

**CABINET****31 May 2006****Attendance:**

Councillor Beckett - *Leader* (Chairman) (P)

Councillor Allgood – *Portfolio Holder for Finance and Resources* (P)

Councillor Coates – *Portfolio Holder for Housing and Communities* (P)

Councillor Hollingbery – *Portfolio Holder for Performance and Communications* (P)

Councillor Lipscomb – *Portfolio Holder for Planning and Transport* (P)

Councillor Pearson – *Portfolio Holder for Environment, Health and Safety* (P)

Councillor Stallard - *Portfolio Holder for Culture, Heritage and Sport* (P)

**Others in attendance who addressed the meeting:**

Councillors Beveridge, Evans and Sutton

Mr A Rickman (TACT)

**Others in attendance who did not address the meeting:**

Councillors de Peyer, Higgins, Hiscock, Jackson, Johnston and Learney

Mrs H Dewdney (TACT)

---

**1. MINUTES**

The City Secretary and Solicitor reported that the appointments to the South Downs Joint Committee had been inadvertently omitted from the previous minutes (Councillors Lipscomb and Huxstep were appointed with Councillor Busher as deputy).

In addition, it had since been ascertained that due to an informal arrangement with East Hants District Council, the City Council should only appoint one representative for 2006/07, not two. There was no provision for deputies to be appointed, although a Member could attend in an observer status.

Cabinet noted that the appointment to the Project Integra Management Board made at the last meeting should be amended as Board Members must be Members of Cabinet. It was therefore agreed that Councillor Coates replace Councillor Saunders as the deputy Member on this Board.

The City Secretary and Solicitor advised that Councillor Higgins should be included in the list of “others in attendance who did not address the meeting.” This correction was agreed.

At the invitation of the Chairman, Councillor Evans queried whether a Service Level Agreement (SLA) had been obtained from the providers of the floral displays for Winchester (in relation to the Leader’s announcement at the last Cabinet meeting). She also asked whether the appointments to the Solent Transport Strategy Panel, the Central Hampshire Transport Strategy Panel and the Health for All Committee could be reconsidered to allow representation from the Liberal Democrat Group.

In response, the Chief Executive advised that the Director of Communities was in discussions with Winchester in Bloom regarding agreeing a SLA.

With regard to the appointments to the two County Council traffic Panels, Councillor Beckett stated that he was awaiting further advice from the County Council about the Panels continuing role before considering the request further. He had noted the comments regarding the Health for All Committee.

**RESOLVED:**

1. That the minutes of the previous meeting held 18 May 2006 be approved and adopted, subject to noting the omission of Councillor Higgins as being in attendance and the appointments to the South Downs Joint Committee and change to Project Integra Management Board (NB Resolution 2 and 3 below).

2. That the following Members be appointed to the South Downs Joint Committee for the 2006/07 Municipal Year:

Councillor Lipscomb (Councillor Huxstep - Observer)

3. That Councillor Coates replace Councillor Saunders as the Deputy Member on the Project Integra Management Board (other Member is Councillor Pearson).

2. **PUBLIC PARTICIPATION**

Mr A Rickman (TACT) and three members of the public spoke at the meeting and their comments are noted under the relevant items below.

3. **LEADER AND PORTFOLIO HOLDER ANNOUNCEMENTS**

Councillor Allgood reported that Alexis Garlick had been appointed to the post of Assistant Director of Finance. He also updated Members on the recent telephone problems experienced by the Council which had now been solved and thanked the relevant staff for their work over the past weekend dealing with the problem.

4. **DISPOSAL OF RECREATIONAL LAND AT MEADOWSIDE, WHITELEY**

(Report CAB1275 refers)

Councillor Allgood declared a personal and prejudicial interest as he was the County Councillor for the area covering Whiteley and he had been advised by the City Secretary and Solicitor that this raised a potential conflict of interest under Standards Board Guidance because the terms of a land transaction with the County were under consideration by Cabinet. He left the room during consideration of this item.

Councillor Hollingbery declared a personal but not prejudicial interest as he had previously published comments in respect of this proposal. He remained in the room, spoke and voted thereon.

