

Owslebury Recreation Ground Legal Status	2
Owslebury Recreation Ground Village Green VG80 Original	28
Owslebury Recreation Ground Tree Assessment Aug 26	33
Friends of Owslebury Green Objection	69
Friends of Owslebury Green Response	72
Friends of Owslebury Green Website Response	74

Owslebury Recreation Ground

Historical and Legal Status, Recreational Purpose and Questions for Specialist Counsel

Report to Owslebury and Morestead Parish Council 14 September 2026

Agenda Item 45

Prepared by: Astrea Hurlock, Chair



Newspaper cuttings book of George John, 9th Earl of Northesk 1879 – 1889 **Hampshire Record Office:**
133A15/A10/3/3

Executive summary

Plot 42 was allotted by the 1861 Owslebury Inclosure Award as five acres to be held in trust as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. Although the Award describes the land by its purpose rather than formally naming it, the site was being referred to as the “Recreation Ground” by at least 1909, when the cricket minutes recorded acceptance of a tender to erect a pavilion “on the Recreation Ground”. A contemporary Victoria County history 1908 likewise describes it as an enclosed recreation ground of approximately four acres. The land is now owned and managed by Owslebury Parish Council and is also registered as village green VG80. [S1–S3, S14, S20]

Planning permission would not, by itself, provide the necessary authority to proceed. Legal clarity must also be obtained on the requirements of the 1861 Award, village-green legislation and the byelaws. [S1, S3–S8]

The present proposal is an integrated scheme comprising a replacement pavilion, two padel courts, a MUGA, parking, access and supporting infrastructure. The padel courts are commercially fundamental to the proposal. Based on preliminary measurements from the project architect, the combined proposed footprint is approximately 1,574 m², representing about 9.5% of the present 16,571 m² of the Recreation Ground.

Historical evidence demonstrates that organised sport and social recreation have deep roots in Owslebury and the surrounding estates. It also distinguishes the present Recreation Ground from the Earl of Northesk’s private cricket ground at Longwood and the Marwell Hall ground used for Owslebury home fixtures in the 1800’s. The historical evidence shows the village’s strong commitment to sport, following a long period without a permanent home ground, the Recreation Ground became the established home of village sport. [S10, S14, S18]

The Recreation Ground has supported permanent sporting and community buildings for over a century. Its pavilion was commissioned in 1909, extended under approved 1968 plans, leased in 1978 and destroyed by fire on 14 May 2022; a separate Scout hut also formerly stood there. The current pavilion is therefore replacement provision in functional and historical terms. That is relevant to continuity and net additional occupation. S13, S14, S18, S19.

The central legal question is whether each component—and the integrated proposal as a whole—is compatible with the protected recreational purpose and provides for the better enjoyment of the Recreation Ground. Particular issues include physical interference, enclosure, retained open space, public access, the meaning of “neighbourhood”, booking priority, charges, operation by the Sports Club and the relationship between the Award, VG80 registration and byelaws.

The report recommends that the Council receive the historical and legal evidence, approve the instruction of specialist counsel and refrain from making a final determination on the lawfulness of the present scheme until that advice has been received. The objective is to establish a lawful and practical route that secures the future of sport and recreation on the Recreation Ground.

Table of Contents

Executive summary	3
1. Purpose and boundaries of this report	6
2. The Proposal being assessed	6
2.1 Description of the project	6
2.2 Proposed use and access	8
2.3 Commercial interdependence of the proposal	8
2.4 Current status	8
3. The legal history in chronological order	9
3.1 The 1861 statutory recreation trust	9
3.2 “Parish and neighbourhood”: the original beneficiary wording	10
3.2.1 “Parish and neighbourhood” was statutory language	10
3.2.2 The 1861 geography matters	11
3.3 Statutory succession to the civil Parish Council	11
3.4 Registration as village green VG80	11
3.5 The 1973/74 byelaws	11
3.6 Dog control and possible permanent exclusion	12
3.7 The 1978 Cricket Club pavilion lease	13
4. Sporting heritage and the identity of the grounds	13
4.1 Longwood: the Earl’s private estate ground	13
4.2 Marwell Hall: the home venue recorded for Owslebury	13
4.3 Winchester and other grounds: away fixtures and a mobile cricket network	14
4.4 The present Recreation Ground: continuity from statutory purpose to organised village sport	14
4.5 A wider sporting culture: more than cricket	15
4.6 How the “gift of the ground” misunderstanding may have arisen	15
4.7 What the history contributes to “better enjoyment”	16
5. The four legal layers and how they interact	16
5.1 Council ownership remains subject to the protected recreational purposes	16
5.2 Planning permission is separate	17
5.3 The proposal must be assessed both by element and cumulatively	17
6. The “better enjoyment” question	17
6.1 What the NALC guidance helps to establish	17
6.2 Matters already considered	17
6.3 Community need and “neighbourhood”	17
7. How the proposal will improve recreational use of the Recreation Ground	18
8. Questions for specialist counsel	19
A. Status, beneficiaries and statutory obligations	19

B. Better enjoyment and interference -----	19
C. Access, bookings, charges and governance -----	21
D. Consent, planning and decision sequence -----	21
E. Permanent exclusion of dogs from the Recreation Ground -----	22
9. Recommendations and proposed Council resolutions -----	23
9.1 Evidence to send with the instruction -----	23
9.2 Proposed resolutions for the meeting -----	23
10. Conclusion -----	24
Sources -----	25

1. Purpose and boundaries of this report

The purpose of this report is to help the parish councillors understand why the Recreation Ground cannot be considered through only one lens. It is both an historic statutory recreation allotment and a registered village green. It is also managed under confirmed byelaws and is subject to the planning system. Those regimes overlap, but none should be treated as a substitute for another.

The report responds directly to the combined questions and drafted answers prepared following the Pavilion Committee and Parish Council meeting of 13 July 2026. That document is valuable because it records the present position openly: the scheme is still at a preparatory stage, the Council does not rely on the earlier questionnaire as approval of the current package, and specialist village-green advice has not yet been obtained. [S9]

The historic cricket material remains relevant, but only as supporting context. It shows the importance of sport to Owslebury and helps correct a separate misunderstanding about the Earl of Northesk's private Longwood ground. It is not the governing legal test for the pavilion and associated facilities.

2.1 Description of the project

The Council is considering an integrated redevelopment of the Recreation Ground comprising a new sports pavilion, two padel courts, a MUGA, associated court enclosures and infrastructure, parking and access improvements, together with the facilities necessary to support the continued and expanded sporting use of the ground.

The project is intended to replace or improve the existing pavilion facilities, support the established cricket and football uses of the ground, introduce an additional form of community sport and provide facilities capable of serving the present and future sporting needs of Owslebury and the surrounding neighbourhood.

Development of the present layout

The present proposal is the product of a substantial number of earlier drawings, layouts and alternative sitings considered by the Council and its project team. Those iterations examined different ways of accommodating the sporting facilities within the Recreation Ground. On the information presently available, the current arrangement is the only configuration identified that accommodates the necessary facilities and provides a workable operational and financial model.

The selection of this layout does not establish that it is lawful under the Award or village-green legislation. It does, however, explain why the components have been positioned as shown and why simply relocating or removing a principal component—particularly the padel courts—may not produce a viable version of the present project.

The precise design, footprint, siting, access arrangements and operating terms remain subject to further technical work, planning consideration, consultation and legal advice. This report therefore does not treat any present drawing or operational proposal as finally approved.

Scale of the proposal

Based on approximate measurements taken from the current plans by the project architect, the Recreation Ground has a present area of approximately 16,571 m². The combined proposed footprint of the pavilion and canopy, two padel courts and their enclosures, MUGA and its enclosure, and additional new hard standing is approximately 1,574 m². The integrated proposal would therefore affect approximately 9.5% of the present Recreation Ground. These figures are provided for an initial comparison of scale and remain subject to confirmation from the final plans.

Element	Approximate area
Pavilion	216 m ² gross external floor area
Additional canopy	61 m ²
Two padel courts, including enclosures	440 m ²
MUGA, including enclosure	170 m ²
Additional new hardstanding	687 m ²
Combined proposed footprint	1,574 m²
Present Recreation Ground	16,571 m²
Combined footprint as proportion of ground	9.5%

Approximately 90.5% of the Recreation Ground is estimated to remain outside the combined proposed footprint, but counsel must advise whether the nature, positioning, enclosure and operating arrangements of the affected 9.5% are compatible with the Award, village-green legislation, the byelaws and the better-enjoyment requirement.

Historic buildings and net additional occupation

The local '100 Years of Cricket' account quotes the 1909 cricket minutes as recording acceptance of a tender to erect a pavilion 'on the Recreation Ground' and records that it had been paid for by 1910. Plans dated 7 December 1968 and approved by Winchester Rural District Council on 30 December 1968 then record a rear extension to the existing Owslebury Cricket Club pavilion. Those drawings indicate an existing footprint of approximately 54 m² and an extension of approximately 15 m², producing a total pavilion footprint of approximately 69 m², with changing rooms, a central clubroom, stores, toilets and associated paving. The pavilion was subsequently the subject of the 1978 lease. On 14 May 2022 Hampshire and Isle of Wight Fire and Rescue Service recorded that the cricket pavilion on Longwood Road had been destroyed by fire. [S13, S14, S18, S19]

A separate Scout hut also formerly stood on the Recreation Ground and supported Cub, Scout and community activity.

The proposed pavilion is therefore a replacement in functional and historical terms, even though it would be larger and occupy a different position. The pavilion sequence and the separate Scout hut establish that permanent buildings supporting sport and community recreation formed part of the Recreation Ground for many decades. They are material to the character of the ground and to the assessment of net additional occupation. They do not, however, create an automatic entitlement to rebuild anywhere on the green or determine whether the complete pavilion, padel, MUGA, parking and access scheme satisfies the governing legal tests.

Glebe Field as possible replacement land

The Parish Council also owns the larger part of Glebe Field next to St Andrew's Church. It acquired the land under a 1983 conveyance requiring it to be used only as "a public open space." It is centrally located and regularly accommodates the village fair, festivals, classes and other community events. Its function is therefore complementary to that of the Recreation Ground, which is principally used for sport.

The Council-owned part of Glebe Field is estimated from the conveyance plan at approximately 1,120 m² and is understood not to be registered as a village green. It may therefore provide possible replacement land if any part of VG80 must be deregistered under section 16 of the Commons Act 2006. Its adequacy should be compared with the area counsel considers must actually be released, rather than automatically with the scheme's gross 1,574 m² area. The adjoining church-owned land might also be considered if the church agreed to participate. [S12]

2.2 Proposed use and access

The pavilion would support the established sports clubs and other authorised recreational and community uses. The padel courts would operate through an advance-booking and charging system and would be available to residents of Owslebury and the surrounding neighbourhood as well as other users, subject to availability and the operating rules ultimately adopted by the Council.

Matters still requiring determination include the hours of operation, booking priority, charges, concessions, arrangements for club and community use, management responsibilities, court access, lighting, fencing and the extent to which any operator or sports organisation would be granted exclusive or preferential rights. These matters form part of the factual proposal upon which counsel's advice is required.

Local amenity context

Owslebury is a small rural village with a very limited range of publicly accessible social, leisure and sporting facilities. Apart from the public house, children's playground and the existing activities at the Recreation Ground, residents have few local opportunities for organised recreation or informal social participation without travelling elsewhere. This is particularly relevant to children, young people, families, older residents and those without convenient access to private transport.

The proposed facilities are intended to broaden year-round local recreation, support social connection and make the village a more sustainable and attractive place in which to live. A stronger range of community amenities may also assist the village in retaining and attracting residents and families. However, any claimed effect upon residential desirability or the local housing market should be treated as contextual rather than established unless supported by appropriate evidence.

2.3 Commercial interdependence of the proposal

The proposal is commercially and operationally interdependent. The padel courts are not an optional or readily severable addition: they are intended to provide the principal recurring income stream supporting the pavilion and the ongoing management and maintenance of the improved sporting facilities.

Without the padel courts, the present project would not have a viable financial and operational basis and the pavilion and associated development would not proceed in their present form. Counsel must therefore consider the pavilion, padel courts, parking, access, enclosures, charging arrangements and operating model as one integrated proposal, while also considering the legal effect of each physical and operational component separately.

The Council is not suggesting that projected padel income is guaranteed. The relevant point is that the Council's current business model depends upon the courts and that removing them would produce a materially different project requiring reconsideration.

2.4 Current status

No final conclusion has yet been reached that the integrated proposal satisfies the statutory "better enjoyment" test, complies with the 1861 Award and confirmed byelaws, or may lawfully be

implemented on the registered village green. Planning permission would not, by itself, determine those separate questions.

The purpose of seeking specialist counsel's advice is to establish whether the integrated proposal is legally deliverable, what consents or procedures would be required and whether any modifications are necessary before the Council makes binding commitments or authorises development works.

3. The legal history in chronological order

Date	Legal event	Significance
1861	Owslebury Inclosure Award	Plot 42, Five Acres, allotted to the churchwardens and overseers and successors in trust as a place for exercise and recreation for the inhabitants of the parish and neighbourhood. Roadside fence liability stated.
1894	Local Government Act 1894	The Act under which the civil property and management functions formerly held by the Churchwardens and Overseers of the Poor passed to the Parish Council, while the existing trusts and obligations affecting the Recreation Ground continued.
1909-10	Pavillion commissioned and paid for	The local cricket history quotes 1909 minutes accepting a tender to erect a pavilion on the Recreation Ground and records that it had been paid for by 1910. Original minutes should be added. [S14]
1968	Existing pavilion extension approved	Approved plans record an existing pavilion of approximately 54 m ² and a rear extension of approximately 15 m ² , producing a total footprint of approximately 69 m ² . [S19]
1970	VG80 registration entry	The Recreation Ground was entered in the register as village green VG80 under the Commons Registration Act 1965 process. Certified register and map required in the bundle.
1973	Ownership entry and byelaws	The ownership section was entered in January 1973. The Council made Recreation Ground byelaws on 5 April; they were confirmed on 19 November.
1 Jan 1974	Byelaws commenced	The confirmed byelaws came into operation. Their present status and interaction with later law should be confirmed.
29 Dec 1978	Cricket Club pavilion lease	The Parish Council, as landlord, granted the Club trustees a 35-year lease from 25 March 1978 of a defined pavilion parcel extending five metres from the pavilion walls, with access and service rights. The stated term has ended; the subsequent legal and practical position requires documentary verification. [S13]
14 May 2022	Pavillion destroyed by fire	Hampshire and Isle of Wight Fire and Rescue Service records that the Longwood Road cricket pavilion was destroyed in a late-night blaze. [S18]
2026	Current proposal and counsel	The proposal includes a replacement pavilion following the 2022 fire and associated sports and site works. The Council's draft answers state that no specialist village-green opinion has yet been obtained.

3.1 The 1861 statutory recreation trust

The digitised Award contains the following operative wording. Square brackets identify the supplied word where the manuscript appears to omit it:

“And I declare that I have set out and do hereby set out allot and award unto the Churchwardens and Overseers [of] the Poor of the said Parish of Owslebury all that piece or parcel of Land numbered 42 on the said Map containing Five Acres to be held by them and their Successors in Trust as a place for Exercise and Recreation for the Inhabitants of the said Parish and Neighbourhood. And I direct that the fences against the Roads of such allotment shall from time to time be repaired and maintained by and at the expense of the Churchwardens and Overseers of the Poor of the said Parish for the time being.”

