

**MINUTES OF THE EXTRAORDINARY MEETING OF ODIHAM PARISH COUNCIL
HELD IN MAYHILL JUNIOR SCHOOL'S HALL, THE BURY, ODIHAM ON
TUESDAY 15 SEPTEMBER 2015 COMMENCING AT 7.35PM**

Present: Cllrs Hale (Chair), Bell, David, Faulkner, Fellows, Fleming, Harris, Robinson-Giannasi, Stewart and Worboys

In attendance: Mrs Tilt (Deputy Clerk)

Also present: District Cllr Gorys; 61 members of the public

FULL COUNCIL

154/15 RECEIVE AND ACCEPT APOLOGIES FOR ABSENCE

District Cllrs Crookes and Kennett sent their apologies.

155/15 DECLARATIONS OF INTEREST RELATING TO ANY ITEM ON THE AGENDA

Cllr Worboys declared a non-pecuniary interest in items 157 & 158/15 relating to the Deer Park.

156/15 PUBLIC SESSION

The leader of Save the Park Action Group (SPAG) addressed the council regarding the group's opinion that the Deer Park should be included in the NH Plan as a Local Green Space (LGS) and formally asked to have his notes kept for the record (Appendix 1). He listed reasons why the group believed the Deer Park should be included as a LGS and finished by saying that "if the Examiner ultimately decides against it, so be it. Striking out would not cause delay".

The Chair thanked the leader of SPAG for information provided to all Cllrs.

157/15 DISCUSSION AND UNDERSTANDING OF THE IMPLICATIONS OF THE LOCAL GAP STATUS OF THE DEER PARK

Background information was provided regarding the Local Gap Status of the Deer Park (Private & Confidential Appendix 2). It was confirmed that the NH Plan Steering Group had been fully advised right from the early stages of the Plan both by their consultants and the Hart Planner, Robert Jackson, who was seconded to Hart to help with NP candidates but has now moved on to be a planning inspector. He proved extremely helpful to the Steering Group. The contact with Robert covered many aspects of the NH Plan including Local Green Spaces and the Local Gap Status was also referred to him. Robert Jackson confirmed that Local Green Spaces and Local Gaps are two separate things. A LGS is part of the NPPF and a Local Gap is a Hart DC policy. He advised that provided you are clear that these are two separate things, they can work in tandem together with no problems. He further encouraged LGS proposals where they were not anti-development in intent and had justification.

The NH Plan SG had been advised that if there is a case for a LGS, it should be put forward as there is nothing to lose and it can always be left out of a Plan if needed. This approach was specifically voted on within the NH Plan SG.

Concern was raised by some Cllrs that advice recently sought from Daryl Phillips on LGS and the advice provided by Robert Jackson were at odds. It was therefore suggested that Daryl's comments would need to be cleared at pre-submission of the Plan, but representatives from NH Plan SG felt this could wait until submission of the final Plan as this will be reviewed by Daryl Phillips as part of the Hart DC reviewing process. The Chair of the NH Plan SG advised that the Plan is checked against consistency with policy and emerging policy.

The NH Plan SG feel the Deer Park should be designated as a LGS as it is believed to be the best protection for a piece of land that the community really value.

158/15 CONSIDERATION OF THE SUGGESTION THAT THE DEER PARK SHOULD BE DESIGNATED AS A LOCAL GREEN SPACE IN THE NEIGHBOURHOOD PLAN

The Chair made the following statement:-

“It is important for us to frame this agenda item. This is a discussion about our NH Plan and specifically the possibility of Local Green Space (LGS) designation for the Deer Park. It is something that should be carefully considered on its own merits. It is important that Cllrs and the public understand that this is not a discussion about any vision or plans put forward by the owner of the Deer Park for his land. The NH Plan is a document designed to be a positive blue print for our parish for the next 17 years. The two things must be viewed separately.

The Deer Park was not put forward by our NH Plan SG as a candidate for a LGS due to its size. This as I understand it, was on the advice of their consultants who are experts on NH Plans. To date there has been no requirement for this Council to consider it. However, new precedent has suggested that we should.