Cabinet also noted that the Ward Councillors for Whiteley, Councillors Anthony and Chapman, had asked that it be recorded that they had not attended this meeting because of their personal and prejudicial interest in respect of this item due to the proximity of properties in which they had interests.

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had not been included in the Forward Plan. Under this procedure, the Chairman of Principal Scrutiny Committee had been informed.

Mr M Evans (Chairman of Whiteley Parish Council) spoke in opposition to the proposal to dispose of the recreational land at Meadowside. He thanked the Leader and some Cabinet Members for visiting Whiteley on 30 May 2006. In summary, the Parish Council objected to the proposal for the reasons outlined at the previous Cabinet meeting on 22 March 2006. He stated that Meadowside was the only open space in Whiteley and its usefulness had developed over the previous ten years. He emphasised the large number of local residents also opposed to the disposal and disputed the claims made by the Diocese of Portsmouth that the land at North Whiteley was unsuitable. Mr Evans requested that an independent study be undertaken on all the issues involved, including an Environmental Impact Assessment, and consulting all the relevant stakeholders. The study should include consideration of land at Leafy Lane and North Whiteley. He concluded by emphasising that the Parish Council would welcome the opportunity to work closely with the City Council in this respect.

At the invitation of the Chairman, Councillors Beveridge, Sutton and Evans spoke regarding this item and their comments are summarised below.

Councillor Beveridge emphasised that disposal of the land was contrary to planning policies and that if the land was disposed of alternative amenity land would be required to meet the strict criteria listed in the policies. These included issues such as location, general suitability and availability. He also stated that it was now clear that the figure of a five per cent net reduction originally provided by the County Council was misleading as it related only to the reduction in recreational land due to the building of the school itself and not the consequential impact upon the informal open space. In summary, he believed Cabinet should consider very carefully the effect on the local community of the loss of recreation and amenity land as a result of the proposal.

Councillor Sutton emphasised the detrimental effects on the Whiteley community, and in particular sports clubs, if the open space land was disposed of. In addition, the disposal would prevent further expansion of the Meadowside Centre. She believed that the alternative site of Leafy Lane was too remote and also suffered from pollution as it was located adjacent to the M27 Motorway.

Councillor Evans queried what new information was available since the last time the proposal was discussed at Cabinet on 22 March 2006. She stated that many of the new facilities proposed in relation to the school would have to be fenced off for security reasons which would increase the reduction in the amount of land open to the community. She queried whether the County Council would be required to purchase the land at "best consideration". She also questioned why the land North of Whiteley was considered to be too isolated as this was not the view taken by the Local Plan Inspector and Council planning officers. In summary, Councillor Evans agreed that a school was required for Whiteley but disputed that the one-form entry sized school would be sufficient and emphasised the large number of local residents opposed to the proposal.

The Chief Executive stated that the most significant new information received since the Cabinet meeting on 22 March 2006 was a letter from the Diocese of Portsmouth which confirmed that they did not consider the land suggested at North Whiteley to be

appropriate because it was “detached from the community and the difficulties of transport issues for young children” (letter attached as Appendix 1 to the Report). Discussions had also taken place with the County Council about a number of technical issues raised, although further discussions were required, including clarification of the total amount of land that would be lost to the community.

Councillor Beckett stated that if a decision was taken to support the principle of disposal of land, this would enable further consultation to be undertaken as part of the Open Space statutory consultation process and the planning application process. He also emphasised that Recommendation 3 of the Report set out a number of detailed conditions that the County Council. The City Council would have to be satisfied about the answers to these points before any disposal could take place and consider any public objections arising from the open space consultation. However, if the decision to dispose of the land in principle was not taken, this consultation process could not commence. The City Secretary and Solicitor confirmed that the Report to the 10 July 2006 Cabinet meeting would provide up-to-date information regarding discussions with the County Council.

The City Secretary and Solicitor confirmed that any planning application would not be considered before the 19 July 2006 Council deadline for the consultation on appropriation/disposal of open space land. He advised that the statutory requirements for the open space consultation involved publication of advertisements in the local newspapers. A number of Members commented that it was important that the consultation should be as wide and thorough as possible in the time available. The Chief Executive confirmed that the Council would undertake some informal consultation, including liaising with Whiteley Parish Council about the possibility of utilising their publications for this purpose.

