

WINCHESTER CITY COUNCIL

At a Special Meeting of the Council held in the Guildhall, Winchester on 31 May 2006.

Attendance:

Councillor Nelmes (The Mayor in the Chair) (P)

Councillors:

Allgood (P)	Johnston (P)
Anthony	Learney (P)
Baxter (P)	Lipscomb (P)
Beckett (P)	Love (P)
Bennetts (P)	Macmillan (P)
Berry (P)	Mather (P)
Beveridge (P)	Maynard (P)
Busher	Merritt (P)
Chamberlain (P)	Nunn (P)
Chapman (P)	Pearce (P)
Clohosey (P)	Pearson (P)
Coates (P)	Pines (P)
Collin (P)	Quar
Cook	Read
Cooper (P)	Rees
de Peyer (P)	Ruffell (P)
Evans (P)	Saunders (P)
Godfrey (P)	Spender (P)
Goodall (P)	Stallard (P)
Hammerton	Stephens (P)
Higgins (P)	Sutton (P)
Hiscock (P)	Tait (P)
Hollingbery (P)	Verney (P)
Howell (P)	Wagner
Huxstep (P)	Weston (P)
Izard (P)	Wood (P)
Jackson (P)	Worrall (P)
Jeffs (P)	Wright (P)

39. **COMMUNICATION FROM THE LEADER**

The Leader was pleased to report that Cllr Anthony and his partner had become parents, with the birth of their son, James, on 25 May 2006. Members requested the Mayor to convey the best wishes of the Council accordingly.

40. **CONSIDERATION OF RECOMMENDED MINUTES****Cabinet – 31 May 2006**

The minutes of this meeting had not been circulated within the statutory deadline. However, the Mayor agreed to accept them onto the agenda, in view of the urgent need to determine certain issues and adhere to the Local Plan Review timetable.

Winchester District Local Plan Review: Analysis of Representations on Proposed Modifications and Proposed Adoption of Local Plan

The Leader of the Council, Cllr Beckett, moved that the above Recommended Minute (as circulated at the Council Meeting and set out in Appendix A to these minutes) be approved and adopted.

Also circulated at the meeting was an amended copy of the Assessment for Proposed Allocation of the Francis Gardens, Winchester Local Reserve Site, which included additional technical comments from English Nature, which had been considered and accepted by Cabinet earlier in the day.

Amendment (1) Councillor Hiscock (2) Councillor Evans

That in Recommendation 5 (A), line 4, following the word “them” insert

“... provided that the need for local affordable housing was being satisfied...”.

In accordance with Council Procedure Rule 32 (1), one quarter of Members present and voting required that a recorded vote be taken in respect of the amendment.

Division List

The following Members voted in favour of the amendment:

Cllrs Bennetts, Beveridge, Chamberlain, Clohosey, Collin, de Peyer, Evans, Goodall, Higgins, Hiscock, Iazard, Jackson, Johnston, Learney, Love, Maynard, Merritt, Nelmes, Nunn, Pearce, Pines, Spender and Sutton (23).

The following Members voted against the amendment:

Cllrs Allgood, Baxter, Beckett, Berry, Chapman, Coates, Cooper, Godfrey, Hollingbery, Howell, Huxstep, Jeffs, Lipscomb, Macmillan, Mather, Pearson, Ruffell, Saunders, Stallard, Stephens, Verney, Weston, Wood, Worrall and Wright (25).

The following Member abstained:

Cllr Tait

Amendment lost.

Amendment (1) Councillor de Peyer (2) Councillor Pines

That in Recommendation 5 (A), line 4, following the word “them” insert

“...provided that the provision of local affordable housing is not put into jeopardy...”.

Amendment lost.

Original motion carried.

RESOLVED:

1. That the Recommended Minute be approved and adopted.
2. That the unanimous thanks of the Council be conveyed to the Strategic Planning Team (particularly Mr Opacic and Mrs Kirby) together with the staff involved from other Divisions, for their excellent work in producing the Local Plan Review.

Cabinet – 31 May 2006

Draft Supplementary Planning Documents on Local Reserve Sites and Infilling Policy: Analysis of Representations and Proposed Adoption

The meeting was informed that a decision on the above matter would be taken by Cabinet, at its meeting to be held on 26 July 2006. The matter was therefore presented to Council for information.

RESOLVED:

That the Recommended Minute be noted.

The meeting commenced at 7.00pm and concluded at 9.05pm.

The Mayor

Cabinet 31 May 2006 – Minute Extract41. **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 COUNCIL 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.

42. **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.