This needs to be done separate to any consideration for a bespoke policy for the Deer Park – this discussion pertains to LGS designation. Given the exceptional public interest, which we welcome, I will take the opportunity to clarify the matter of a bespoke Deer Park Policy. To be clear, from OPC’s perspective the situation stands exactly as outlined on our website. However, for clarity and for the benefit of the public here today, I shall update you that following advice from their consultant, our NH Plan SG have updated us that doubt was cast over a possible new policy approach that they had proposed to us at our July meeting. As such, they have resolved to not progress a policy within the plan.

While OPC have not yet approved this within the document, it does seem consistent with the input from Hart DC, in that the land is already protected by its current Conservation Area designation and the current Local Plan Countryside policies as well as the current Local Gap policy (recently upheld in the Hop Garden appeal). And as Hart has guided, as a general rule the Government does not support a multitude of layers of land use protection policies. This point is made to emphasise that the discussion today is focussed on the LGS designation. As unpalatable as it may be, the debate has to be contained to this agenda point.

So, on the understanding that this discussion is based on LGS designation, why are we considering going against the advice of the NH Plan SG’s consultant? Following input from Cllr Fleming at our last meeting, it was suggested that another NH Plan in Petersfield, has very recently had a significant tract of land approved as a LGS which has led this Council to this meeting, to consider if this sets a new precedent for the Deer Park. So I propose that before we consider any other factors, we focus our attention on establishing if this precedent is pertinent in the case of the Deer Park. Assuming we agree it does, we can then go on to consider the required evidence base to warrant its further consideration.

With that agreed, then our deliberations are focussed on size. One assumes that the NH Plan SG’s consultant had based their recommendation to exclude the Deer Park on paragraph 77 of the NPPF. This makes it clear that LGS designation should only be used where the green area concerned is not an extensive tract of land. But there is no qualification of the word ‘extensive’. We are advised that there are no hard and fast rules about how big a LGS can be because places are different and a degree of judgement will inevitably be needed. Clearly Petersfield and Odiham are different.

So let us consider the information. Does the Petersfield NH Plan that Cllr Fleming tabled warrant this debate? I believe it does, although there are some serious considerations. Have Cllrs familiarised themselves with the Petersfield Plan? These being that the Petersfield NH Plan contains two significant sites that could be considered ‘extensive’ and both have some influencing factors:-

The Heath at 36 hectares
Causeway Farm at 25 hectares

The Heath is an existing Green Space in public ownership. The Petersfield NH Plan is not putting this land forward as a new space, but referencing to it as an existing Green Space asset for the town and outlining its unique importance being that it has been a traditional recreational area for such activities as the Taro Fair, originally for livestock but now a funfair, sporting activities such as golf, cricket, hockey and football have been played since Victorian times. It is used for dog walking, picnicking and by children for play. It is crossed by two rights of way, contains a children's play area and a newly refurbished refreshment kiosk. With its shallow pond of nearly 9 hectares it is popular for boating and fishing. It is classed as a Site of Importance for Nature Conservation (SINC) with specific habitats and plant species listed. It is also an important archaeological site with about 21 prehistoric burial mounds, the largest concentration of Bronze Age round barrows in the area and a Scheduled Ancient Monument. Policy NEP3 therefore prohibits any development which would damage or detract from the Heath and its immediate vicinity.

While the importance of the Deer Park is also referenced in our Plan, even though this Heath is not being put forward by Petersfield as a new LGS, it provides a good outline for what we would need to establish for the Deer Park. But we need to consider the matter of mass to be comfortable in going against the consultant's advice.

As mentioned, the Petersfield NH Plan that Cllr Fleming has pointed us towards does include a new LGS designation for an area of land called Causeway Farm that I would consider extensive, albeit it is much smaller than the Deer Park. But there is an additional factor for us to consider. In that as I understand it the Petersfield NH Plan team has worked with the developer/landowner at Causeway Farm to hand over what is now proposed LGS as a country park in exchange for progressing a considerable housing development (159 houses) within their Plan.

So the precedent here seems to be to work with the landowner to allow development in exchange for additional community land, which is not something we have ever discussed for the Deer Park. It does though demonstrate how a NH Plan team have worked with a landowner to deliver a large area of land for public benefit.

So with the example presented by Cllr Fleming, does this Council believe that there are grounds to consider overriding the advice of our NH Plan SG's consultant and go on to consider the merits of the Deer Park? And would anyone like to make any points pertaining to the issue of mass or the precedent of the Petersfield Plan?"