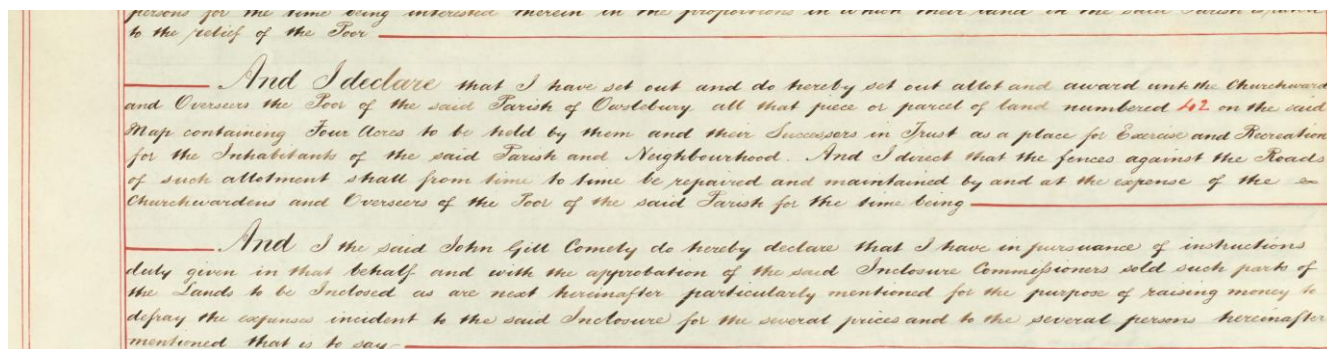


Figure 1. The 1861 Award passage allotting plot 42 as the Recreation Ground. Source: digitised Owslebury Inclosure Award. [S1]
Hampshire Record Office: Q23/2/107/2

This wording is foundational. It identifies the parcel, area, holders, trust purpose, beneficiaries and a continuing maintenance liability. The Council’s powers as owner or manager must therefore be considered against this purpose rather than as if the land were an unrestricted municipal asset.

Field	Entry
Award	Owslebury Inclosure Award, 1861
Recreation Ground allotment / plot number	42
Award wording and purpose	“All that piece or parcel of Land numbered 42 on the said Map containing Five Acres to be held by them and their Successors in Trust as a place for Exercise and Recreation for the Inhabitants of the said Parish and Neighbourhood.”
Area and boundaries	Five acres. The operative wording does not set out individual compass-point boundaries, but expressly refers to “the fences against the Roads of such allotment”. The parcel and every present boundary should be checked against the 1861 Inclosure Map, the current title plan and the VG80 registration map.
Maintenance responsibility	The Churchwardens and Overseers of the Poor of the Parish of Owslebury and their successors, with the road-side fences to be repaired and maintained at their expense for the time being.
Original trustees / management body	The Churchwardens and Overseers of the Poor of the Parish of Owslebury and their successors, holding the land in trust.
Beneficiaries	The inhabitants of the Parish of Owslebury and the Neighbourhood.
Express purpose	Exercise and recreation.

3.2 “Parish and neighbourhood”: the original beneficiary wording

The Recreation Ground was created by the 1861 Award. The expression should therefore be considered principally from the language of that Award, the Inclosure Act 1845 under which it was made, the parish and settlement boundaries then existing, and contemporary geographical usage. Later discussion in 1891 did not alter the 1861 trust wording unless a later statutory order or other lawful instrument did so. [S1, S15]

3.2.1 “Parish and neighbourhood” was statutory language

The words were not invented specially for Owslebury. Section 74 of the Inclosure Act 1845 used the same formula for recreation allotments, requiring the land to be available for exercise and recreation by the inhabitants of “the parish and neighbourhood”. Section 73 dealt with the holding and maintenance of public-purpose allotments. Section 27 also required regard to the health, comfort and convenience of cities, towns, villages and populous places in or near the parish. [S15]

The statutory language therefore distinguishes the parish—a recognised legal and administrative area—from a geographical neighbourhood capable of including nearby people outside that boundary. The Commons Act 1876 later used population, proximity to neighbouring towns and villages, and the

availability of other recreation grounds as relevant considerations in the public-interest assessment of common land. That supports a practical local catchment, not a county, registration district or modern district-council boundary. [S16]

3.2.2 The 1861 geography matters

Colden Common became a separate civil parish on 1 April 1932 from parts of Owslebury and Twyford. Morestead was a separate parish in 1861 and was merged into Owslebury in 1932. A small area transferred to Upham in 1932 had also previously formed part of Owslebury. Accordingly, the Owslebury portion of Colden Common and the later Upham transfer were within “the said Parish” in 1861, while nearby places outside it may have depended on “neighbourhood”. Ecclesiastical arrangements do not by themselves settle the civil or poor-law parish boundary used by the Award. [S17]

Place or interest	Working historical position for counsel
Owslebury village and land within the 1861 parish	Covered as inhabitants of “the said Parish”.
Marwell and other Owslebury hamlets	Covered where they lay within the contemporary parish.
Owslebury portion of Colden Common	Covered by “the said Parish”; not dependent on the wider word “neighbourhood”.
Twyford portion of Colden Common	A strong candidate for “neighbourhood”, subject to the 1861 boundary and evidence of proximity and connection.
Twyford village	Potentially within the neighbourhood, but proximity, routes and evidence of community use should be examined.
Morestead	A strong candidate for “neighbourhood” in 1861 because it was then a separate adjoining civil parish; it joined Owslebury in 1932.
Area later transferred from Owslebury to Upham	Within “the said Parish” in 1861; other parts of Upham may require the neighbourhood analysis.
Winchester city	Not automatically included merely because it is nearby. Treating the whole city as beneficiaries would require a defensible construction and evidence; counsel should advise on the outer reach.

3.3 Statutory succession to the civil Parish Council

Sections 5(2)(c) and 6(1)(c)(iii) of the Local Government Act 1894 appear to provide the relevant statutory transfer of non-ecclesiastical parish property and the related management functions to a parish council, subject to the existing trusts and liabilities. [S2] The report should present this as the likely legal route, not as a final opinion. Counsel should confirm the appointed-day effect, whether any supplemental local instrument was made and whether charity-law records or duties also apply.

3.4 Registration as village green VG80

The supplied register material records an entry dated 1 October 1970 and an ownership-section entry dated 9 January 1973. The registration was made under the Commons Registration Act 1965 framework. [S3] The certified register, map and any Commons Commissioner’s decision should be included because the precise wording, boundary and finality annotations matter.

The safest working position is cumulative: the VG80 registration did not make the 1861 Award irrelevant. The Council should ask counsel how the pre-existing recreation trust, registered-green protections and any registered rights now operate together.

3.5 The 1973/74 byelaws

The confirmed byelaws were made under section 8(1)(d) of the Local Government Act 1894. They define “the ground” as the Recreation Ground in Owslebury and regulate conduct on it. The clauses most relevant to the present discussion are summarised below, including clause 7 on control of dogs. [S4]

Clause	What it regulates	What it does not decide
2	Protects properly authorised acts necessary to Council officers' or contractors' duties from being offences under these byelaws.	It is an exemption from specified byelaw offences, not a general power to develop the green.
3	Controls vehicles and cycling, subject to lawful rights or privileges.	It informs access and parking management but does not determine planning, trust or village-green law.
4	Requires Council consent under the byelaws for posts, rails, fences, tents, stands, buildings and other structures.	Council consent under clause 4 is not planning permission and cannot override superior statutory or trust restrictions.
5	Prohibits willful obstruction, disturbance, interruption or annoyance of another person in proper use of the ground.	It protects shared use but is not the complete "better enjoyment" or interference test.
7	Requires a dog to be kept under proper control and restrained from causing annoyance, worrying or disturbing any person, bird or animal.	It does not itself prohibit dogs or decide whether a wider exclusion could lawfully be introduced under a replacement byelaw, Public Spaces Protection Order or another power.

3.6 Dog control and possible permanent exclusion

Permanent exclusion of dogs from the Recreation Ground

Byelaw 7 of the Recreation Ground byelaws provides that a person must not cause or permit a dog in their charge to enter or remain on the ground unless it remains under proper control and is effectually restrained from causing annoyance.

That provision has not proved effective in preventing dog fouling. The Pavilion/Sports Field Committee formally recorded on 22 February 2023 that dog walkers were failing to pick up dog faeces at the ground. Since then, the Council has continued to fund dog-bin provision and emptying, provide dog-waste bags and purchase "No Dog Fouling" signs. Despite those measures, fouling has persisted and children using the ground for organised cricket and football share the pitches with faeces.

The Council cannot continuously monitor the approximately four-acre ground, identify which dog has fouled or establish which handler was responsible. Enforcement against individual offenders is therefore impracticable and does not prevent contamination before an offender is identified.

Nor is the problem adequately addressed by removing visible faeces. Dog faeces may contaminate the underlying grass and soil, and *Toxocara canis* eggs can remain viable in contaminated soil for a prolonged period. Children playing field sports are particularly liable to come into contact with the ground, balls, footwear and equipment. The potential consequence is toxocariasis, which can in rare cases cause serious illness, including ocular damage.

Temporary restrictions, additional signage, bags and reactive cleaning are not regarded by the Council as adequate solutions. They depend upon the cooperation of the very dog handlers whose persistent failure to act responsibly has created the problem. They also cannot remove contamination already present in the soil or protect children from faeces deposited between inspections. [S24–S27]

The Council therefore considers that there is a legitimate and continuing public-health justification for permanently excluding dogs from the whole Recreation Ground, subject to any legally required exemption for assistance dogs. The Council wishes to identify the most effective and enforceable lawful mechanism for doing so.

Brief research has found that dog-control restrictions are applied to land having village-green status. A particularly relevant nearby comparator is Tilford Village Green in Waverley. Waverley Borough Council's 2023 Public Spaces Protection Order designates the cricket square on Tilford Village Green as a dog-exclusion area. The same Order also applies dog-exclusion controls to the cricket square on the land officially identified as Shamley Green Common and Village Green. These are targeted exclusions from sporting areas rather than bans covering the entirety of each green, they demonstrate that village-green status does not, in principle, prevent a properly evidenced and lawfully made dog-exclusion control from

being applied to protected sporting surfaces. Counsel should therefore advise whether the persistent and ground-wide nature of the fouling at Owslebury, together with the practical inability to identify individual offenders, is sufficient to justify permanent exclusion from the whole Recreation Ground or, if not, what is the widest lawful and enforceable alternative. [S21–S23]

3.7 The 1978 Cricket Club pavilion lease

A lease dated 29 December 1978 records the Parish Council as landlord and four named trustees of Owslebury Cricket Club as tenants. The demise was not the whole Recreation Ground or the cricket pitch. It was a rectangular parcel at Baybridge Lane extending five metres in every direction from the walls of the pavilion then standing, together with a right of way for members and lawful visitors and specified rights for water, drainage and electricity. The term was 35 years from 25 March 1978 at a peppercorn rent. [S13]

The lease is important evidence of management rather than ownership by the Club. It limited use to a pavilion for sporting and recreational purposes or purposes ancillary to them; required at least three trustees to reside in Owslebury; prohibited assignment or underletting without Council consent; and allowed only temporary or seasonal licenses to other sporting clubs or associations subject to the Cricket Club's overall control. The Council retained the reversion and rights of re-entry. The lease also stated that the pavilion had been erected by the Club and made provision for removal or purchase of buildings and fixtures when the tenancy ended.

On its face the stated term ended in March 2013, but this report does not assume what happened thereafter. Counsel should advise on the lawful structure of any future lease, license or management agreement.

4. Sporting heritage and the identity of the grounds

The historical material is relevant for two limited but important reasons. First, it demonstrates that organised sport and social recreation have deep roots in this small rural community. Secondly, it prevents different grounds and different legal histories from being conflated. It does not replace the legal test of better enjoyment and it does not prove that any modern scheme is lawful.

4.1 Longwood: the Earl's private estate ground

The Northesk scrapbook and Hampshire Archives catalogue material identify a cricket ground at Longwood House, near Owslebury, associated with the Carnegie family, Earls of Northesk. Contemporary reports refer to matches "at Longwood", the Longwood Ground, a pavilion end, the estate groundman and entertainment at the mansion. A regular July cricket week brought prominent amateur, military, school, estate and local sides, including the MCC, Free Foresters and I Zingari. [S10]

The most direct wording appears in an 1889 report of Winchester tradesmen at Longwood. It thanks the Earl for generously opening "his beautiful estate" for their free use and records that he was a guest "on his own ground". The evidence therefore supports a clear distinction: Longwood was the Earl's private estate ground, even though it was frequently shared with invited visitors and local players. It should not be described as the present statutory Recreation Ground.

4.2 Marwell Hall: the home venue recorded for Owslebury

The scrapbook records Owslebury home fixtures at Marwell Hall. One cutting states in its opening line that Owslebury v Upham was played at Marwell Hall in August 1888; another records Owslebury v Preshaw there. This distinction matters. A team name identifies the side, not the ownership or legal

identity of the ground on which it played. The available nineteenth-century evidence does not show those Owslebury home matches being played on plot 42. [S10]

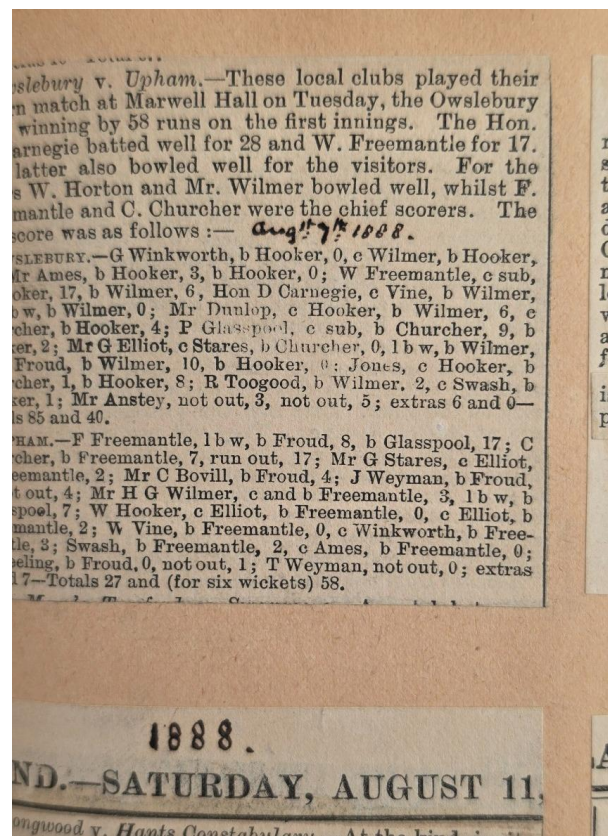


Figure 2. “Owslebury v. Upham” at Marwell Hall, August 1888. The venue is stated in the opening line. Source: Northesk scrapbook Hampshire Record Office: 133A15/A10/3/3[S10]

4.3 Winchester and other grounds: away fixtures and a mobile cricket network

A further cutting records City Cross Club (Winchester) v Owslebury at the Roebuck Ground, Winchester, on 11 June 1879, with Owslebury described as the visitors. The wider scrapbook records Longwood fixtures at Winchester College, Worthy Park, Hackwood Park and other grounds. Nineteenth-century cricket was mobile: sides were identified by a locality, estate, school, regiment, household or group of players, while fixtures took place on different private, school, military and town grounds.

