Local Plan Review 2006 and Planning Policy Statement 5.

6. Immediately prior to the commencement of the scheme, an updated water vole survey shall be carried out, the results of which (along with a plan of any necessary mitigation) shall be submitted to and approved in writing by the Local Planning Authority (including any necessary mitigation implemented). Thereafter, no development shall be carried out unless and until the scheme, and any necessary mitigation, have been approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that water voles are protected, in line with the requirements of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

7. Prior to the commencement of development, a working methods statement (based on measures described in the Revised Design and Access Statement, page 30/31) shall be submitted to and approved in writing by the Local Planning Authority, which statement will demonstrate how habitat damage, disturbance and pollution will be prevented during construction. The proposal shall be carried out in accordance with the approved working methods.

Reason: In order to ensure that the requirements of Policy CE9 of the Winchester District Local Plan Review 2006, Planning Policy Statement 9, the Conservation (Natural Habitats) Regulations 1994 and the Wildlife and Countryside Act 1981 are satisfied.

8. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. If, within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site, in the interests of visual amenity.

9. The Archimedean Screw is to be buried into the ground, in accordance with a scheme to be agreed in writing by the Local Planning Authority. The development is to be carried out in accordance with the approved details.

Reason: In order to ensure that the proposal will not have an unacceptable impact on the visual appearance of the area, in accordance with the requirements of Planning Policy Statement 5.

Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plans set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:

South East Plan 2009:

NRM1, NRM2, NRM5, NRM10, NRM11, NRM15, NRM16

Winchester District Local Plan Review:

DP1, DP3, DP4, CE5, CE9, CE10, CE11, HE4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 5 Planning and the Historic Environment

PPS 9 Biodiversity and Geological Conservation

PPS 22 Renewable Energy

PPG 24 Planning and Noise

PPG 25 Development and Flood Risk

3. Under the terms of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Itchen, designated a 'main river'.

The Environment Agency will only issue a Flood Defence Consent for the works if it can be demonstrated that there will be no increase in flood risk. The Environment Agency also considers other issues, such as the sustainability of the proposals and their impacts upon the bio-diversity of the area.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 22 April 2010

Full consultation will take place with the Environment Agency's bio-diversity team and Natural England, as part of the application process. The requirement for Flood Defence Consent from the Environment Agency is separate and in addition to any planning requirements, but the applicant should be aware that any bio-diversity issues raised in response to the planning application will be relevant to the Flood Defence Consent application.

Please contact Rob Waite, in the Development & Flood Risk Team, on telephone number 01962 764 897, for further information about submitting an application for Flood Defence Consent.

4. In relation to condition 4:

This methodology will demonstrate that the current flow regime will be protected and maintained by matching the current flow regime, both in terms of the total volume of water passing over the waterfall within each year, and in terms of the variability of flow in time throughout the year.

It should be noted that the flow data, presented in Appendix 1 of the revised Design and Access Statement (October 2009), characterises flow over the waterfall only in terms of the proportion of time within which a given flow rate is reached. It does not characterise how flow rates vary in time throughout the year. The condition requires that variability in flow rate in time throughout the year should be characterised in order that it, too, can be matched.

The condition is required to prevent the proposed development having a detrimental impact on the water supply to the wetland SINC habitats and features, including Desmoulin's whorl snail, which is listed as a BAP priority species that the Environment Agency has a role in protecting.

The UK Biodiversity Action Plan 1994 (BAP) identifies certain species and habitats as being of 'principal' importance" for the conservation of biodiversity, also listed for England under Section 41 of the Natural Environment and Rural Communities Act 2006. Action is now required to halt the acknowledged loss of biodiversity in the UK.

CONSULTATION REQUEST

Case No: 09/01626/FUL

W No:

Date Sent: 16.12.2009

To: **Itchen Valley Parish Council**

From: **Andrew Rushmer**

Location:

Stillwaters House, Avington Lane, Avington, Winchester, Hampshire, SO21 1DE

Proposal:

Installation of an Archimedeian Screw hydroelectricity generation (additional information received 21.10.2009 giving more information concerning flow-rates and the ecological impact of the proposal).

Please may we have your observations on the enclosed application

**OFFICE SUPPORT
29 DEC 2009**

Additional remarks: I have included below the additional information and consultation responses which have been received since the original consultation.

Signed:

Date:

REPLY:

From: **Itchen Valley Parish Council**

To: **Andrew Rushmer**

Observations:

Our objections, set out in the attached sheet, relate to water being diverted from Avington Lake.