During debate, some Members expressed concern that answers to the issues raised in the Report were required before an in principle decision could be taken to dispose of the land. They also queried whether the Diocese should be requested to provide further explanation of their stance regarding the possible alternative site of a school at North Whiteley. However, the majority of Members agreed to support the principle of disposal of land at Meadowside Recreation Ground as it would enable further consultation to take place. A final decision would be taken as to whether to proceed after considering any public comments received and the response of the County Council.

One Member requested that the County Council be requested to supply more information on possible pupil numbers for the school, although it was acknowledged that decisions on school provision was a matter for the County Council as Education Authority.

Cabinet agreed that further clarification was required regarding the amount of informal open space land that would be lost. In particular it should be confirmed that the Council should seek mitigation for all the informal open space land which would be converted to formal use and therefore lost to the community.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

## RESOLVED:

1. That for the principle of disposing of land at Meadowside Recreation Ground for the provision of a new school by Hampshire County Council be supported, subject to the consideration of any objections received following the statutory advertisements referred to in recommendation 2 below and the County Council's response to the proposed conditions set out in recommendation 3 below.

2. That the City Secretary and Solicitor be authorised to advertise the proposed appropriation of the open space land shown on the plan in Appendix 2 from S 19 Local Government (Miscellaneous Provisions) Act 1976 (recreational land) to planning purposes (Part IX) Town and Country Planning Act 1990 and its proposed subsequent disposal to enable the provision of the new school on the site.

3. That the County Council be asked to confirm that the following conditions can be met before any transfer of land takes place:

- (i) that the County Council obtains planning consent for the school and its ancillary facilities;
- (ii) that the County Council obtains planning consent for the replacement of all the recreational facilities which are affected by the proposal;
- (iii) that mitigation land be provided at the County Council's Leafy Lane site over and above the open space standard required for any residential development subsequently approved for that site, as set out in more detail in paragraph 2.2 of the Report;
- (iv) that the County Council agrees to purchase the land at best consideration (taking into account the reprovision and improvement of the open space and other facilities) as determined by the Chief Estates Officer;
- (v) that the County Council provides a full indemnity against all costs and compensation arising from the breach of covenants on the recreational land and all of the City Council's costs arising from the project including all legal work, temporary relocation of team sports, and any loss of income at the Meadowside Centre caused by the construction process;
- (vi) that the County Council obtains all other necessary consents and agreements and confirms that these are in place;
- (vii) that funding for the provision and operation of the new school is confirmed as being available immediately prior to transfer and the transfer contains suitable provisions to be determined by the Chief Estates Officer to protect its position if the school is not built by a certain date;
- (viii) that the County Council enters into a legal agreement with the City Council which guarantees the provision of replacement facilities to the appropriate standard and on a schedule to be settled by the Director of Communities having regard to the needs of facility users;

(ix) that the Diocese of Portsmouth/County Council be required to bring forward their proposals to secure effective arrangements for community use of the school premises.

4. That the County Council be invited to commence work to demonstrate the conditions set out above can be met.

5. That it be noted that the development of recreational land at Meadowside would represent a departure from the Council's approved Local Plan policies;

6. That a report be made to a special meeting of Cabinet on 10 July 2006 to consider the outcome of the statutory public consultation process and any response from the County Council/Diocese to the proposed conditions outlined above, with the decision on whether to dispose of the land to be taken at the meeting of the Council on 19 July 2006.

5. **WINCHESTER DISTRICT LOCAL PLAN REVIEW: ANALYSIS OF REPRESENTATIONS ON PROPOSED MODIFICATIONS AND PROPOSED ADOPTION OF LOCAL PLAN**

(Report CAB1272 refers)

Councillor Lipscomb declared a personal but not prejudicial interest in respect of this item as a member of the Dever Society. Councillor Hollingbery declared a personal but not prejudicial interest as a member of the Dever Society, Bishops Waltham Society and The Alresford Society. Councillor Beckett declared a personal but not prejudicial interest as a member of the Compton and Shawford Parish Council. Councillor Pearson declared a personal but not prejudicial interest as a member of Swanmore Parish Council and Swanmore Society. All four Councillors remained in the room, spoke and voted thereon.

Two members of the public spoke regarding this item and their comments are summarised below.