Place	What the evidence establishes	What it does not establish
Longwood House ground	Private estate ground; pavilion; cricket weeks; Earl’s family and guests; visiting teams; free use and hospitality.	That it was the same parcel as the present Recreation Ground.
Marwell Hall ground	Owslebury home fixtures are recorded there, including against Upham and Preshaw.	That Owslebury then possessed or used the present ground for those fixtures.
Winchester and other grounds	Owslebury and Longwood sides travelled and played away fixtures in a wider sporting network.	That a team name identifies ownership of the venue.
Present Recreation Ground	Plot 42 was allotted for exercise and recreation in 1861; pitch preparation and pavilion records support established twentieth-century cricket, football and community use.	That later sporting use displaced the Award, VG80 protections or byelaws, or that every new facility is lawful.

4.4 The present Recreation Ground: continuity from statutory purpose to organised village sport

The present ground has its own, stronger legal and sporting history. The 1861 Award had already allotted plot 42, Five Acres, for exercise and recreation for the inhabitants of the parish and neighbourhood. The local “100 Years of Cricket” account places preparation of the present pitch after 1906 and the established cricket ground from 1908. It quotes a 1909 decision to accept a tender for a

pavilion “on the Recreation Ground” and records that the pavilion had been paid for by 1910. The original minutes should be located and added to the evidence bundle, but the account is consistent with a distinct twentieth-century history on plot 42. [S1, S14]

Cricket, football, Cub and Scout activity, voluntary fundraising, construction and community use then formed part of the ground’s living history. The 1978 lease adds documentary detail: the Parish Council granted the Cricket Club trustees a carefully limited pavilion parcel, access and service rights, while retaining ownership and control of the wider ground. It contemplated a sporting pavilion, other sporting clubs under temporary or seasonal licenses, resident local trustees and a Council reversion. That is evidence of organised sporting stewardship, not a transfer of the green to the Club. [S13]

4.5 A wider sporting culture: more than cricket

The scrapbook’s value is broader than its scores. Longwood Cricket Week brought together distinguished wandering sides, county and university players, military teams, schools, estate employees, family elevens and neighbouring clubs. Multiple teams operated around a very small village. Ground preparation, pavilions, marquees, hospitality, bands, large attendances and repeated fixtures show sustained organisations rather than an occasional pastime.

The 1889 Winchester tradesmen’s visit records that people not playing cricket took part in lawn tennis, quoits, baseball and bowls. This is strong evidence of a multi-sport culture in which formal matches, informal recreation, hospitality and participation by visitors were combined. It provides a defensible historical foundation for describing Owslebury as a village with an unusually strong sporting identity, while remaining careful not to equate the Earl’s private estate with the present green. [S10]

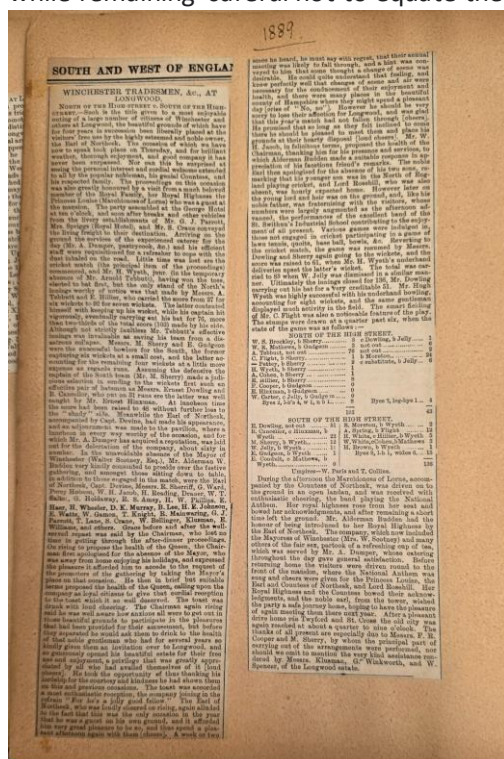


Figure 3. “Winchester Tradesmen, &c., at Longwood”, 1889. The report identifies the Earl’s estate and “own ground” and records tennis, quoits, baseball and bowls alongside cricket. Source: Northesk scrapbook. Hampshire Record Office: 133A15/A10/3/3 [S10]

4.6 How the “gift of the ground” misunderstanding may have arisen

The parish-history article written in November 2007 states that in 1906 the owner of Longwood “gave the present ground to the village for cricket”. It is an important local-history lead, but the article does not cite a deed of gift or conveyance. The presently available primary material does not substantiate that statement as a legal transfer. [S14]

The same article quotes 1909 cricket minutes thanking Lord Northesk for “lending his ground” and, separately, accepting a tender to erect a pavilion “on the Recreation Ground”. A gift, a loan or license, and the use of an existing statutory recreation allotment are different things. The two phrases should not be treated as proof of the same legal event without seeing the original minutes and any associated plans or deeds.

The older cuttings provide a plausible explanation for later confusion. For many years the Earl was thanked for allowing free use of his Longwood ground and estate. Memories of that generosity could readily have been associated with the later village ground. The contemporary evidence, however, distinguishes the Earl’s own Longwood ground, Owslebury home matches at Marwell, away fixtures at Winchester and the statutory Recreation Ground already created as plot 42 in 1861.

Evidence-led conclusion The report should not state as an absolute fact that no later gift or transaction occurred; proving a negative would require a complete deed and archive search. It can safely state that the 1861 Award predates the alleged 1906 gift by approximately 45 years, that the contemporary scrapbook identifies Longwood as the Earl’s private ground, and that no deed presently reviewed proves a donation of plot 42. Pending better evidence, “made the present ground available to the village for cricket” is safer than “donated the Recreation Ground”.

4.7 What the history contributes to “better enjoyment”

The history supports continued cricket, football, visiting teams, youth activity, social recreation and proportionate facilities that enable people to use the ground well. It also supports looking beyond a single sport: the protected purpose is exercise and recreation, and shared enjoyment has long included participants, spectators, families and visitors.

The same history counsels restraint. The value of the ground lies in sustained public and community recreation, not simply in development labelled as sporting. A modern proposal must therefore show, with evidence, that its scale, enclosure, access, charges and operating arrangements improve the protected enjoyment of the green overall. That is why the historical case leads directly back to the questions for specialist counsel.

5. The four legal layers and how they interact

Layer	Principal function	Question it leaves open
1861 Award / trust	Purpose, beneficiaries, statutory custody and stated liabilities.	Whether proposed use and management remain within the recreation trust.
VG80 / village-green law	Protection of the green and local recreational enjoyment; restrictions on injury, interruption, encroachment, enclosure, erections and disturbance.	Whether each work and the cumulative scheme are compatible or need a statutory route.
1973/74 byelaws	Day-to-day conduct and local consent under the byelaws.	Whether an act breaches the byelaws; not whether it is lawful under every other regime.
Planning control	Land-use and development control, including planning permission and limited permitted-development rights.	Whether planning consent is needed; it does not authorise breach of trust or village-green law.

5.1 Council ownership remains subject to the protected recreational purposes

The Council owns and manages the land and still holds it subject to statutory purposes and public or local rights. Ownership answers who controls the land; it does not, by itself, answer what may lawfully be built, enclosed, booked or charged for.

5.2 Planning permission is separate

Planning permission considers development in planning terms. It does not determine whether the same works are compatible with the Award or village-green protections. Conversely, a conclusion that a facility may be for better enjoyment of the green does not automatically mean that it has planning permission.

NALC Legal Topic Note 56 refers to permitted development for small recreational buildings, works and equipment under the planning order then in force. That statement should not be read as saying that the present scheme needs no planning application. The current proposal and the current 2015 permitted-development order must be assessed on their own facts, including size, height, footprint, fencing, surfacing, lighting, access and parking. [S5, S8]

5.3 The proposal must be assessed both by element and cumulatively

A replacement changing facility may raise different issues from a fenced padel court; a modest refreshment point may raise different issues from regular commercial or private-event use. Counsel should therefore advise separately on each element and on the cumulative occupation and operation of the green. Breaking a project into phases should not prevent assessment of the whole intended scheme. As explained in section 2.3, separate legal analysis of each component must not obscure the commercial reality that the Council's present proposal is an integrated scheme which will not proceed without the padel courts.

6. The “better enjoyment” question

The legally relevant phrase is “with a view to the better enjoyment” of the town or village green or recreation ground. Section 29 of the Commons Act 1876 treats an encroachment, enclosure, erection, disturbance, interference or occupation of the soil as a public nuisance when it is made otherwise than with that purpose. Section 12 of the Inclosure Act 1857 separately addresses injury and interruption of the use or enjoyment of a green or recreation allotment. [S6–S7]

6.1 What the NALC guidance helps to establish

NALC takes the view that facilities such as sports pavilions, tennis courts, bowling areas, football and cricket pitches and certain other recreational facilities may be capable of being provided for the better enjoyment of a green. The guidance also recognises that deciding whether there is interference or better enjoyment can be difficult and fact-sensitive. [S5]

This is useful support for considering lawful improvement. The scale, location, permanence, enclosure, operating model and effect on other lawful use remain central. The Council's own draft answer to Q21 correctly avoids concluding the point before specialist advice. [S9]

6.2 Matters already considered

Over four years of feasibility work, consultation and project development, the Council has considered the need for the facilities, their recreational purpose, scale, accessibility, effect on existing uses, funding model, possible alternatives and cumulative impact. These matters are also addressed in the Council's published questions and answers. The outstanding issue is how the relevant legal framework applies to the developed proposal, for which specialist legal advice is now required.

6.3 Community need and “neighbourhood”

Section 2.2 explains the historic beneficiary wording and geography. For the better-enjoyment assessment, the absence of nearby padel courts may support evidence of unmet recreational need and

the usefulness of an option. It does not itself define “neighbourhood”, enlarge the protected class to a modern commercial catchment or make a particular design lawful. Counsel should address both the evidential weight of local demand and the legally permissible access, priority, booking and charging model.

The earlier questionnaire received 154 responses and is relevant evidence of interest in improved sporting and community facilities. The Council’s draft answers correctly state that it was not a referendum on the current package and did not specifically approve the present padel, MUGA, café, shop or event proposals. A fresh and clearly described consultation may therefore be relevant evidence, but consultation cannot by itself change the law. [S9]

7. How the proposal will improve recreational use of the Recreation Ground

The proposal has been developed over four years to restore essential facilities, broaden sporting opportunities and secure the long-term future of organised recreation on the Recreation Ground. Each element provides a clear recreational or supporting benefit and responds to needs identified through the Council’s evidence-gathering, public engagement and project development.

The Council considers that these improvements should proceed because they will substantially enhance the use, accessibility and sustainability of the Recreation Ground. The purpose of obtaining legal advice is not to reconsider the demonstrated need for the project, but to confirm the lawful route by which it can be delivered in accordance with the 1861 Award, village-green legislation and the byelaws.

Proposal Element	Recreational and community benefit	Point requiring legal confirmation
Replacement pavilion	Toilets, changing, accessibility, storage and support for cricket/football have a direct recreational connection.	Scale, footprint, functions beyond sport, one-twentieth issue raised by NALC, and effect on open use.
Community café / shop	Provides refreshments and a useful community facility for Recreation Ground users, responding directly to support identified through the residents’ survey. Its income will also contribute to the operation and long-term sustainability of the facilities.	Confirmation that the proposed café/shop and its supporting income are compatible with the Recreation Ground’s legal status and recreational purpose.
Two padel courts	Padel is a sport; absence of nearby provision meets an identified gap in nearby provision and forms a central part of the project’s financial model.	Permanent enclosure, glazing/fencing, surfacing, lighting, paid exclusive bookings, noise and land lost to other use.
MUGA / multi-sports area	Broaden opportunities for children’s and community recreation.	Footprint, enclosure, duplication, intensity, hours and cumulative site capacity.
Improvement of existing access and parking	Provides safe and more accessible parking and supports inclusive access to the existing and proposed facilities. It does not introduce parking as a new use of the Recreation Ground.	Whether the proposed parking area may lawfully be provided as a necessary and proportionate facility supporting safe, accessible and inclusive recreational use, and what authority or statutory consent is required under the 1861 Award and village-green legislation.
Visiting teams and wider community users	Visiting teams are an essential and long-established part of organised village sport. Wider participation strengthens local clubs, supports viable competitions and helps sustain the facilities for the benefit of the village.	Confirmation of how bookings and access may be managed while preserving the recreational rights of the inhabitants of the Parish and neighbourhood under the 1861 Award and village-green legislation.
Charges and booking	Charges contribute to management, maintenance and renewal.	Whether protected local recreation may be charged or excluded; appropriate priority, concessions and free access.

Proposal Element	Recreational and community benefit	Point requiring legal confirmation
Council ownership and Sports Club management	The Recreation Ground and new facilities will remain in Council ownership. The Sports Club will occupy and manage the facilities under the agreed Memorandum of Understanding and a formal lease, supporting organised cricket, football and related recreation. The 1978 lease provides a relevant historic precedent	Confirmation of the Council's authority to grant the proposed lease, the terms required to preserve public access and Council control, and compatibility with the 1861 Award and registered village-green status (VG80).

8. Questions for specialist counsel

A. Status, beneficiaries and statutory obligations

1. **Continuing trusts and statutory obligations:** On the established basis that the Parish Council owns and manages the Recreation Ground, please confirm the continuing trusts, statutory duties and liabilities affecting the Council's exercise of its powers following the statutory succession under sections 5(2)(c) and 6(1)(c)(iii) of the Local Government Act 1894, and whether any supplemental instrument materially affects those obligations, without reopening the Council's ownership of the land.
2. **Effect of the VG80 registration:** What additional rights and restrictions arose from the VG80 registration, and how do they operate alongside the 1861 trust and the Council's ownership and management?
3. **Meaning and geographical extent of "Parish and Neighbourhood":** Who holds the relevant recreational rights or benefits under the Award and VG80 registration; how should "the Parish and Neighbourhood" be construed by reference to the 1861 civil or poor-law parish, the Owslebury and Twyford portions of Colden Common, Morestead, the area later transferred to Upham, routes and settlement connections; and is there any lawful basis for a fixed mileage radius?
4. **Regular users, neighbouring settlements and visiting teams:** Who is included within "the inhabitants of the said Parish and Neighbourhood" under the 1861 Award, and what is the legal position of regular users from nearby settlements and visiting sports teams who may use the Recreation Ground but are not necessarily members of that beneficiary class?

B. Better enjoyment and interference

5. **Integrated assessment and substantive lawfulness of the proposal:** The proposed development is commercially interdependent and will not proceed without the padel courts. The Council is not seeking advice on a pavilion-only or padel-free alternative. On that factual basis, should the pavilion, padel courts, MUGA, parking, fencing, surfacing, lighting, access arrangements, utilities, landscaping, charging structure and operating model be assessed both separately and as one integrated proposal for the purposes of the 1861 Award, village-green legislation, the better-enjoyment test and the byelaws?