Following the Chair's statement, each Cllr was given the opportunity to comment. Disappointment was expressed that no follow up or information had been received from Cllr Fleming or the NH Plan SG following the request to consider the Deer Park being designated as a LGS as an agenda item at this evening's meeting. It was felt by some Cllrs that the Petersfield NH Plan had very little if no relevance to our NH Plan. Petersfield is extensive, the sizes are very different and the Deer Park stands on its own merits. It was also felt that the Petersfield NH Plan had been 'cherry picked', there are other similar NH Plans which give a very different view and the Examiner made it clear that all criteria must be met in full. If the Deer Park is designated as a LGS in our NH Plan, then it will be up to the Examiner to decide on whether it fulfils the criteria. Concern was raised again at the conflicting advice that has been given by experts regarding designation as a LGS and it could prove dangerous to go against specific advice. It was also suggested that it needs to be established whether LGS designation will give us anything more than a Local Gap Status.

What is LGS designation? LGS designation is a way to provide special protection against development for green areas of particular importance to local communities.

All Cllrs were asked to consider whether they would be happy to allow the Examiner to look at the Deer Park to see if it meets the criteria regarding size. The majority were in favour of this.

Cllrs were then asked to deliberate on whether they want to include the Deer Park as a LGS based on its merits. From a NH Plan perspective, what the NPPF lies down is relevant. Space has to be of particular importance to the community and the Deer Park is believed to be a much loved green space and important to people. There are certain things that make something special to the community ie: beauty, historical significance, recreational value, tranquillity or richness of wildlife and the NH Plan SG feel the Deer Park ticks all the right boxes.

It was raised by some Cllrs that as it is essential when allocating a LGS for evidence to be provided and demonstrated in full to the Examiner. Where is this evidence and when will it be available for Cllrs to see? It was confirmed by the NH Plan SG that this evidence will be included as an appendix to the NH Plan. It was commented that proper evidence needs to be provided to the Council which clearly demonstrates all the evidence, ie: ecological study, beauty, historical significance, recreational value, before a decision can be made. Some Cllrs believed it is unreasonable to expect them to make a decision without all the information being made available. Concern was also expressed that if the evidence doesn't stand up under examination, to what extent will that cause doubt on other aspects of the NH Plan?

The Chair called the public to order and it was noted that a member of the public approached the table and dropped some documentation in front of one of the Cllrs.

It was also raised that only part of the Deer Park is being put forward for LGS (Appendix 3), not the entire Deer Park which is extensively larger. The NH Plan SG confirmed that a specific area needs to be selected for the NH Plan and they were trying to be proportionate when doing this. Lodge Farm is a strategic site so that is why it has not been included. A boundary was selected, there is no exact science and hedges and walls were used which appear in old and new maps. It was further commented that 83 acres of the Deer Park was known as a little park back in 1736 and this defines the area.

It was noted by one Cllr that the residents who responded to the NH Plan questionnaire would like a LGS included in the NH Plan so OPC should support this. Even if it is passed today, the LGS can always be taken out before the Plan is finalised. Another Cllr believed OPC should keep the Deer Park out of the Plan as it is so important to the community and could be used more effectively for the whole of the community.

The Chair asked all Cllrs to vote on whether OPC should put the Deer Park forward to be designated as a Local Green Space within the NH Plan. 4 Cllrs voted yes, 2 Cllrs voted no and 4 Cllrs abstained due to not enough evidence being provided

It was therefore agreed by a majority vote that the Deer Park would be put forward to be designated as a Local Green Space within the NH Plan.

It was noted that a member of the public approached two Cllrs at the table and conducted himself in a threatening and aggressive manner.

It was agreed to place the circulated statement (Appendix 4) on OPC's website and Facebook page regarding the outcome reached on the Deer Park.

159/15 RESOLUTION IN ACCORDANCE WITH THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 TO EXCLUDE THE PUBLIC AND PRESS

It was resolved to exclude the public and press due to the confidential nature of the business to be transacted.

160/15 RECEIVE AN UPDATE ON THE PURCHASE OF THE KITCHEN GARDEN AND AGREEMENT ON THE NEXT STEPS

An update was received on the Kitchen Garden and agreement was reached on the next steps. (Private & Confidential Appendix 5).

There being no further business the meeting closed at 9:10pm.

Signed.....

Date.....