Mr J Hayter raised issues regarding the Sustainability Appraisal and Policy H3. Mr Hayter suggested that the new H.3 policy would score poorly on some aspects of the Sustainability Appraisal, in a similar way to the Major Development Area policies and the housing exception sites policy. He suggested that if policy H.3 were amended in accordance with his suggestions its Sustainability Appraisal score could be improved. Mr Hayter also suggested that failure to do this would lead to a high risk of the Local Plan being called-in by the Secretary of State and that the work on policy H.3 by the consultants appointed by the Council was inadequate.

In response, Mr Opacic (Head of Strategic Planning) explained that he did not consider the new H.3 policy to be comparable with the MDA or housing exceptions sites policies. Those policies would lead to purely greenfield development, whereas the majority of development under the new policy H.3 would be brownfield, as under the old policy H.3. Given this, it was more appropriate to look at the Sustainability Appraisal score for the old policy H.3 and how this would change as a result of the new policy. Mr Opacic concluded that, as the Inspector had proposed the new H.3 because he felt the old H.3 was not sufficiently sustainable, the new policy must score better than the old one, which itself did not score poorly on those aspects highlighted by Mr Hayter.

Mr Opacic said that the Secretary of State would only be likely to call-in the Plan if she felt that central Government intervention was necessary. He considered this to be most unlikely in relation to policy H.3, especially as the Council was proposing to adopt the Inspector's recommendation, and in the light of Government statements about progressing old-style plans to adoption and the importance of housing delivery

In summary, Mr Opacic advised that to modify policy H.3 and its explanatory text as suggested by Mr Hayter's comments could not be achieved without undertaking a further Proposed Modifications process and this would prevent the Plan from being adopted by the deadline of 21 July 2006.

Mrs P Edwards (City of Winchester Trust) acknowledged that the Council was in a difficult situation regarding the adoption of the Plan because of the timescales involved. However, she expressed concern that the allocation of reserve sites would be carried forward into the Local Development Scheme without further public consultation. She emphasised that the public would lose confidence in the process if they did not believe that their objections were given due weight.

In response, Mr Opacic confirmed that it had always been the Council's intention that the Local Plan Review would be adopted and carried forward into the Local Development Scheme. Once the Local Plan was adopted, the Council would proceed with the Core Strategy of the Local Development Framework as soon as possible having regard to the requirements of the South East Plan. One element to be considered in the development of the Core Strategy would include the strategy for housing provision, and the suitability of the proposed local reserve sites would be reconsidered either as part of the Core Strategy itself or in the subsequent Development Provision and Allocations development plan document.

Mr Opacic explained that if the Council does not adopt the Local Plan by 21 July 2006 or it might be subject to challenge because it had not undertaken a "Strategic Environmental Assessment" of the Plan. Consequently, only minor changes could be made at this stage as to make more major changes would require consultation to be carried out on further Proposed Modifications and therefore the deadline would not be met. Mr Opacic explained that if Council decided to adopt the Plan, there would follow a four week period in which the Secretary of State could consider whether to call it in. However, he did not consider that this was likely to occur and the previous advice of the Government Office for the South East had also indicated the Secretary of State would only use her powers in limited circumstances.

Mr Opacic advised that minor amendments to Appendix 2 of the Report were proposed to take account of comments made by English Nature in relation to the Appropriate Assessment for the Francis Gardens site. Copies of the revised Appendix were circulated at the meeting and are appended to these minutes. One Member raised a detailed query regarding terminology in relation to aquifers and it was agreed that this be checked prior to final publication.

As a Ward Councillor for the area, Councillor Allgood highlighted the significant number of objections received in relation to the proposal to include Little Frenchies Field as a reserve site. In addition, Denmead Parish Council had made a comment to the Inspector that this site would be ideally suited for recreational use because of its location near to King George V playing fields, but this point had not been included in the Inspector's Report. In conclusion, he proposed that an additional recommendation be agreed proposing that the Council re-examine opportunities for amending or deleting any or all of the reserve sites at the earliest opportunity as part of the work upon the Local Development Framework.

In response to Members' queries about the implications of removing one or more of the reserve sites stipulated in the Plan, the City Secretary and Solicitor confirmed that this would require further modifications and consequently prevent the Council from meeting the deadline of 21 July 2006.