Applying the correct approach, does the integrated proposal comply with the recreational purpose of the Award and the legal requirements governing works intended to provide for the better enjoyment of the Recreation Ground? If the legal position differs between individual components, please identify which components cause difficulty and why. If the integrated proposal cannot lawfully proceed in its current form, please identify whether any modifications—while retaining the padel courts and a financially viable operating model—could provide a lawful route. If no such route exists, please state that clearly and identify the legal reason.

6. **Community need and supporting evidence:** Does the available evidence concerning Owsleburys' limited range of local leisure and social amenities, the need to travel elsewhere for many recreational activities, local sporting demand, accessibility, community benefit, sporting heritage and financial sustainability support a conclusion that the integrated scheme would provide for the better enjoyment of the Recreation Ground? What further evidence—such as a resident survey, booking-demand analysis, demographic information, travel-distance evidence or consultation with local sports organisations—is required?
7. **Scale, building coverage and retained open space.** The architect estimates that the integrated proposal would occupy approximately 1,574 m², or 9.5% of the present 16,571 m² Recreation Ground. The pavilion has an approximate gross external floor area of 216 m², equivalent to approximately 1.3% of the ground. If the additional 61 m² canopy is included, the combined pavilion and canopy footprint is approximately 277 m², or 1.67% of the ground.

What legal significance should be attached to these figures when assessing better enjoyment, interference, enclosure and occupation of the soil? Does the one-twentieth reference in the definition of “open space” in section 20 of the Open Spaces Act 1906 apply to this land or proposal; what constitutes a “building” for that purpose; and should the courts, MUGA, fencing, hard standing and parking be assessed separately from building coverage. [S11]
8. **Historic buildings and net additional occupation.** What significance should be attached to the former cricket pavilion, Scout hut and associated paving when assessing the proposal's scale, better enjoyment and net additional effect upon open and accessible land? Should the open-sided canopy and the other components be assessed according to their different effects rather than treating the whole 1,574 m² as an equivalent loss of green space?
9. **Injury, interruption and interference with the green:** Would any part of the scheme constitute unlawful injury, interruption, encroachment, enclosure, erection, disturbance, interference with or occupation of the soil despite its recreational purpose?
10. **Fencing, locking and booking arrangements** What legal significance attaches to the Award's direction that the fences against the roads be repaired and maintained? Does that provision give any authority for new internal fencing, or must the proposed fencing around the padel courts and MUGA be justified separately under the Award, village-green legislation and the better-enjoyment test? May those facilities be booked, secured or locked when not in use while remaining compatible with the public recreational purpose and village-green status of the land?
11. **Modifications required for legal compatibility:** If the proposed scheme is not presently compatible with the legal requirements applying to the Recreation Ground, what changes would be needed to make it compatible?

C. Access, bookings, charges and governance

12. **Charges for reserving or using the facilities:** May the Council, or Owslebury Sports Club acting under an authorised lease, license or management agreement, charge Owslebury residents and other beneficiaries to reserve or use the proposed courts or pavilion? How must any charge be structured so that it does not amount to charging for the exercise of existing recreational rights over the green?
13. **Use by non-residents and priority for local beneficiaries:** May the Council permit non-residents, visiting teams and outside clubs to use or book the proposed facilities, provided that the recreational rights of the inhabitants of Owslebury and the neighbourhood are protected? May those inhabitants lawfully receive priority booking or reduced charges?
14. **Lease, license or management agreement with the Sports Club:** May the Council lawfully grant Owslebury Sports Club, as a charity, a lease, license or management agreement to operate the pavilion and sports facilities? If so, which form of agreement and what consents and essential terms are required to protect public recreational rights, local priority and the Council's continuing control of the Recreation Ground?
15. **Continuing effect and application of the byelaws:** What is the present legal status of the 1973/74 byelaws; how should clauses 2, 3, 4, 5 and 7 be understood alongside the Award, VG80 registration, village-green law and any later dog-control regime; and how may clause 7 and proportionate site rules be applied today to protect shared enjoyment without unlawfully excluding legitimate users?
16. What is the present enforceable penalty for breach of the confirmed 1973/74 byelaws, notwithstanding the original reference to a fine not exceeding £20? If the Council wishes to strengthen or clarify the control of dogs on the Recreation Ground, should it pursue an amended or replacement byelaw, request a Public Spaces Protection Order from the relevant principal council, or use another lawful and proportionate mechanism?

D. Consent, planning and decision sequence

17. **Required consents and statutory procedures:** What consent or statutory procedure, if any, is required for the proposed scheme, from whom and by what process must it be obtained? In particular, is Secretary of State consent, a scheme of regulation, an application under the Commons Act 2006, deregistration, exchange land or any other statutory process required?
18. **Glebe Field as possible replacement land:** If any part of VG80 must be deregistered, could the Council-owned part of Glebe Field be offered as replacement land under section 16 of the Commons Act 2006, alone or with the adjoining church-owned land? What should constitute the release area, and what effect would registration have upon Glebe Field's continued use for village events and occasional parking?
19. **Sequence of legal advice and planning processes:** Should the Council obtain counsel's opinion on the village-green and Inclosure Award requirements before submitting a full planning application, or may the legal-consent and planning processes proceed concurrently?

20. **Information required before the Council's final decision:** Before the Council gives final approval or enters into any binding financial, construction or operating commitment, what legal advice, plans, cost and funding information, risk assessment, consultation evidence and proposed operating arrangements should be placed before councillors? What should the Council's resolution and minutes record to demonstrate a lawful and properly informed decision?
21. **Consequences of proceeding without authority:** What legal and financial consequences could the Council or its appointed sports-club operator face if construction or operation proceeded without the necessary authority, including the risk of an injunction, enforcement action, restoration of the land or an adverse costs order?

E. Permanent exclusion of dogs from the Recreation Ground

These questions concern the Council's response to persistent dog fouling and are separate from the lawfulness of the proposed construction project.

22. **Existing authority under byelaw 7:** Does byelaw 7 permit the Council to prohibit dogs from entering the Recreation Ground where persistent fouling demonstrates that the existing requirement for dogs to be properly controlled has failed and, if not, what is the quickest and most legally secure means of achieving permanent exclusion.
23. **Lawful mechanism for permanent exclusion:** Whether permanent exclusion should be secured through amended or replacement byelaws, a Public Spaces Protection Order, the Council's powers as owner or trustee, or a combination of those mechanisms.
24. **Compatibility with the legal status of the land:** Would excluding dogs, while continuing to permit human recreational access, be compatible with the land's status as registered village green VG80, the 1861 recreational trust and any public or customary rights of recreation.
25. **Evidence and proportionality:** Does the persistent fouling, evidenced by the repeated presence of dog faeces and the documented history since February 2023, together with the failure of signs, dog-waste bags and bin provision to prevent its recurrence, the practical impossibility of continuous enforcement and the regular use of the ground for children's sport, provide a sufficient and proportionate basis for permanent exclusion.
26. **Statutory procedure and approvals:** What statutory procedure and approvals would be required to introduce permanent exclusion, including any mandatory public-notice or consultation requirements and the necessary exemption for assistance dogs.
27. **Penalties and enforcement:** What penalties and enforcement powers would be available, who could exercise them and whether fixed-penalty notices could be issued.
28. **Civil liability and interim protection:** Could the Council's knowledge of persistent fouling and the resulting risk of contaminated soil expose it to civil liability if a child or other user suffered illness or injury, and what lawful interim measures may be taken while permanent exclusion is being secured.

Counsel should be asked for an integrated and, if necessary, option-based answer. The instruction should first seek a clear opinion on the complete current proposal, including the pavilion, padel courts, parking, access, fencing, charging arrangements and operating model. It should make clear that the present project will not proceed without the padel courts. If counsel concludes that the complete proposal cannot lawfully be delivered, counsel should then identify whether any modification, alternative design or different statutory route could provide a legally deliverable project. Any such alternatives are requested for legal analysis and should not be treated as financially viable or approved Council proposals.

9. Recommendations and proposed Council resolutions

9.1 Evidence to send with the instruction

Item	Document/evidence
1	Certified 1861 Owslebury Inclosure Award and map, with plot 42 highlighted.
2	Current Land Registry title, plan and every deed or instrument referred to in the register.
3	Certified VG80 register, map, ownership entry and any Commons Commissioner's decision or scheme.
4	Confirmed 1973/74 byelaws and correspondence
5	1978 Cricket Club lease and plan.
6	Complete current scheme plan: pavilion, courts, MUGA, fences, surfaces, lighting, access, parking, utilities, drainage, landscaping and tree works.
7	Historic boundary evidence: 1861 parish/poor-law boundaries, the 1932 county review changes, Colden Common creation, Morestead merger and the area transferred to Upham; settlement routes and a mapped radius/distance analysis for any proposed demand catchment.

9.2 Proposed resolutions for the meeting

The Council is asked to consider and resolve that:

1	To receive and note the 1861 Award, VG80 register record and confirmed byelaws, and to approve this report, its appendices and the questions in section 8 as the factual and historical basis upon which specialist counsel will be instructed, recognising that the report does not itself constitute legal advice.	
2	To approve the instruction of specialist counsel on the questions set out in section 8 and the provision to counsel of this report, the current plans and the supporting documents listed in the appendices.	
3	To determine , under Financial Regulation 5.12(i), that competitive quotations are not required for this specialist legal service, and to authorise expenditure of up to £7,500 excluding recoverable VAT , including clerking fees and necessary disbursements, from the budget allocated to "Planning Application Costs."	
4.	To authorise the Clerk, in consultation with the Chair , to agree and issue the instruction and approve the reasonable written fee proposal within that financial limit. No further Council authority shall be required unless the scope materially changes or the approved limit would be exceeded.	
5.	To confirm that no final decision to construct the proposal, enter into a binding construction contract, grant a lease or other interest in the land, or adopt a final operating arrangement will be made until counsel has advised on the lawful route and any required consents. This does not prevent surveys, pre-application work or other non-binding preparatory work.	
6.	Following receipt of counsel's advice , to consider the lawful options, publish the Council's conclusions so far as legal professional privilege and confidentiality permit, and undertake any further public engagement considered appropriate before a final decision is made.	
7.	To approve publication on the Council's website of this report and its non-confidential appendices, including a separate permanent webpage containing the confirmed byelaws, the 1861 Award and map, and the VG80 register record, subject to any necessary redaction and confirmation of permission to reproduce third-party material.	

10. Conclusion

The central question is not whether sport matters to Owslebury—it plainly does. The 1861 Award itself dedicates Plot 42 to exercise and recreation. The question is how that purpose can now be carried forward lawfully on land that is also registered as village green VG80.

The Council's position is that Owslebury's long-established sporting tradition should continue on the Recreation Ground and that the facilities needed to support it should be restored and improved and made financially sustainable. The proposal has a strong recreational purpose: it will reinstate essential toilets and changing facilities, improve accessibility and create new sporting opportunities. The 1978 lease also provides a relevant precedent for Sports Club occupation while the Council retains ownership and overall control.

Subject to counsel confirming the lawful route and identifying any necessary consents, the Council intends to continue developing a proportionate scheme that safeguards public recreational use while securing the long-term future of village sport.

The legal route for delivering the proposal is not presently clear. Planning permission alone would not establish the Council's authority to build on the Recreation Ground. In addition, an organised opposition group has been established, which raises objections based on the legal status and protection of the land and challenges the Council's current approach to the proposal.

The Council therefore requires advice from a barrister specialising in village-green and public-land law to determine how the 1861 Award, village-green legislation and the byelaws apply, and whether consent from the Secretary of State or any other statutory approval is required. Obtaining counsel's opinion is an essential and proportionate step: it will establish the lawful route forward, enable the Council to respond properly to the objections raised, protect the Council and public funds, and ensure that any future decision is based on authoritative legal advice. Seeking that advice does not mean that a final decision to build has already been made.

Sources

Legislation and guidance have been used to identify issues for specialist advice. This report is not a substitute for counsel's opinion.

[S1] Owslebury Inclosure Award and map, 1861. Digitised copies reviewed. Plot 42, Five Acres, allotted in trust for exercise and recreation for inhabitants of the parish and neighbourhood. Hampshire Archives references Q23/2/107/1 (Award) and Q23/2/107/2 (map).

[S2] Local Government Act 1894, particularly sections 5(2)(c), 6(1)(c)(iii) and 8(1)(d).
<https://www.legislation.gov.uk/ukpga/Vict/56-57/73>

[S3] Commons Registration Act 1965 and supplied VG80 register material. Certified register, map.
<https://www.legislation.gov.uk/ukpga/1965/64>

[S4] Owslebury Recreation Ground byelaws: made 5 April 1973, confirmed 19 November 1973, effective 1 January 1974. Original copy reviewed.

[S5] National Association of Local Councils, Legal Topic Note 56, The Provision of Play and Sports Equipment on Village Greens, revised August 2015. Professional guidance, not site-specific legal advice. <https://www.nalc.gov.uk/resource/the-provision-of-play-and-sports-equipment-on-village-greens.html>

[S6] Inclosure Act 1857, section 12. <https://www.legislation.gov.uk/ukpga/Vict/20-21/31/section/12>

[S7] Commons Act 1876, section 29. <https://www.legislation.gov.uk/ukpga/Vict/39-40/56/section/29>

[S8] Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 12 Class A.
<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/12>

[S9] Owslebury & Morestead Parish Council, Pavilion and Village Green: Questions and Answers - Pavilion Committee and Parish Council Meeting 13 July 2026. Combined 16-page working document with draft responses, supplied August 2026.

[S10] George John, 9th Earl of Northesk cricket scrapbook, including supplied photographic extracts and associated archive description; Hampshire Archives reference 133A15/A10/3/3, principally 1879–1889.

[S11] Open Spaces Act 1906, including section 20 as discussed in NALC LTN56.
<https://www.legislation.gov.uk/ukpga/Edw7/6/25>

[S12] Commons Act 2006, including registration and any potentially relevant consent, deregistration or exchange-land provisions to be confirmed by counsel. <https://www.legislation.gov.uk/ukpga/2006/26>

[S13] Lease dated 29 December 1978 between Owslebury Parish Council and the trustees of Owslebury Cricket Club: 35-year term from 25 March 1978; defined pavilion parcel, plan, access and service rights, sporting-use covenants and fixture provisions. Supplied copy reviewed.

[S14] Owslebury local-history website, "100 Years of Cricket", November 2007, including quotations attributed to 1909–10 cricket minutes. Useful secondary evidence; original minutes and any deed relied upon are still to be located.

[S15] Inclosure Act 1845, particularly sections 27, 73 and 74: historic public-purpose allotments, maintenance and the statutory phrase "the parish and neighbourhood". <https://www.legislation.gov.uk/ukpga/Vict/8-9/118>

[S16] Commons Act 1876, including the statutory treatment of population, neighbouring towns and villages and available recreation grounds as contextual considerations. <https://www.legislation.gov.uk/ukpga/Vict/39-40/56>

[S17] Historical boundary evidence: Winchester Registration District chronology records Colden Common as created on 1 April 1932 from Twyford and Owslebury and identifies an area formerly in Owslebury transferred to Upham; historical accounts record Morestead's 1932 merger with Owslebury. <https://www.ukbmd.org.uk/reg/districts/winchester.html>

[S18] Hampshire and Isle of Wight Fire and Rescue Service, "Cricket pavilion destroyed in late night Owslebury blaze", incident dated 14 May 2022. <https://www.hantsfire.gov.uk/incident/cricket-pavilion-destroyed-in-late-night-owslebury-blaze/>

[S19] Winchester Rural District Council, Proposed Rear Extension to Owslebury Cricket Club Pavilion, drawing dated 7 December 1968, approved 30 December 1968, Plan No. 1109/68, Hampshire Archives microfiche.