If there is any consideration of approval this application under delegation, we would ask most strongly that the **Winchester City Council** Committee

**WINCHESTER CITY COUNCIL
29 DEC 2009
PLANNING CONTROL**

Continued over (Please tick)

See attached ^{over leaf} (Please tick)

Recommendation (summarised). Please tick as appropriate:

I raise no objection on policy

I recommend refusal on policy grounds, for the

grounds. (Subject to the condition(s) listed

reason(s) listed on the attached document

Signe

Date: 22/12/09

Itchen Valley Parish Council
Objection to Application 09/01626/FUL Stillwaters House, SO21 1DE

We object to this application. Our objection is not to the concept of a micro-generation project; on the contrary, we are generally in favour of such developments.

Our objection reflects concerns about the effect of any change in the water flows as they affect Avington Lake, an important local amenity which depends on the Itchen for survival.

We note that the original plans showed extraction and return from and to the same arm of the river, thus causing no reduction in the eventual inflow to the lake. Any reduction in inflow will adversely affect the well-being of the lake, and will exacerbate the present inflow of untreated sewage into the Itchen from Avington village. This matter of sewage is the matter of issue between the Environment Agency (EA) and Southern Water plc, and we advise your case officer to cross reference with this.

We note that we are not the only party with concerns on this, and support the representation from The Test and Itchen Association to the EA dated 20 December 2009, a copy of which is attached with their approval.

EA has set out certain conditions concerning flows at the point of extraction, but the related data appears to overlook that the point of return is to a carrier which completely by-passes the lake, thus leading to permanent reduction in water feed to the lake.

We considered whether the lake could be safeguarded by imposing further conditions. We feel that this would not be effective, given warning signs in the application.

For example, page 19 of the MannPower document (revised October 2009) is interpreted as revealing an 86% drop in water feed to the lake. We attach a plan showing how water extracted will never be recovered for the lake's replenishment.

The re-entry feeder is totally separated from the lake system, as is clearly shown on the plan. In any case, the carrier into which the water is returned is at a lower physical level than the lake, further evidencing the permanent damage to the lake's water supply.

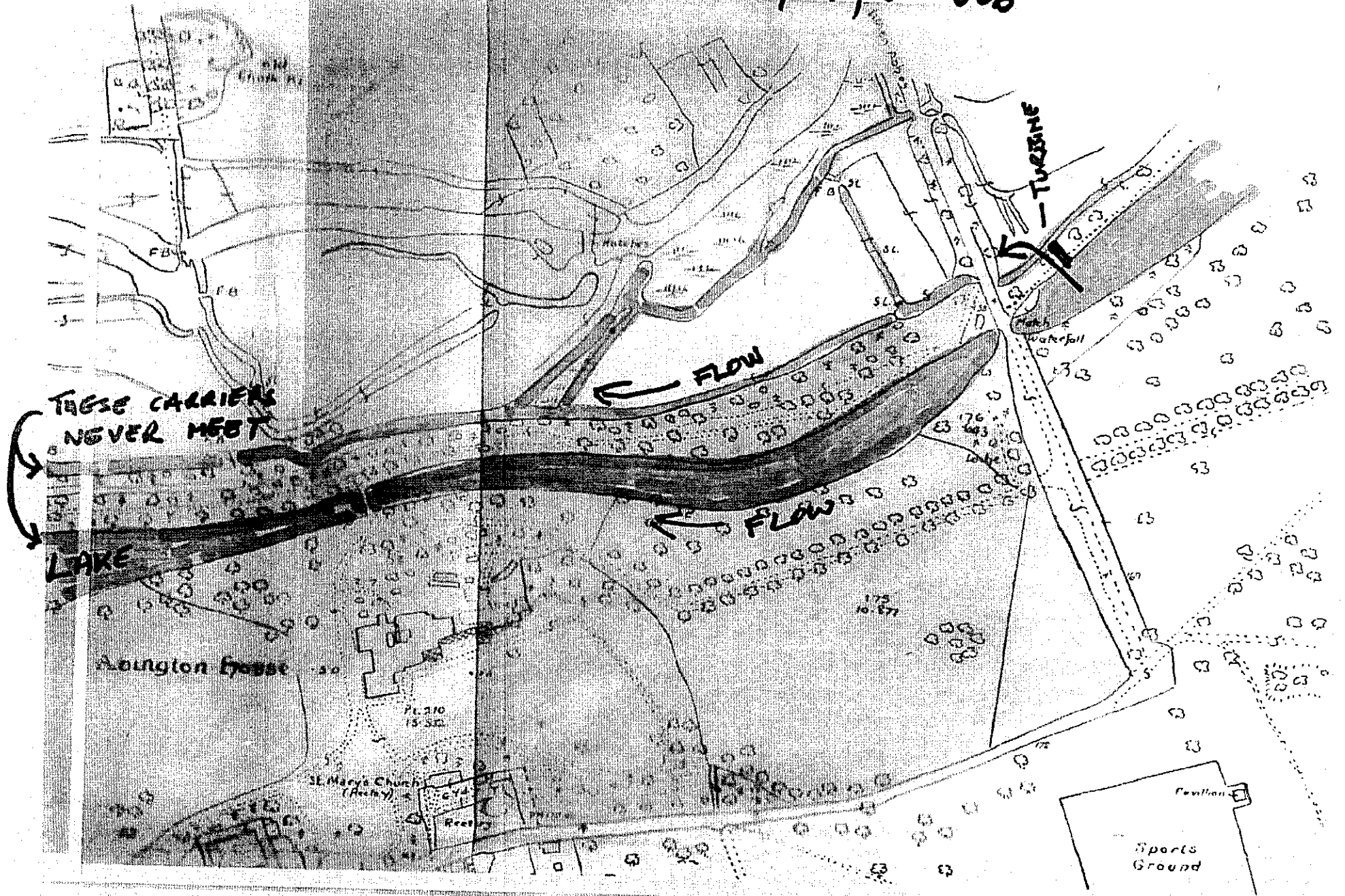
~~attached~~
We request that the application as submitted be declined, with a suggestion to the applicant to rework the project to ensure that the lake water supplies are clearly and transparently protected. As a starting point, we recommend a set of data on river flows be established for the last three years at a point up-river from the applicant's property.