With regard to the Analysis of Representations on the Proposed Modifications relating to Chapter 6: Housing (Appendix 1 of the Report refers), Mr Opacic emphasised the proposed minor change which required that developers take account of other relevant policies in the Plan that might apply to Local Reserve Sites, for example regarding nature conservation and flood risk. This would enable the situation regarding these factors, which may change over time, to be taken into account if and when any Local Reserve Sites were released.

As a member of the former Winchester District Local Plan Committee, Councillor Pearson queried whether it had been agreed that an open watercourse at Abbey Mill, Bishops Waltham should be provided (Chapter 13: Settlements refer). However, Mr Opacic confirmed that the wording outlined in the Report reflected what was agreed at the Committee and this required that an open watercourse only be provided "if possible", as it was considered too onerous to require otherwise.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

**RECOMMENDED:**

**1. THAT HAVING REGARD TO THE REPRESENTATIONS RECEIVED, THE WINCHESTER DISTRICT LOCAL PLAN REVIEW BE ADOPTED, AS PROPOSED TO BE AMENDED BY THE PROPOSED MODIFICATIONS PUBLISHED IN JANUARY 2006, AS THE STATUTORY LOCAL PLAN FOR THE WINCHESTER DISTRICT.**

**2. THAT THE NECESSARY STATUTORY NOTICES AND PROCEDURES TO BE UNDERTAKEN TO ENABLE ADOPTION OF THE LOCAL PLAN REVIEW AS SOON AS POSSIBLE FOLLOWING COUNCIL'S RESOLUTION TO ADOPT THE PLAN.**

**3. THAT THE CHIEF EXECUTIVE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT BE GIVEN DELEGATED AUTHORITY TO APPROVE MINOR EDITORIAL AND UPDATING CHANGES TO THE LOCAL PLAN REVIEW TEXT AS NECESSARY, PRIOR TO PUBLICATION, INCLUDING THE ADDITIONAL MINOR CHANGES REFERRED TO IN REPORT CAB1272.**

**4. THAT THE MINOR CHANGES TO THE APPROPRIATE ASSESSMENT FOR THE FRANCIS GARDENS LOCAL RESERVE SITE, TO TAKE ACCOUNT OF THE COMMENTS OF ENGLISH NATURE (AS APPENDED TO MINUTES), BE APPROVED AND THE CHIEF EXECUTIVE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORT, BE AUTHORISED TO MAKE ANY CONSEQUENTIAL MINOR EDITORIAL ADJUSTMENTS.**

**5. (A) THAT IT BE NOTED THAT THERE IS STRONG LOCAL OPPOSITION TO THE PRINCIPLE AND LOCATION OF LOCAL RESERVE SITES IN THE DISTRICT LOCAL PLAN REVIEW AND THAT,**



**THEREFORE, THE CASE EXISTS FOR REMOVING OR AMENDING THEM WHEN THE CORE STRATEGY AND DEVELOPMENT PROVISIONS DOCUMENTS ARE PREPARED AS PART OF THE LOCAL DEVELOPMENT FRAMEWORK;**

**(B) THAT THE CHIEF EXECUTIVE REPORT TO A FUTURE CABINET MEETING ON THE PROCEDURE AND TIMESCALE FOR REVIEWING HOUSING PROVISION, INCLUDING OPPORTUNITIES FOR AMENDING OR DELETING ANY OR ALL OF THE LOCAL RESERVE SITES, AT AN EARLY STAGE IN THE PRODUCTION OF THE LOCAL DEVELOPMENT FRAMEWORK.**

6. **DRAFT SUPPLEMENTARY PLANNING DOCUMENTS ON LOCAL RESERVE SITES AND INFILLING POLICY: ANALYSIS OF REPRESENTATIONS AND PROPOSED ADOPTION**  
(Report CAB1273 refers)

Cabinet agreed an amendment to the proposed recommendation as set out in the above Report (as detailed below). The contents of the Report were for background information at this stage as the Council considered Report CAB1272 above.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