[S20] *A History of the County of Hampshire*, Volume 3, "Parishes: Owslebury", describing the square enclosed recreation ground south-west of the church as approximately four acres. Published 1908; available through British History Online: <https://www.british-history.ac.uk/vch/hants/vol3/pp332-335>

[S21] Waverley Borough Council, *The Public Spaces Protection Order (No. 2) – Dog Control 2023*, particularly Schedule 3, which designates specified dog-exclusion areas including the cricket square at Tilford Green and the cricket square and pond at Shamley Green Common and Village Green. Available at: <https://www.waverley.gov.uk/portals/0/documents/services/environmental-concerns/dog%20control%20zones/2023/pspo%20no%20-%20dog%20controls%202023.pdf>

[S22] Tilford Parish Council, *Tilford Village Green*, confirming that Tilford Village Green has registered village status and is protected by byelaws. Available at: <https://www.tilford-pc.gov.uk/tilford-village-green/>

[S23] Anti-social Behaviour, Crime and Policing Act 2014, Part 4, Chapter 2, sections 59–75, concerning Public Spaces Protection Orders. Available at: <https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2>

[S24] Owslebury Parish Council, *Minutes of the Pavilion/Sport Field Committee Meeting held on 22 February 2023*, item 3. The minutes record concerns that some dog walkers at the Sports Field were not picking up after their dogs, a request for additional dog-waste bags, and an action for the Clerk to contact Winchester City Council about replacing the bin that had been melted during the fire. Available at: <https://owslebury.org/wp-content/uploads/2023/11/Minutes-Pavilion-Committee-Feb-23.pdf>

[S25] Owslebury Parish Council, *Minutes of the Parish Council Meeting held on 8 January 2024*, minute 109/23, “Public Questions and Comments”. The minutes record a resident asking whether an Owslebury Information Service notice could be issued identifying the locations of dog-fouling bins in the village. Available at: <https://owslebury.org/wp-content/uploads/2024/02/Minutes-Jan-24.pdf>

[S26] Owslebury Parish Council, *Minutes of the Parish Meeting held on 12 January 2026*, minute 125/25(a), payment 161. The approved payments record expenditure of £23.59 for “No Dog Fouling signs”. Available at: <https://owslebury.org/wp-content/uploads/2026/02/Minutes-Jan-26.pdf>

[S27] Owslebury Parish Council, *Minutes of the Parish Meeting held on 13 April 2026*, minute 166/25 and minute 170/25(a). The minutes record that there were 11 bins in the village, including three red dog-waste bins; that the Council paid Winchester City Council £195 per quarter to empty the red bins; and that an additional dual-purpose bin for the Sports Field was considered. Its location was deferred pending a site walk. Payment 227 records the £195 fourth-quarter dog-bin charge. Available at: <https://owslebury.org/wp-content/uploads/2026/05/Minutes-Apr-26.pdf>

Appendix index

Ref	Document	Status / action
A	1861 Inclosure Award Q23/2/107/1	Digitised copy as per permission by Hampshire Record Office
B	1861 Inclosure map Q23/2/107/2	Digitised copy as per permission by Hampshire Record Office
C	Land Registry title and deeds	Original digitized from PC Papers
D	VG80 register, map	Original digitized as per permission by Hampshire Record Office
E	1973/74 byelaws and confirmation	Original Digitised from PC papers
F	1978 Cricket Club lease and plan	Copy Digitised from PC papers.
G	Proposed Rear Extension to Owslebury Cricket Club Pavilion	Digitised microfiche dated 07/12/1968

Hampshire



A. H. M. SMYTH, M.A.

Clerk of the Peace and of the County Council.

THE CASTLE, WINCHESTER. Tel.: 4411.

Please quote:

Your ref.:

Telephone enquiries to Mr. Painter Ext.: 387

CR/447/JP/PD.
261

29th. October, 1971.

Dear Madam,

The Commons Registration (Finality of Undisputed
Registrations), Regulations, 1970
Register Unit No. VG 80
Owslebury Recreation Ground

The above Land Registration became Final on the 1st. October, 1970 and I enclose herewith, for your information, a copy of the Land Registration as it now appears on the register maintained at this office.

Will you please attach this copy entry to the Provisional Land Entry sent to you on the 16th. April, 1968.

Yours faithfully

for Clerk of the County Council

Mrs. T. Knapp,
Clerk to the Owslebury Parish Council,
Woods Cottage,
Hensting Lane,
Fishers Pond,
Eastleigh,
Hants.

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1 16 April 1968	The piece of land of about 4.064 acres called Owslebury Recreation Ground in the parish of Owslebury Hampshire, as marked with a Green Verge line inside the boundary on Sheet 109 of the register map and distinguished by the number of this register unit. Registered pursuant to Application No. 261 made 28th. March 1968 by Mr. Frederick John Osgood, Harrow Cottage, Upper Wield, Alresford, Hampshire.
2 4.5.1970	(Registration Provisional) Registration Amendment - Entry No. 1 is replaced by Entry No. 3 below as a result of Objection No. 10.
3 4th May 1970	The piece of land of about 4 acres called Owslebury Recreation Ground in the parish of Owslebury Hampshire, as marked with a Green Verge line inside the boundary on the Inset 'A' to Sheet 109 of the register map and distinguished by the number of this register unit. Registered pursuant to Application No. 261 made 28th. March 1968 by Mr. Frederick John Osgood, Harrow Cottage, Upper Wield, Alresford, Hampshire.
4 29th. Oct. 1971.	(Registration Provisional) The registration at entry No. 3 above, being undisputed, became final on 1st. October, 1970.

Hampshire



A. H. M. SMYTH, M.A.
Clerk of the County Council.

THE CASTLE, WINCHESTER. Tel.: 4411.

Please quote:

Your ref.:

Telephone enquiries to Mr. Painter Ext.: 354.

Ex 229

CC/14/U/26/JP/PD.

9th. January 1973.

Dear Madam,

Commons Registration Act, 1965
Owslebury Recreation Ground
Register Unit No.VG 80

... I enclose a copy of an Entry made in the
Ownership Section of the Register of Town or Village
Greens maintained by this Council under the provisions
of the Commons Registration Act, 1965.

This registration was made at the direction
of the Chief Commons Commissioner.

Yours faithfully,

for Clerk of the County Council

Mrs. T. Knapp,
Clerk to the Owslebury Parish Council,
Woods Cottage,
Hensting Lane,
Fishers Pond,
Eastleigh,
Hampshire.

REGISTER OF TOWN OR VILLAGE GREENS

MEMBERSHIP SECTION.

Sheet No. 1.

HAMPSHIRE COUNTY COUNCIL - COMMONS REGISTRATION ACT 1965. COPY ENTRY -

U.F. No. 1.

Edition No. 1.

1. No. and date of entry.

2. No. and date of application.

3. Name and address of person registered as owner.

4. Particulars of the land to which the registration applies.

1

14/11/26

Owslebury Parish Council.

The whole of the land comprised in this register unit.

9th. January

1973

By Direction of the Commons Commissioner on the 21st. day of December, 1972.

Clerk:-

Mrs. G. Knapp,
Woods Cottage,
Hensling Lane,
Fishers Pond,
Eastleigh,
Hampshire.

The above entry was made at the direction of the Chief Commons Commissioner given on the 21st. day of December, 1972.



Christopher Hoare Tree Services Ltd

Arboricultural Contracting & Consultancy

Arboricultural Report

BS5837:2012 – Pre-development Tree Survey and Arboricultural Impact Assessment

Prepared for:
Owslebury Parish Council

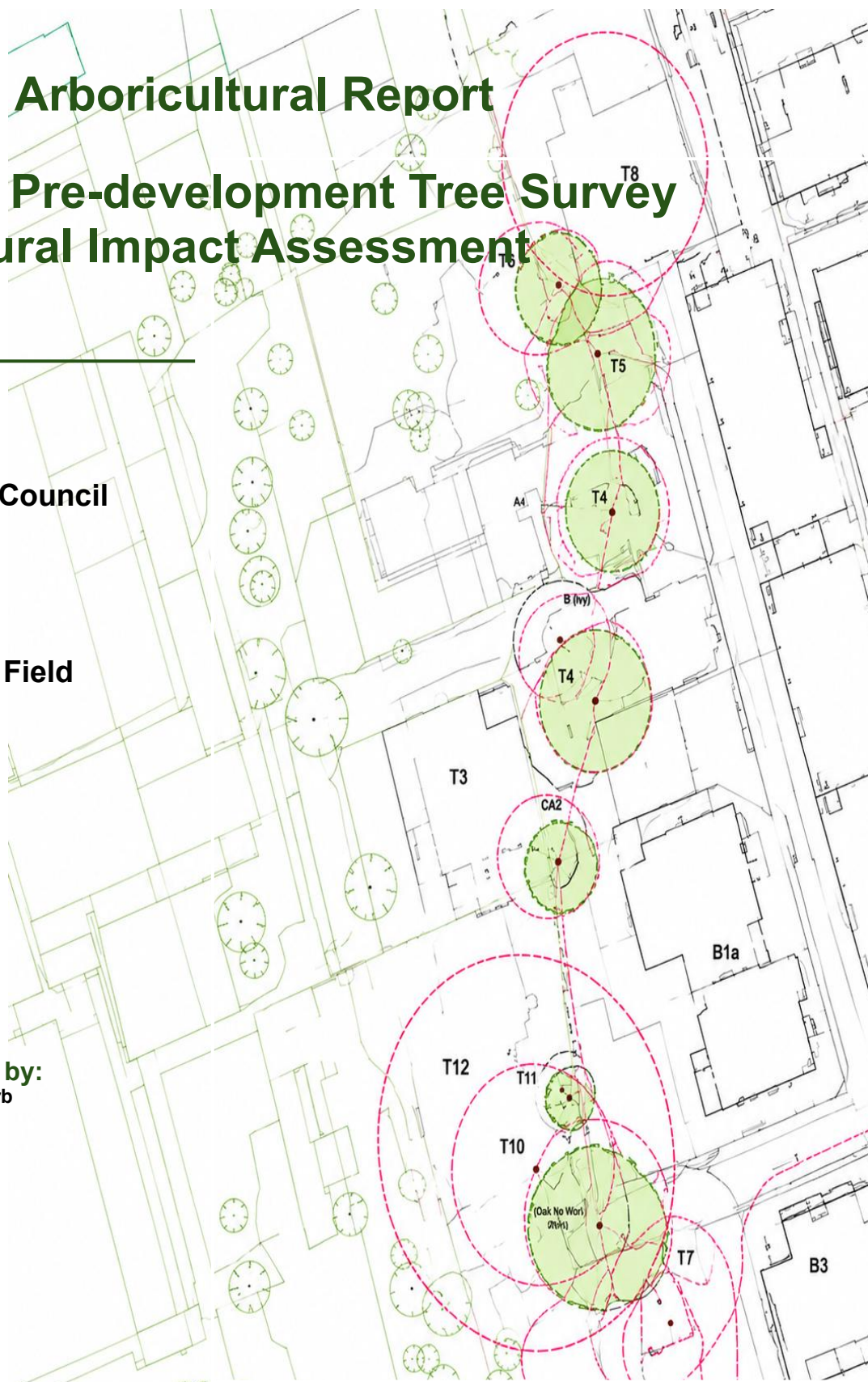
At:

**Longwood Sports Field
Longwood Road
Owslebury
Winchester
Hampshire
SO21 1LL**

Report Reference:
CHTS/Q7878/AIA

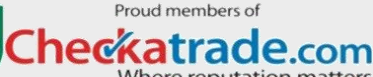
Written and Compiled by:
Jeremy Lee Lv4 Dip Arb
Arboricultural Consultant

Date:
August 2026



The Estate Office, Exbury Gardens, Summer Lane, Exbury, Southampton, SO45 1AZ

023 8089 7933 | www.chtstrees.co.uk | info@chtstrees.co.uk



Summary

Christopher Hoare Tree Services Ltd were instructed to prepare an Arboricultural Impact Assessment in relation to proposals for the redevelopment of Longwood Sports Field, Baybridge Lane, Owslebury. The proposals comprise the construction of a new pavilion, MUGA, two padel courts and associated parking and external works.

The proposed development has been assessed in accordance with the recommendations of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The assessment considers the relationship between the proposed development and the existing tree population and identifies the tree retention, removal, pruning and protection measures required to facilitate the development.

The proposed development will require the removal of six individual trees. T1, T2, T3 and T4 will require removal to facilitate the proposed padel courts and part of the MUGA, whilst T8 and T9 will require removal to facilitate construction of the proposed pavilion. Symptoms potentially associated with horse chestnut bleeding canker were identified on a number of the surveyed horse chestnuts; however, the proposed removals identified above are principally required to facilitate the development rather than on arboricultural management grounds.

The principal arboricultural constraint relates to retained trees T5, T6 and T7, where nine proposed parking spaces and associated vehicular access will extend within their Root Protection Areas. Omission or revision of these parking spaces represents the preferred arboricultural solution. Where their provision is considered necessary, an appropriately designed cellular confinement/no-dig construction system will be required to minimise disturbance to the underlying rooting environment.

Localised pruning of T5 and T6 will also be required to provide suitable clearance from the proposed padel courts, together with crown lifting of T5, T6 and T7 to accommodate the proposed parking spaces. Periodic future pruning may be required to maintain appropriate clearance as the retained trees continue to develop.

Subject to the implementation of the tree protection measures and mitigation identified within this assessment, together with appropriate arboricultural consideration of construction details that remain to be finalised, the proposed development is considered capable of being implemented without unacceptable adverse effects upon the retained tree population.