We are happy to supply further comment at your request. The lake is an extremely important part of the Itchen Valley water system, and we are most unwilling to see its future jeopardised in any way.

For and on behalf of Itchen Valley Parish Council:

John Harris

EA MR R WEST NPS/WR/000606



The Test and Nehen Association Limited

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The Environment Agency
Permitting Support Centre (Water Resources)

PO Box 4209

Sheffield

S9 9BS

20th December 2009

Dear Sirs

Transfer Licence Application Reference Number NPSAWR/000606 (Mr R West)

I am writing on behalf of this Association to register our comments on the above transfer licence application to abstract water for hydro-generation, on a carrier of the Upper Itchen near Avington.

In principle the Association is supportive of micro-hydro power generation and its role as part of the mosaic of low-carbon generation into the future, provided that there is no unacceptable impact upon river flows, fisheries or wildlife conservation interests.

In the case of this application we are satisfied that the Archimedes Screw design is reasonably safe for fish passage, and that according to the Ecological Survey report the impact on wildlife in the immediate vicinity of the facility as will be acceptable. However we have concerns over the potential for reduction of flow to the Avington Lake, and the consequent impacts upon both the amenity of the lake and its ecology, which we understand includes valuable marginal habitat for Desmoulin's Whorl Snail, a UK BAP Priority Species. The Ecological Survey Report does not appear to have considered this.

The layout of the proposed scheme involves taking water from the upper carrier, which supplies water to the Avington Lake, and transferring it to the lower carrier which b-passes the lake, making use of the head difference between the two. Thus water which would otherwise flow into the lake would bypass it.

There appear to be two options to avoid a reduction in flow to the lake. The first is that the facility is constructed entirely on-line within the upper carrier: making use, for example, of the head difference at the 'waterfall' beside the road. This we understand may be similar to the arrangement with the historic Avington House hydro-generator, which is cited as a precedent for this proposal. Alternatively the distribution of flow at the bifurcation of the two carriers should be altered to increase the proportional flow to the upper carrier by an amount equivalent to the flow through the generator.

Please return this form to the Case Officer, **Mr Andrew Rushmer**.

From: **Itchen Valley Parish**

Case No: **09/01626/FUL**

Closing Date for comments:

2 October 2009

Location: **Stillwaters House Avington Lane Avington Winchester Hampshire SO21 1DE**
Proposal: **Installation of an Archimedean Screw hydroelectricity generation**

Comments:

The IVPC has no objection to the above application, but we are concerned about the flow of water in the Itchen river below Stillwaters House. During the course of this year since construction of the new house began, for whatever reason, the flow appears to have significantly reduced and is of great concern to local residents. We understand that any further reduction could have very serious effects which would not easily be corrected, even if the flow was later restored.

We believe officers and the EA should consider this matter very carefully.

Request for application to be considered by Committee:
(NB: Case Officer to forward form to Head of Planning Management if this section completed)

We believe that because of the potential for harmful effects on the River Itchen, this case should be considered by committee.

Signed: Penelope Flemons

Date: 1 October 2009