**RECOMMENDED:**

**THAT COUNCIL BE ADVISED:**

- A) OF THE OUTCOME OF THE PUBLIC CONSULTATION ON THE DRAFT SUPPLEMENTARY PLANNING DOCUMENTS AND THE OFFICERS' RECOMMENDED RESPONSE, AS BACKGROUND INFORMATION IN CONSIDERING THE ADOPTION OF THE WINCHESTER DISTRICT LOCAL PLAN REVIEW; AND**
- B) THAT CABINET WILL CONSIDER ITS RESPONSE TO THE PUBLIC CONSULTATION AND TAKE A DECISION UPON THE ADOPTION OF THE SUPPLEMENTARY PLANNING DOCUMENTS AT ITS MEETING ON 26 JULY 2006, IN ACCORDANCE WITH THE DATE GIVEN IN THE FORWARD PLAN.**

7. **AFFORDABLE HOUSING DEVELOPMENT GUIDELINES**  
(Report CAB1264 refers)

Under the Council's Constitution Access to Information Procedure Rules (Rule 15.1 General Exception), this was a Key Decision, which had been included in the Forward Plan for an earlier date (18 May 2006). Under this procedure, the Chairman of Principal Scrutiny Committee had been informed.

Mr Rickman (TACT) queried whether developers were adhering to the requirements of the Local Plan regarding provision of affordable housing.

The Director of Communities advised that in general developers were meeting these requirements, although he acknowledged that there was still an overall shortage of affordable housing.

The Director advised that if adopted, the status of the Guidelines would initially be Council policy and as such, informal planning guidance. However, it was intended that the document would be developed into a Supplementary Planning Document.

Some Members expressed concern that the Guidelines would prevent employers (such as the hospital) building affordable housing and stipulating that they should be occupied by their employees only (page 7, Section 7 of Appendix 1 of the Report refers). The Director of Communities emphasised that it was important for the Council to retain some control over occupation as there was a wide range of people requiring such homes. However, the Guidelines did allow employers to approach the Council to request that an exception be made. Cabinet agreed that the Director of Communities, in consultation with the Portfolio Holder for Housing and Communities and the Portfolio Holder for Planning and Transport, be requested to agree amended wording to emphasise that there was some flexibility available.

Cabinet discussed the proposal in the Guidelines that "...there should normally be no groups of more than five affordable dwellings" (Page 3, Section 3 of Appendix 1 of the Report refers). The Director of Communities confirmed that this matter had been discussed with housing associations and that the guidelines already contained some flexibility about maximum numbers and recognised that issues such as overall design of development were also important. Members agreed that although large groupings of affordable housing should be avoided to ensure better integration throughout a development, more flexibility should be retained over the exact limit stipulated. It was therefore agreed that delegated authority be granted to the Director of Communities in consultation with the Portfolio Holder for Housing and Communities to agree the exact wording of this section.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

**RESOLVED:**

That the Affordable Housing Guidelines set out in Appendix 1 to the Report be adopted, subject to changes to reflect the discussions outlined above and any minor editing changes to be agreed by the Director of Communities in consultation with the Portfolio Holder for Housing and Communities, Portfolio Holder for Planning and Transport, and the Director of Development.

**8. FINAL REPORT ON MAKINS COURT REDEVELOPMENT AND ASSOCIATED ISSUES**

(Report CAB1230 refers)

Councillor Allgood declared a personal, but not prejudicial interest, as a family member used to work for one of the contractors involved in the redevelopment at an early stage in the project. He remained in the room, spoke and voted thereon.

The Director of Communities advised that the Constitution required a final report to be submitted to Cabinet on a project of this size. However, the report could not be prepared until all the relevant information about the redevelopment, such as financial

liabilities, had been concluded. In addition, more regular updates had been reported as part of the quarterly Capital Programme monitoring report and the Portfolio Holder was also regularly updated on progress.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

That the contents of the Report be noted.

9. **MINUTES OF THE WEST OF WATERLOOVILLE FORUM**  
(Report CAB1263 refers)

In response to a question, the City Secretary and Solicitor advised that the planning application had not yet been received.

Cabinet agreed to the following for the reasons outlined in the report.

RESOLVED:

That the minutes of the West of Waterlooville Forum be received.