Contents

1.	Introduction	1
1.1	Project Background.....	1
1.2	Site Description	1
1.3	Development Proposal.....	2
1.4	Documents Provided	2
1.5	Methodology	2
1.6	Limitations	3
2.	Statutory Tree Protection	4
2.1	Tree Preservation Orders and Designated Conservation Areas	4
3.	Arboricultural Impact Assessment	4
3.1	Introduction	4
3.2	Tree Retention, Removal and Pruning	4
3.3	Impacts on Retained Trees	7
3.3.1	Root Protection Area Implications	7
3.3.2	Above ground / Canopy Implications.....	8
3.4	Proximity of existing trees to proposed structures.....	9
3.4.1	Direct damage / Conflict	9
3.4.2	Shading	10
3.4.3	Seasonal Nuisance	10
3.4.4	Future pressure for tree removals/pruning.....	10
3.5	Site Operations and Construction Activity	11
3.5.1	Site Access	11
3.5.2	Contractor Parking and Material Storage	11
3.5.3	Construction of Proposed Building	12
3.5.4	Construction of New Hard Surfacing.....	12
3.5.5	Services	13
3.5.6	Ground Level Changes.....	13
3.6	Tree Protection Measures	13
4.	Conclusion	15
4.	Signature	16

Bibliography and References	17
Appendices.....	18
Appendix A – Survey Schedule	19
Appendix B – Site Plans	20
Appendix C – Tree Protection	21
Appendix D – Tree Protection Signs	24

Client Name:	Owslebury Parish Council
Survey Location:	Longwood Sports Field, Baybridge Lane, Owslebury, Hampshire, SO21 1JN
Report Title:	Arboricultural Impact Assessment
Report Reference:	CHTS/Q7878/AIA

Surveyor & Dates of Survey:	Name	Position	Date
	Jeremy Lee Lv4 Cert Arb	Arboricultural Consultant	10 th August 2026

Report Author:	Name	Position	Date of finalisation
	Jeremy Lee Lv4 Dip Arb	Arboricultural Consultant	14 th August 2026

© 2026 Christopher Hoare Tree Services Ltd

All rights to the contents of this report are reserved. No part of it may be reproduced, transmitted or edited in any form including electronic, photocopying or recording. This report, its contents and format are for the sole use of **the client**, for the purpose of dealing with the specified site. The report may not be divulged, lent, hired or sold to a third party not directly involved in the specified site without the written consent of the author.

This report has not been prepared in conjunction with an insurance claim and therefore under no circumstances should it be used for any such activity.

The statements made in this report do not take account of extreme weather events, rooting environment alterations, accidental damage, vandalism or works not carried out to industry recognised standards or best practice. Christopher Hoare Tree Services Ltd does not accept any liability associated with these instances. Trees are living dynamic organisms subject to natural changes due to age or environmental influences. The validity of this report ceases after one year from the instance of the initial site inspection, or if the site conditions change as a result of unspecified works affecting the subject tree/s.

It is advised that following any extreme weather event or if the environment in which the trees is situated changes, then they should undergo a re-assessment by a suitably qualified arboriculturalist.

1. Introduction

1.1 Project Background

1.1.1 Christopher Hoare Tree Services Ltd were instructed by the client, Mrs Juanita Madgwick, c/o Owslebury Parish Council, to prepare an Arboricultural Impact Assessment (AIA) following the completion of an Arboricultural Survey of trees situated on land and immediately adjacent to Longwood Sports Field, Baybridge Lane, Owslebury. The site lies within the administrative boundary of Winchester City Council, Hampshire, and within the South Downs National Park.

1.1.2 This report assesses the relationship between the proposed development and the existing tree population and identifies any potential effects arising from construction activities. Where necessary, appropriate mitigation measures are outlined to avoid, minimise or offset adverse impacts. The assessment has been undertaken in accordance with the guidance contained within British Standard BS5837:2012 *"Trees in relation to design, demolition and construction – Recommendations."*

1.2 Site Description

1.2.1 The application site comprises Longwood Sports Field, Baybridge Lane, Owslebury, and is predominantly occupied by a generally level open recreational ground/multi-use sports field. Vehicular access is provided from Baybridge Lane on the south-western aspect of the site, with areas of existing parking and hardstanding situated within this part of the site.

1.2.2 Longwood Road extends along the northern and north-western site boundary, with residential properties situated beyond the north-eastern boundary. A track extends along the southern boundary providing access to an adjacent residential property.

1.2.3 The site of the former pavilion, which is understood to have been destroyed by fire, is situated within the southern part of the site. A shipping container is currently positioned near to the location of the former pavilion and is proposed to be relocated as part of the development. The tree population principally affected by the proposed development is concentrated along the south-western and southern aspects of the site and comprises predominantly mature Horse Chestnut and Norway Maple.

1.2.4 It was noted during the site survey that a number of trees and areas of vegetation shown on the supplied topographical survey had been removed prior to the arboricultural assessment.

1.3 Development Proposal

- 1.3.1 The proposed development comprises the construction of a new sports pavilion, a Multi-Use Games Area (MUGA), two padel courts and associated parking and hardstanding, together with the relocation of the existing shipping container and associated ancillary works.
- 1.3.2 The proposed pavilion is to be constructed within the southern part of the site, broadly within the vicinity of the former pavilion. The building will provide a community space, kitchen, changing and associated welfare facilities, with the external elevations proposed to incorporate timber cladding. The proposed MUGA and padel courts will be situated further to the north-west.
- 1.3.3 The development proposals include a new 21-space car park, together with a further nine parking spaces situated adjacent to the proposed MUGA and padel courts.

1.4 Documents Provided

- 1.4.1 The following documents and drawings, prepared by Radley House Partnership and Encompass Geospatial Ltd, were made available and reviewed in the preparation of this Arboricultural Impact Assessment:
- Topographical Survey (PDF) – Drawing No. **3923/020325/S1**
 - Topographical Survey (DWG) – **3923 S1 – Owslebury (PS).dwg**
 - Proposed Site Plan (PDF) – Drawing No. **8078/D100 Rev F**
 - Proposed Site Plan (DWG) – **8078_Proposed Rev F.dwg**
 - Proposed Floor Plan (PDF) – Drawing No. **8078/D200 Rev D**
 - Proposed Elevations (PDF) – Drawing No. **8078/D202 Rev B**
 - Existing Site Plan (PDF) – Drawing No. **8078/E100**
 - Location Plan (PDF) – Drawing No. **8078/L01**
 - Site Photographs (PDF) – Drawing No. **8078/P01**
- 1.4.2 The Arboricultural Impact Assessment has been prepared with reference to the above drawings and associated site layout information available at the time of instruction.
- 1.5 Methodology
- 1.5.1 The tree survey and subsequent Arboricultural Impact Assessment have been undertaken in accordance with the guidance contained within British Standard BS5837:2012 *“Trees in relation to design, demolition and construction – Recommendations.”*
- 1.5.2 Trees were inspected from ground level and assessed in accordance with the BS5837 categorisation system (Categories A, B, C and U). Relevant survey

data including species, stem diameter, height, crown spread, age class, physiological condition and structural condition were recorded and are presented within the Tree Survey Schedule contained in Appendix .

- 1.5.3 Trees have been allocated a unique reference number for the purposes of identification within this report. Individual trees are prefixed “T” and groups of trees are prefixed “G”. These references correspond to the Tree Survey Schedule and associated plans appended to this report.
- 1.5.4 Root Protection Areas (RPAs) were calculated in accordance with Section 4.6 of BS5837:2012 and are illustrated on the accompanying Preliminary Tree Protection Plan in Appendix B
- 1.5.5 The impact assessment considers the relationship between the proposed development and both on-site and adjacent off-site trees where their RPAs may be influenced by the proposals.

1.6 Limitations

- 1.6.1 This assessment is based upon a visual inspection of trees undertaken from ground level. No climbing inspections, invasive investigations or specialist decay detection equipment were utilised as part of this survey unless otherwise stated.
- 1.6.2 Tree dimensions including stem diameters and crown spreads were measured or estimated from ground level in accordance with normal arboricultural practice. Whilst minor variations may occur where direct measurement was not possible, the data recorded is considered to provide a reasonable and proportionate degree of accuracy for planning and design purposes.
- 1.6.3 No below-ground investigations were undertaken as part of this assessment. The extent and distribution of tree roots can vary significantly depending on site conditions and cannot be fully determined without invasive investigation. Root Protection Areas (RPAs) are therefore based on standard calculations in accordance with BS5837:2012 and should be treated as a guide to the likely extent of the rooting environment.
- 1.6.4 This report reflects the condition of the trees at the time of inspection. Trees are living organisms and their condition may change over time. The findings and recommendations contained within this report are therefore considered valid for a period of twelve months from the date of survey, after which re-inspection may be required.
- 1.6.5 This report is based on the drawings and information provided at the time of writing. Christopher Hoare Tree Services Ltd cannot be held responsible for inaccuracies or omissions within third-party documents. Should the design proposals change, this assessment may require review and amendment.

2. Statutory Tree Protection

2.1 Tree Preservation Orders and Designated Conservation Areas

- 2.1.1 A desktop review of Winchester City Council's Public Mapping system, accessed on 14th August 2026, indicates that at the time of writing, no trees within or immediately adjacent to the application site are subject to a Tree Preservation Order (TPO).
- 2.1.2 A further review of Winchester City Council's Public Mapping system, access on 14th August 2026, indicates that the site and land immediately adjacent to the site are not located within a designated Conservation area.

[Winchester City Council Public Mapping](#)

3. Arboricultural Impact Assessment

3.1 Introduction

- 3.1.1 This section of the report assesses the likely arboricultural impacts arising from the proposed development and its relationship with the retained tree population, including trees situated on adjacent land where their Root Protection Areas may influence the site.
- 3.1.2 The assessment considers potential effects associated with construction and site operations, together with longer-term implications arising from the proximity of retained trees to the proposed development. Where necessary, appropriate mitigation measures are identified in order to ensure that the development can proceed in an arboriculturally acceptable manner.
- 3.1.3 Details of the surveyed trees are provided within the Tree Survey Schedule contained in Appendix A. The location of all surveyed trees is illustrated on Drawing No. CHTS/Q7878/TCP, appended at Appendix B.

3.2 Tree Retention, Removal and Pruning

- 3.2.1 The proposed development has been considered in relation to the existing tree population and associated arboricultural constraints present across the site. The proposed layout enables the retention of eight surveyed trees; however, the removal of six individual trees will be required to facilitate elements of the proposed development.
- 3.2.2 Trees **T1**, **T2**, **T3** and **T4** will require removal to facilitate construction of the proposed padel courts and MUGA. Trees **T8** and **T9** will require removal to facilitate construction of the proposed pavilion. These removals are required as a direct consequence of the proposed development and should not be interpreted as recommendations for removal on arboricultural management grounds.

- 3.2.3 Of the above trees, **T3** and **T9** have been categorised as Category B trees, with **T1**, **T2**, **T4** and **T8** categorised as Category C. The removal of the Category B trees represents a loss of trees of moderate arboricultural quality; however, their removal is necessary to accommodate the proposed development in its current form.
- 3.2.4 Several of the horse chestnuts surveyed exhibited symptoms associated with horse chestnut bleeding canker, including areas of bark bleeding, cracking, flaking and localised bark loss. Horse chestnut leaf miner was also evident within the foliage of several trees. The extent and severity of these symptoms varied between individual trees and have been taken into account when determining their physiological and structural condition and subsequent BS5837 categorisation. Notwithstanding these observations, the removal of **T1**, **T2**, **T3**, **T4**, **T8** and **T9** is required to facilitate the proposed development and is not being recommended specifically as a consequence of disease.
- 3.2.5 **T10** is situated off-site on the opposite side of Baybridge Lane and has been categorised as Category U. Removal of this tree is recommended on arboricultural management grounds irrespective of the proposed development. As the tree is situated outside the application site, any works should be undertaken by, or with the consent of, the respective tree owner/landowner.
- 3.2.6 The remaining surveyed trees are proposed for retention. Trees **T5**, **T6** and **T7** will require localised crown lifting to accommodate the nine proposed parking spaces situated beneath their crowns. All pruning should be undertaken in accordance with BS3998:2010 Tree work – Recommendations.
- 3.2.7 No development-related pruning of **T11** is currently anticipated in association with the proposed relocation of the existing shipping container.
- 3.2.8 The proposed removals will result in a noticeable reduction in existing tree cover within the southern and south-western parts of the site. The retention of T5, T6 and T7 will maintain a level of mature tree cover and landscape structure within this part of the sports ground, although these trees will require crown lifting to accommodate the proposed parking spaces beneath. **T11** and **T12** will provide some additional retained tree cover; however, their visual contribution will be partly screened by the proposed pavilion.
- 3.2.9 Replacement and supplementary tree planting should therefore be incorporated into the development where practicable to help mitigate the loss of existing tree cover and provide for the long-term continuity of trees within the site. Particular consideration should be given to opportunities for new tree planting along the Baybridge Lane and Longwood Road boundaries, where planting would assist in reinforcing tree cover and the landscape setting of the site. The final extent, species selection and location of replacement planting should be considered as part of an appropriately detailed landscape scheme.

3.2.10 Details of the proposed tree retention, removals and development-related pruning are summarised in Tables 3.1 and 3.2 below.

Table 3.1 Trees to be retained

Table 3.1	BS5831:2012 Categories			
	Category A	Category B	Category C	Category U
Trees and Groups to be retained	N/A	T5, T6, T7, T11 & T12	T13, T14, T15	N/A

Table 3.2 Trees and groups to be removed

Table 3.2	BS5831:2012 Categories			
	Category A	Category B	Category C	Category U
Remove for Management	N/A	N/A	N/A	T8
Remove to facilitate development	N/A	T3 & T9	T1, T2, T4, T8	N/A

Table 3.3 Trees Requiring Pruning to Facilitate Development

Tree Ref.	Species	BS5837 Category	Development-related pruning
T5	Norway Maple	B	Crown lift to provide suitable clearance above proposed parking spaces
T6	Norway Maple	B	Crown lift to provide suitable clearance above proposed parking spaces
T7	Norway Maple	B	Crown lift to provide suitable clearance above proposed parking spaces

3.2.11 Other arboricultural management recommendations identified during the tree survey are detailed within the Tree Survey Schedule at Appendix A and are independent of the proposed development.

3.3 Impacts on Retained Trees

3.3.1 Root Protection Area Implications

Damage to the rooting environment of retained trees can have a significant detrimental effect on tree health, stability and long-term viability. Excavation, soil compaction and changes to soil levels within Root Protection Areas (RPAs) can result in root loss, reduced soil aeration and disruption to water and nutrient uptake. In accordance with BS5837:2012, the majority of a tree's rooting activity is typically located within the upper 600mm of the soil profile and is therefore particularly vulnerable to disturbance.

The proposed development has been assessed in relation to the RPAs of retained trees. The principal below-ground arboricultural implications relate to the nine proposed parking spaces beneath **T5, T6 and T7**, together with the relationship between the proposed pavilion and the RPAs of **T11 and T12**.

The nine proposed parking spaces result in substantial encroachment into the calculated RPAs of **T5, T6 and T7**. Conventional construction involving excavation, soil stripping or reduction of existing ground levels within these areas would have the potential to result in root severance, soil compaction and alteration of the existing rooting environment and is therefore not considered arboriculturally appropriate.

At the time of writing, detailed information regarding the extent, construction build-up and surfacing of the associated vehicular access required to serve these parking spaces has not been provided. The overall extent of new hard surfacing within the RPAs of **T5, T6 and T7** cannot therefore be accurately quantified at this stage.

From an arboricultural perspective, the preferred option would be to omit the nine parking spaces beneath **T5, T6 and T7** and retain the underlying ground as an undeveloped rooting environment. Where provision of these parking spaces is considered necessary, the parking spaces and any associated access surfacing situated within the RPAs should utilise an appropriately designed cellular confinement/no-dig construction system. This should be installed above existing ground levels without excavation or soil stripping and incorporate a suitably permeable surface treatment to assist in maintaining the movement of air and water into the underlying rooting environment.

The detailed design and installation methodology for the parking spaces and associated access surfacing should be developed prior to construction and, where required, incorporated into an Arboricultural Method Statement. The specification should take account of existing ground conditions, anticipated vehicular loading and the requirement to minimise disturbance and compaction within the underlying rooting environment.

Construction of the parking spaces and associated access surfacing within the RPAs of **T5, T6 and T7** should be undertaken towards the latter stages of the development. Tree protective fencing associated with these trees should remain in position

throughout the principal construction phase and should only be adjusted or removed when access is required to undertake the approved parking and surfacing works.

Where construction works are required within the RPAs of retained trees, appropriate arboricultural supervision should be provided at key stages. The project arboriculturist should be afforded the opportunity to inspect works where there is potential for disturbance to the rooting environment and to provide site-specific advice should significant roots or unforeseen arboricultural constraints be encountered.

The proposed pavilion is situated in close proximity to the calculated RPAs of retained trees **T11 and T12**. However, the proposed building will principally occupy an area of existing concrete hardstanding associated with the footprint of the former pavilion. **T11 and T12** have calculated RPA radii of 7.8m and 7.2m respectively.

The historic presence of the former pavilion and associated concrete hardstanding is likely to have influenced the rooting environment and root distribution of **T11 and T12**, with root development expected to have favoured areas of more suitable soil beyond the existing developed footprint. On this basis, substantial rooting beneath the existing concrete slab is considered less likely, and construction of the pavilion principally within this previously developed area is not anticipated to result in significant adverse effects upon the rooting environments of **T11 and T12**.

Notwithstanding the above, no below-ground investigation has been undertaken to confirm the actual distribution of roots beneath or adjacent to the existing hardstanding. Unnecessary excavation or disturbance beyond the existing developed footprint and within the RPAs of **T11 and T12** should therefore be avoided. Should the final construction proposals require additional excavation within these areas, the potential arboricultural implications should be reviewed prior to works commencing.

Subject to the adoption of the above mitigation principles, the identified below-ground impacts are considered capable of being accommodated without unacceptable adverse effects upon the long-term retention of **T5, T6, T7, T11 and T12**.

3.3.2 Above ground / Canopy Implications

The proposed development has also been considered in relation to the existing canopy spreads of retained trees. The principal above-ground interactions arise in relation to retained trees **T5, T6 and T7**, where nine proposed parking spaces are situated beneath their existing crowns, together with **T5 and T6** where portions of their crowns extend towards the proposed padel courts.

Localised pruning of **T5 and T6** will be required to provide sufficient clearance from the proposed padel courts and associated infrastructure. The extent of pruning should be limited to the minimum necessary to achieve appropriate clearance whilst retaining a balanced and natural crown form. Provided that the works are undertaken sympathetically and in accordance with BS3998:2010 Tree work – Recommendations,

the required pruning is not anticipated to result in a significant adverse effect upon the health or overall condition of the retained trees.

Localised crown lifting of **T5, T6 and T7** will also be required to provide suitable clearance above the proposed parking spaces and allow their intended use by vehicles. Again, pruning should be limited to the minimum necessary to achieve the required clearance and undertaken in accordance with BS3998:2010.

The proposed relocation of the existing shipping container will bring it into close proximity to the crown of retained tree **T11**. Existing crown clearance appears generally favourable; however, the height and final clearance requirements of the relocated container have not been provided at the time of writing. Some limited crown lifting or localised pruning may therefore be required to facilitate its placement.

No other significant above-ground conflicts with retained trees are anticipated from the proposed layout.

3.4 Proximity of existing trees to proposed structures

3.4.1 Direct damage / Conflict

The proposed development has been assessed in relation to the potential for direct conflict or damage arising from the proximity of retained trees.

Roots do not generally have the ability to directly damage heavily loaded structures; however, lightly loaded surfaces such as roads, parking areas, footpaths and kerbing may be susceptible to localised disruption over time as a result of incremental root growth.

The principal potential for such interaction relates to retained trees **T5, T6 and T7**, beneath which nine parking spaces and associated vehicular access are proposed. The final surfacing specification and construction details for these areas have not been provided at the time of writing and the potential for future interaction cannot therefore be fully assessed. The use of an appropriately designed cellular confinement/no-dig construction, as discussed within Section 3.3.1, would assist in accommodating the existing rooting environment whilst reducing the potential for future conflict.

The proposed pavilion is situated relatively close to retained trees **T11 and T12**; however, given its position principally within the footprint of the former pavilion and existing concrete hardstanding, no significant direct conflict with these trees is currently anticipated.

Subject to the adoption of appropriate construction methods and consideration of the future growth of retained trees, no other significant direct conflict between retained trees and the proposed development is anticipated.

3.4.2 Shading

Based on the current layout and the indicative shading patterns illustrated on the Preliminary Tree Protection Plan, the principal potential for shading arises from retained trees **T5, T6 and T7**, which are situated in proximity to the proposed padel courts. The canopies of these trees are likely to cast a degree of shade across parts of the proposed courts at certain times of the day and year.

Given the recreational use of the proposed padel courts, the anticipated level of shading is not considered to represent a significant constraint to the development. However, localised shading may create conditions more conducive to the development of moss or algae on the playing surface, which should be recognised as a potential ongoing maintenance consideration.

The proposed pavilion is not indicated to be materially affected by shading from the retained tree population, and no other significant shading constraints are anticipated from the proposed layout.

3.4.3 Seasonal Nuisance

Seasonal effects associated with retained trees can in some circumstances give rise to nuisance for site users. This may include leaf and twig debris, honeydew deposition associated with aphid activity, bird fouling and occasional minor branch or deadwood fall.

At this site, the principal potential for seasonal nuisance relates to retained trees **T5, T6 and T7**, beneath which nine parking spaces are proposed. Vehicles parked beneath or immediately adjacent to these trees are likely to experience periodic deposition of leaf and organic debris, bird fouling and potentially honeydew, together with a degree of exposure to minor branch or deadwood fall.

These effects are a normal and foreseeable consequence of parking vehicles beneath mature trees and are not considered to represent a significant arboricultural constraint to the development. However, the relationship should be recognised when considering the suitability of the proposed parking arrangement and the ongoing management and maintenance requirements associated with these spaces.

3.4.4 Future pressure for tree removals/pruning

The proposed development has been considered in terms of its future relationship with retained trees. The principal potential for future pressure for tree works relates to **T5, T6 and T7** owing to their proximity to the proposed parking spaces and, in the case of **T5 and T6**, the proposed padel courts.

As identified within Section 3.3.2, initial pruning of **T5 and T6** will be required to establish suitable clearance from the proposed padel courts. As these trees continue to develop, periodic repeat pruning may subsequently be required to maintain appropriate clearance between the crowns and the courts and associated

infrastructure. Such pruning should remain proportionate and should seek to avoid progressive or excessive crown reduction that could adversely affect tree form, physiological condition or long-term retention.

The presence of mature trees directly above the proposed parking spaces may also result in future pressure for additional pruning arising from branch overhang, seasonal debris, honeydew, bird fouling and concerns regarding falling deadwood or branch material. Some periodic arboricultural management should therefore be anticipated as part of the normal long-term management of **T5, T6 and T7**.

These pressures are a foreseeable consequence of the proposed relationship between the retained trees, parking and padel courts but do not, in themselves, justify excessive pruning or removal. Future works should be based upon the condition and management requirements of the trees at the time and undertaken in accordance with good arboricultural practice.

T12 is also proposed for retention; however, symptoms potentially associated with horse chestnut bleeding canker were identified during the tree survey. Whilst its current condition does not warrant removal, continued monitoring is recommended, and future management requirements should be determined in response to any progression of symptoms or deterioration in the tree's physiological or structural condition.

Any future requirement for more substantial pruning or removal of **T12** would therefore arise from its condition and ongoing management requirements rather than as a direct consequence of the proposed development.

3.5 Site Operations and Construction Activity

3.5.1 Site Access

Construction access arrangements have not been formally confirmed at the time of writing; however, access is likely to be provided via the existing site entrance from Baybridge Lane.

Detailed construction access arrangements are understood to be subject to the preparation of a subsequent Construction Environmental Management Plan (CEMP). Construction traffic and vehicle movements should be managed to avoid the Root Protection Areas and Construction Exclusion Zones of retained trees wherever reasonably practicable.

3.5.2 Contractor Parking and Material Storage

Detailed locations for contractor parking, site compounds, welfare facilities and the storage of materials, plant and equipment have not been provided at the time of writing and are understood to be subject to the preparation of a subsequent Construction Environmental Management Plan (CEMP).

Such facilities should be located outside the Root Protection Areas (RPAs) and Construction Exclusion Zones of retained trees. No contractor parking, storage of materials, siting of plant, mixing of materials, fuel storage or other potentially damaging construction activity should take place within protected rooting areas.

3.5.3 Construction of Proposed Building

No detailed engineered foundation design has been provided at this stage; however, strip foundations have been suggested as the anticipated construction method.

The proposed pavilion will principally occupy the existing concrete hardstanding and footprint associated with the former pavilion. As discussed within Section 3.3.1, the proposed building is situated in proximity to the calculated Root Protection Areas of retained trees **T11 and T12**; however, the historic presence of the former pavilion and associated hardstanding is likely to have influenced the existing rooting environment.

The final foundation design should seek to contain excavation within the previously developed footprint wherever reasonably practicable. Should foundation excavation extend beyond the existing hardstanding and into the RPAs of **T11 or T12**, the arboricultural implications should be reviewed prior to construction and, where necessary, the foundation design or construction methodology amended to minimise disturbance to retained roots.

3.5.4 Construction of New Hard Surfacing

New hard surfacing is proposed in association with the development, including the proposed parking areas and associated vehicular access. Detailed construction specifications for these surfaces have not been provided at this stage, with typical hard surface construction currently anticipated.

Of particular arboricultural relevance are the nine proposed parking spaces beneath retained trees **T5, T6 and T7**, together with the associated access surfacing, which will extend within their calculated Root Protection Areas (RPAs). As detailed within Section 3.3.1, conventional construction involving excavation, soil stripping or reduction of existing ground levels within these areas would not be considered arboriculturally appropriate.

The preferred arboricultural option remains the omission or revision of these parking spaces to avoid the identified RPA conflict. Where their provision is considered necessary, the parking spaces and any associated access surfacing situated within the RPAs should utilise an appropriately designed cellular confinement/no-dig construction system.

Detailed construction specifications should be provided for arboricultural review prior to commencement of these works and, where required, incorporated into a subsequent Arboricultural Method Statement.

3.5.5 Services

Existing services are indicated on the supplied drawings where known; however, detailed proposals for new underground or above-ground services, drainage and associated infrastructure have not been provided at the time of writing.

New services should be routed outside the Root Protection Areas of retained trees wherever reasonably practicable. Where incursions into RPAs cannot be avoided, the proposed routing and installation methodology should be subject to arboricultural review prior to commencement, with appropriate arboriculturally sensitive working methods and supervision specified where necessary.

Subject to the final service layout being designed with due regard to retained tree constraints, no significant adverse arboricultural impacts are anticipated from the installation of new services.

3.5.6 Ground Level Changes

Changes in ground level within the Root Protection Areas (RPAs) of retained trees have the potential to adversely affect their rooting environment through root damage, soil compaction and changes to soil aeration and drainage.

Detailed information regarding proposed changes to existing ground levels has not been provided at the time of writing. Existing ground levels within the RPAs of retained trees should therefore be maintained wherever reasonably practicable.

Where alterations to existing ground levels within an RPA are subsequently proposed, these should be subject to arboricultural review prior to commencement, with appropriate mitigation or construction methodology specified where necessary.

3.6 Tree Protection Measures

Methods of site clearance and construction have the potential to result in significant damage to retained trees if not properly controlled. Suitable tree protection measures will therefore be required throughout the development to safeguard retained trees from avoidable damage.

Tree protective fencing should be erected in accordance with the recommendations of BS5837:2012 and in the positions shown on the accompanying Preliminary Tree Protection Plan, prior to the commencement of construction works, including site clearance and the arrival of plant, materials or contractors. The fencing should remain in position throughout the principal construction phase unless otherwise agreed with the project arboriculturist.

The protective fencing will define Construction Exclusion Zones (CEZs) around retained trees. No excavation, storage of materials, parking of vehicles, siting of plant, mixing of materials or other construction-related activity should take place within these areas unless specifically provided for within an agreed arboricultural methodology.

In relation to **T5**, a minor setback of the tree protective fencing from the full calculated RPA is required to facilitate construction of the adjacent padel court. The extent of this setback should be limited to the minimum necessary, with the remaining rooting area protected as a Construction Exclusion Zone throughout the principal construction phase. Any works undertaken within the resulting unprotected portion of the RPA should be carefully controlled and undertaken using arboriculturally sensitive working methods, with appropriate ground protection and arboricultural supervision where necessary.

Tree protective fencing associated with **T11 and T12** should be positioned to protect the undisturbed rooting areas surrounding the existing hardstanding and, where practicable, encompass the extent of their existing crowns. The position of the fencing should take account of the historically modified rooting environment associated with the former pavilion and existing concrete slab, together with the proposed relocation of the shipping container.

Further consideration will be required in relation to **T5, T6 and T7**, where the nine proposed parking spaces and associated access surfacing extend within their calculated RPAs. Protective fencing associated with these trees should remain in position throughout the principal construction phase and should only be adjusted or removed towards the latter stages of the development when access is required to undertake the approved parking and surfacing works.

Where works are required within the RPAs of retained trees, including construction of the parking spaces and associated access beneath **T5, T6 and T7**, these should be undertaken in accordance with an approved arboriculturally sensitive construction methodology and with appropriate arboricultural supervision at identified key stages.

Where temporary construction access or working is required over otherwise unprotected rooting areas, suitable temporary ground protection should be installed prior to access in order to minimise the risk of soil compaction and root damage.

All contractors working on site should be made aware of the location and purpose of the tree protection measures and the requirement to maintain the identified Construction Exclusion Zones throughout the relevant stages of construction.

Subject to the implementation of the recommended tree protection measures, appropriate construction controls and the mitigation identified within this assessment, the proposed development is considered capable of being undertaken without unacceptable adverse effects upon the retained tree population.

The location of the proposed tree protection measures is illustrated on the Preliminary Tree Protection Plan (Drawing Ref: CHTS/Q7878/PTPP) contained within Appendix B.

4. Conclusion

- 4.1 The proposed redevelopment of Longwood Sports Field has been assessed in accordance with the recommendations of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.
- 4.2 The proposed development will require the removal of six individual trees. **T1, T2, T3 and T4** will require removal to facilitate the proposed padel courts and part of the MUGA, whilst **T8 and T9** will require removal to facilitate construction of the proposed pavilion. The remaining on-site trees are proposed for retention.
- 4.3 Symptoms potentially associated with horse chestnut bleeding canker were identified on a number of the surveyed horse chestnuts. These symptoms have been considered as part of the assessment of their existing physiological and structural condition. Notwithstanding these findings, the removals identified above are principally required to facilitate the proposed development rather than on arboricultural management grounds. Retained horse chestnuts exhibiting symptoms should continue to be monitored as part of their ongoing management.
- 4.4 The principal arboricultural constraint relates to **T5, T6 and T7**, where the proposed parking spaces and associated access will extend within their Root Protection Areas. Omission or revision of these parking spaces represents the preferred arboricultural solution; however, where their provision is considered necessary, the use of an appropriately designed no-dig construction system and suitable arboricultural controls would provide a means of reducing potential impacts upon the retained rooting environment.
- 4.5 Localised pruning of retained trees will be required to facilitate elements of the development, principally to provide clearance between **T5 and T6** and the proposed padel courts and to accommodate parking beneath **T5, T6 and T7**. The need for periodic future pruning to maintain appropriate clearance should be recognised as part of the long-term management of these trees.
- 4.6 A number of detailed construction matters remain to be finalised, including construction logistics, service routes and the detailed specification of proposed hard surfacing. These matters should be developed with due regard to the arboricultural constraints identified within this report and, where appropriate, secured through subsequent detailed design, an Arboricultural Method Statement and/or suitably worded planning conditions.
- 4.7 Subject to the implementation of the tree protection measures and mitigation identified within this assessment, it is considered that the trees proposed for retention can be adequately protected and that the proposed development can be undertaken without unacceptable adverse effects upon their long-term health and retention.