10. **APPOINTMENT OF DEPUTIES TO WEST OF WATERLOOVILLE FORUM**  
(Oral Report)

At the previous Cabinet meeting on 18 May 2006, it was agreed that the following Members be appointed to the West of Waterlooville Forum for 2006/07: Councillors Hollingbery (Chairman), Chamberlain, Collin, Cooper, Hiscock and Stallard. The appointment of deputies was deferred.

However, since the appointments were made, Councillor Hiscock had agreed to stand down as Member to enable a representative from the Labour Group to be appointed. Cabinet therefore agreed that Councillor Hiscock be replaced by Councillor Rees.

The City Secretary and Solicitor confirmed that as the Forum was an informal body, Members appointed as deputies could deputise for other political groups.

RESOLVED:

That the following appointments be made to the West of Waterlooville Forum for 2006/07:

- (i) That Councillor Hiscock be replaced by Councillor Rees.
- (ii) That Councillors Clohosey and Hiscock be appointed as deputies.

(Revised Membership: Councillors Hollingbery (Chairman), Chamberlain, Collin, Cooper, Rees and Stallard. Deputies: Clohosey and Hiscock)

11. **FUTURE ITEMS FOR CONSIDERATION**

The Director of Communities advised that the estimated costs for the University Outdoor Sports Centre at Bar End were £1.8 million with funding being sought from a variety of sources.

The Chief Executive confirmed that Cabinet Members would be consulted on the proposed Community Strategy report which was due to be submitted to Cabinet on 13 September.

RESOLVED:

That the list of future items, as set out in the Forward Plan for June 2006, be noted.

Chairman

*Amended Appendix 2 to CAB1272, with the amendments to be noted set out in bold, italics and underlined.*

**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*<sup>1</sup>. 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

---

<sup>1</sup> [http://www.winchester.gov.uk/Documents/planning/WDLPreview/PM\\_maps.pdf](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'*<sup>2</sup>.

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)<sup>3</sup>, for 7295 new housing units from 1996 to 2011<sup>4</sup>. 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 making<sup>5</sup>. 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

---

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

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

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

<sup>5</sup> <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 Plans<sup>6</sup>.

The Winnall **Moors, part of the River Itchen 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'<sup>7</sup> and are physically separated from the proposed allocation by the Nuns Walk Stream.



Figure 1

<sup>6</sup> ECJ 20 Oct 2005 Case C-06-/04

<sup>7</sup> [http://www.english-nature.org.uk/special/sss/sss\\_details.cfm?sss\\_id=2000227](http://www.english-nature.org.uk/special/sss/sss_details.cfm?sss_id=2000227)



In addition, an existing public right of way runs between the proposed allocation and the Nuns Walk Stream<sup>8</sup>. 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 units<sup>9</sup>. It is inconceivable that such a scale of development would occur at this location on less than 1ha, and as a result ODPM Circular 01/05<sup>10</sup> 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

---

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

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

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

damsselfly (*Coenagrion mecuriale*) and high densities of bullhead (*Cottus gobio*)<sup>11</sup>. In addition, the SAC features White-clawed crayfish (*Austropotamobius pallipes*), Brook lamprey (*Lampetra planeri*), Atlantic Salmon (*Salmo salar*) and Otter (*Lutra lutra*). A common characteristic of all the featured species and habitats is the dependence on 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. Similarly, as crayfish, bullhead, lamprey or salmon will be confined to the water bodies of the R.Itchen, direct impacts on these interest features will derive solely from water abstraction and effluent discharge. An evaluation of these processes is below.

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 damsselfly and the Otter (*Lutra lutra*). However, the southern damsselfly 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'<sup>12</sup>. 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'<sup>13</sup>.

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

---

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

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

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

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 forming the 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.

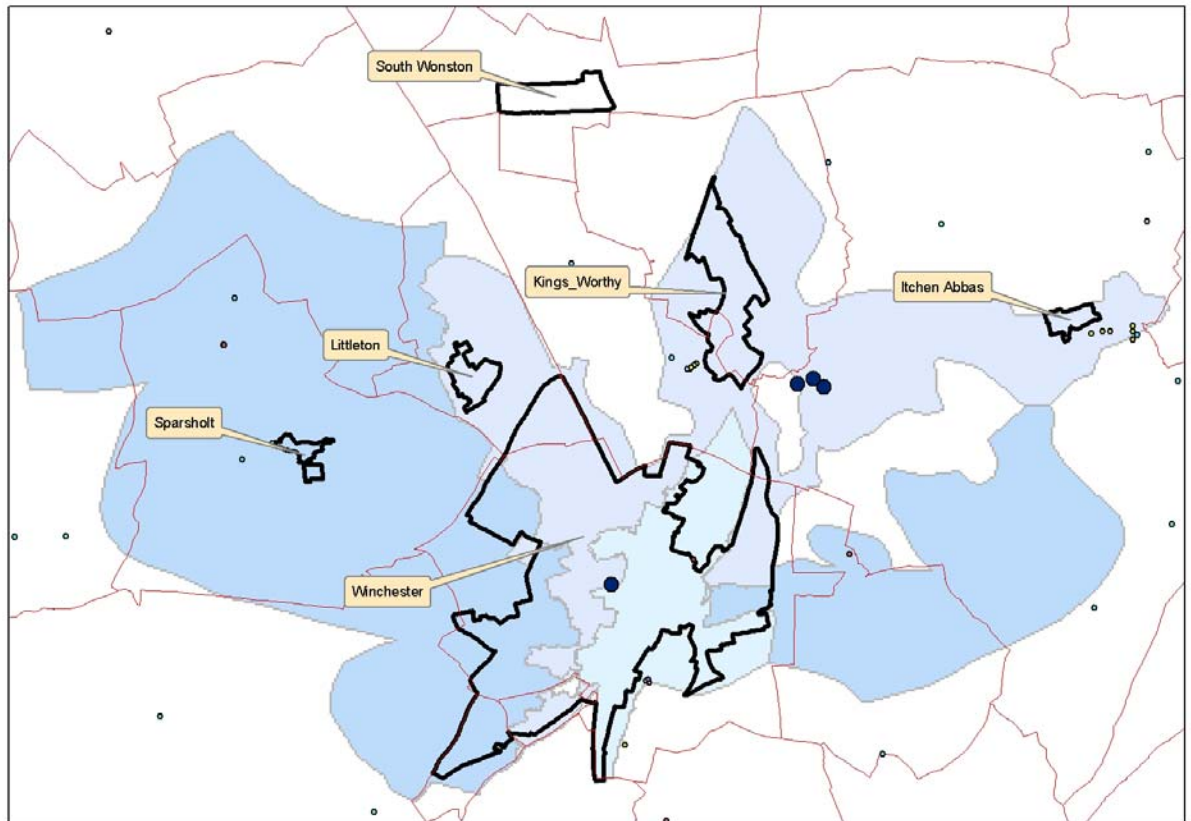


Figure 2

According to Hampshire County Council<sup>14</sup> 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 metered<sup>15</sup> and metering reduces water demand by 9%<sup>16</sup> 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)<sup>17</sup>. The Winchester District Annual Monitoring Report 2004-2005<sup>18</sup> identifies that, as of March 2005, there is potential scope for an additional 818 houses within the settlement boundary of Winchester alone<sup>19</sup> (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 current 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

---

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

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

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

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

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

<sup>19</sup> 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.

water to be abstracted if abstraction levels at Easton and Winchester combined exceed 95% of **currently** permitted abstraction levels<sup>20</sup>.

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, Winchester<sup>21</sup>

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

---

<sup>20</sup> 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.)

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

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 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 03/99<sup>22</sup> or PPS23<sup>23</sup>, 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

---

<sup>22</sup>[http://www.odpm.gov.uk/pub/395/Circular0399PlanningRequirementinrespectoftheUseofNonMainsSeweragePDF258Kb\\_id1144395.pdf](http://www.odpm.gov.uk/pub/395/Circular0399PlanningRequirementinrespectoftheUseofNonMainsSeweragePDF258Kb_id1144395.pdf)

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

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.

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 R.Itchen<sup>24</sup>. 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

---

<sup>24</sup> [http://www.english-nature.org.uk/special/sssi/sssi\\_details.cfm?sssi\\_id=2000227](http://www.english-nature.org.uk/special/sssi/sssi_details.cfm?sssi_id=2000227)



existing tree belts on site that will be retained, particularly the 'finger' of tree-belt shown in Fig.1.

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.