5. Signature

This report was written and compiled by:

This report was written and compiled by



Jeremy Lee Lv4 Cert Arb, PTI, IOSH

Arboricultural Consultant

ABC Lv4 Diploma in Arboriculture (Merrist Wood College)

City and Guilds Lv2 National Certificate in Arboriculture (Bicton College)

Lantra Professional Tree Inspection (PTI)

Institute of Occupational Health and Safety (IOSH)

Report Ref: CHTS/Q7878/AIA

Date of Issue: 17/08/2026

Bibliography and References

Arboricultural Association. (2009) *Guidance Note 7. Tree Surveys: A guide to Good Practice*. The Arboricultural Association, Stonehouse.

British Standards Institution. (2010). *British Standard 3998:2010, Trees work—recommendations*. British Standards Institution, London.

British Standards Institution. (2012). *British Standard 5837:2012, Trees in relation to design, demolition and construction – recommendations*. British Standards Institution, London.

Cutler, D.F. and Mindham, C., 1992. *Tree roots and buildings*. London: Longman Scientific & Technical

Hirons, A.D. and Thomas, P.A. (2018). *Applied tree biology*. Chichester, West Sussex Wiley Blackwell.

Johnson, O. and More, D. (2006). *Collins tree guide*. London: Collins.

Lonsdale, D. (1999). *Principles of Tree Hazard Assessment and Management*. Stationery Office Books (TSO).

National Joint Utilities Group “Guidelines for the planning, installation and maintenance of utility services in proximity to trees, 1995.”

Trees & Design Action Group, 2014. *Trees in Hard Landscapes, A Guide for Delivery*. 1st ed. London.

Winchester City Council, 2026. *Public Mapping*. Available at: <https://www.winchester.gov.uk/planning/trees/view-tpos-map/> (Accessed 14/08/2026)

Appendices

Appendix A – Tree Survey Schedule

Appendix B – Site Plans

Appendix C – Tree Protection Barriers (Default and Variant) and Ground Protection

Appendix D – Example Tree Protection Signs

Appendix A – Survey Schedule

Site: Longwood Sports Field, Baybridge Lane, Owslebury, Hampshire, SO21 1JN

Client: Owslebury Parish Council

Arboricultural Consultant: Jeremy Lee

Reference: CHTS/Q7878/TSS

Survey Date: 10/08/2026

The following tree survey schedule has been prepared in accordance with BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations.

All trees were inspected from ground level, with the aid of binoculars where necessary. Where access to trees was restricted, measurements have been estimated based on visual assessment.

This schedule records the condition and categorisation of trees in the context of their potential retention in relation to the proposed development. It does not constitute a detailed tree safety inspection.

Root Protection Areas (RPAs) have been calculated in accordance with Section 4 of BS5837:2012.

BS5837:2012 Retention Categories

Trees have been categorised in accordance with Table 1 of BS5837:2012 as follows:

Category A – High Quality

Trees of high arboricultural and/or landscape value with an estimated remaining contribution of at least 40 years.

Category B – Moderate Quality

Trees of moderate arboricultural and/or landscape value with an estimated remaining contribution of at least 20 years.

Category C – Low Quality

Trees of low arboricultural and/or landscape value with an estimated remaining contribution of at least 10 years, or young trees with limited public visibility.

Category U – Unsuitable for Retention

Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

BS5837:2012 Tree Survey

Christopher Hoare Tree Services Ltd

Client: Owslebury Parish Council
 Project: Owslebury Pavilion
 Survey Date: 10/08/2026
 Surveyor: Jeremy Lee



The Estate Office
 Exbury
 Southampton
 Hampshire
 SO45 1AZ
 Phone: 02380897933

Tree and Tag No Species		Hght (m)	Stems		Crown		Age	RP A (m²) R (m)	Phys Condition	Structural Condition	Preliminary Recommendations			Cat ERC	
			No	Ø (mm)	Spread (m)	Clear (m)					Survey Comment				
T1 No tag											Estimated Measurements				
Common Horse Chestnut <i>Aesculus hippocastanum</i>		12	1	600	N	5	2	M	A: 162.9 R: 7.2	Fair	C: Fair S: Fair B: Good	See Comment :: See Comment		C.2 10 to 20 yrs	
					E	6	2.5					Foliage exhibits damage consistant with Horse Chestnut Leaf Miner. (Cameraria ohridella). Localised bleeding cankers present on primary and secondary limbs, predominantly on the eastern and southern aspects of the crown. Associated bark flaking and fissuring present. Symptoms consistant with Horse Chestnut bleeding canker (Pseudomonas syringae pv. aesculi). Crown retains good overall density and vitality. Monitor progression of bleeding canker symptoms through regular inspections. Consider future localised, targeted reductions of affected limbs and stems where necessary to reduce loading.			
T2 No tag												Estimated Measurements			
Whitebeam <i>Sorbus aria</i>		5	1	260	N	3	2	M	A: 30.6 R: 3.12	Good	C: Good S: Good B: Good	No action :: No action		C.1 20 to 40 yrs	
					E	3	1					Suppressed by neighbouring trees.No significant defects.			
					S	3	2								
					W	3	2								
T3 No tag												Estimated Measurements			
Common Horse Chestnut <i>Aesculus hippocastanum</i>		13	1	630	N	4	3	M	A: 179.6 R: 7.56	Good	C: Good S: Good B: Good	No action :: No action		B.2 20 to 40 yrs	
					E	4.5	4					Foliage exhibits damage consistant with Horse Chestnut Leaf Miner. (Cameraria ohridella). Exposed surface root extending southwest, significant damage to top surface of the root. No visible symptoms of Horse Chestnut bleeding canker identified at the time of inspection. Crown retains good overall density and vitality. Monitor for development of bleeding canker symptoms through routine inspections.			
					S	7.5	3								
					W	5	3								
Age Classifications:		N Newly planted Y Young SM Semi-mature	EM Early Mature M Mature OM Over Mature	Condition:		C Crown S Stem B Basal area	Stems:		Ø Diameter (Eq) Equivalent stem diameter using BS5837:2012 definition	ERC:		Estimated Remaining Contributio			

Tree and Tag No Species			Hght (m)	Stems		Crown		Age	RP A (m²) R (m)	Phys Condition	Structural Condition	Preliminary Recommendations			Cat ERC
				No	Ø (mm)	Spread (m)	Clear (m)					Survey Comment			
T4 No tag												Estimated Measurements			
Common Horse Chestnut <i>Aesculus hippocastanum</i>			13	1	630	N E S W	7.5 6 5.5 5.5	4 3 2 2	M 	A: 179.6 R: 7.56	Fair 	C: Fair S: Fair B: Good	See Comment :: See Comment Tight included union at approximatley 1m AGL. Localised staining and bleeding, with associated canker formations and longitudinal bark legions affecting the main stem and secondary stems/limbs, predominantly on the southern and eastern aspect. Symptoms are consistannt with Horse Chestnut bleeding canker (<i>Pseudomonas syringae</i> pv. <i>aesculi</i>). Horse chestnut leaf miner evident within the foliage. Monitor progression of bleeding canker symptoms through regular routine inspections. Consider localised and targeted reduction of affected limbs/stems where necessary to reduce loading on defective areas.	C.2 10 to 20 yrs	
T5 No tag												Estimated Measurements			
Norway Maple <i>Acer platanoides</i>			16	1	580	N E S W	7.5 6.5 7 7	2 3 2 2	M 	A: 152.2 R: 6.96	Good	C: Good S: Good B: Good	No action :: No action Minor deadwood throughout the canopy. Overhead utilities extend through the southern aspect of the canopy.	B.2 >40 yrs	
T6 No tag												Estimated Measurements			
Norway Maple <i>Acer platanoides</i>			13	1	480	N E S W	7.5 8 6 6	2 3 1.5 2	M 	A: 104.2 R: 5.75	Good	C: Good S: Good B: Good	Remove :: Suspended or broken branches Remove :: Major dead wood Overhead utilities extend through the southern aspect of the crown. Snapped, broken branch at 4 metres extending east. Major deadwood throughout the crown.	B.2 >40 yrs	
T7 No tag												Estimated Measurements			
Norway Maple <i>Acer platanoides</i>			10	1	370	N E S W	5 6 4.5 6	3 3 2 1	M 	A: 61.9 R: 4.43	Good	C: Good S: Good B: Fair	Prune :: From buildings/structure/tree by 1.0m Overhead utilities extend through the southern aspect of the crown. Branches encroaching and impinging on cables. Girdled root at stem base	B.2 >40 yrs	
Age Classifications:			N Y SM	Newly planted Young Semi-mature	EM M OM	Early Mature Mature Over Mature	Condition:		C S B	Crown Stem Basal area	Stems:		Ø Diameter (Eq) Equivalent stem diameter using BS5837:2012 definition	ERC: Estimated Remaining Contributio	

Tree and Tag No Species		Hght (m)	Stems		Crown		Age	RP A (m²) R (m)	Phys Condition	Structural Condition	Preliminary Recommendations			Cat ERC
			No	Ø (mm)	Spread (m)	Clear (m)					Survey Comment			
T8	No tag											Estimated Measurements		
Common Horse Chestnut <i>Aesculus hippocastanum</i>	16	1	750	N	6	4	M	A: 254.5 R: 9	Fair	C: Fair S: Fair B: Good	Remove :: Major dead wood Reduce faulted limbs/stems :: Unspecified	C.2 10 to 20 yrs		
				E	5	4					Significant bark flaking, peeling and localised bark loss present on the north-western aspect of the main stem and primary limbs, with areas of exposed underlying wood and associated callus formation. Symptoms consistant with Horse Chestnut bleeding canker (Pseudomonas syringae pv.aesculi). Major deadwood present within affected limbs. Foliage exhibits damage consistant with horse chestnut leaf miner (Cameraria ohridell). Crown retains good overall density and vitality. Remove major deadwood. Reduce the affected limbs and stems to reduce mechanical loading on the weakening areas. Monitor tree condition and progression of symptoms through routine visual inspections.			
T9	No tag											Estimated Measurements		
Norway Maple <i>Acer platanoides</i>	13	1	580	N	8	4	M	A: 152.2 R: 6.96	Fair	C: Fair S: Fair B: Good	Remove :: Major dead wood Remove :: Faulted branch/limbs	B.1.2 20 to 40 yrs		
				E	6.5	3					Overhead utilities extend through the southern aspect of the crown. Physiological decline evident through crown dieback, possibly attributed to a combination of repeated drought stress and poor rooting environment. Deadwood present throughout the crown. Central stem displays decay and structural deterioration. Monitor tree condition through routine visual inspections. Remove major deadwood. Remove the central stem, displaying structural deterioration.			
T10	No tag											Estimated Measurements		
Common Ash <i>Fraxinus excelsior</i>	13	1	400	N	6	4		A: 72.4 R: 4.8	Dead	C: Poor S: Poor B: Poor	Fell :: Fell to ground level	U n/a		
				E	4	4.5	Dead				A dead off-site roadside tree. Tree condition considered dangerous. Management responsibility should be established with the view of removing the tree to ground level.			
				S	4	5								
				W	4	5								
Age Classifications:		N Y SM	Newly planted Young Semi-mature	EM M OM	Early Mature Mature Over Mature	Condition:		C S B	Crown Stem Basal area	Stems:		Ø (Eq)	Diameter Equivalent stem diameter using BS5837:2012 definition Estimated Remaining Contributio	

Tree and Tag No Species		Hght (m)	Stems		Crown		Age	RP A (m²) R (m)	Phys Condition	Structural Condition	Preliminary Recommendations			Cat ERC
			No	Ø (mm)	Spread (m)	Clear (m)					Survey Comment			
T11 No tag												Estimated Measurements		
Norway Maple <i>Acer platanoides</i>		13	1	650	N	7	3	M	A: 191.2 R: 7.8	Good	C: Good S: Good B: Good	Prune :: From buildings/structure/tree by 1.0m	B.2 >40 yrs	
					E	8	3					Overhead utilities extend through the southern aspect of the crown.		
					S	5	4							
					W	7.5	4.5							
T12 No tag												Estimated Measurements		
Common Horse Chestnut <i>Aesculus hippocastanum</i>		15	1	600	N	5	2.5	M	A: 162.9 R: 7.2	Fair	C: Fair S: Fair B: Fair	See Comment :: See Comment	B.2 20 to 40 yrs	
					E	7.5	2.5					Stem bleeding noted at stem base on western aspect, consistent with Horse chestnut bleeding canker (<i>Pseudomonas syringae</i> pv. <i>aesculi</i>). Foliage exhibits damage consistent with Horse Chestnut Leaf Miner. (<i>Cameraria ohridella</i>). Crown retains good overall density and vitality. Monitor tree condition and progression of symptoms through routine visual inspections.		
					S	5.5	2.5							
					W	5	3							
T13 No tag												Estimated Measurements		
Common Hazel <i>Corylus avellana</i>		7	8	283 (Eq)	N	3	0	M	A: 36.2 R: 3.39	Good	C: Good S: Good B: Good	No action :: No action	C.2 20 to 40 yrs	
					E	3	1					Lapsed hazel coppice on the boundary line. No significant defects.		
					S	3	2							
					W	3	0.5							
T14 No tag												Estimated Measurements		
Prunus <i>Prunus Spp.</i>		7	1	320	N	3.5	1.5	M	A: 46.3 R: 3.83	Fair	C: Fair S: Fair B: Good	No action :: No action	C.2 20 to 40 yrs	
					E	4.5	4					Off-site boundary edge tree. Deadwood in the crown.		
					S	4.5	4							
					W	3	1							
T15 No tag												Estimated Measurements		
Western Red Cedar <i>Thuja plicata</i>		13	1	500	N	4	2.5	M	A: 113.1 R: 6	Good	C: Good S: Good B: Good	No action :: No action	C.2 20 to 40 yrs	
					E	5.5	2					An off-site boundary tree. No significant defects.		
					S	4.5	3							
					W	4	1							
Age Classifications:		N Y SM	Newly planted Young Semi-mature	EM M OM	Early Mature Mature Over Mature	Condition:		C S B	Crown Stem Basal area	Stems:		Ø (Eq)	Diameter Equivalent stem diameter using BS5837:2012 definition	ERC: Estimated Remaining Contributio

Appendix B – Site Plans

- Drawing Ref: **CHTS/Q7878/TCP** – *Tree Constraints Plan*
- Drawing Ref: **CHTS/Q7878/PTPP** – *Preliminary Tree Protection Plan*

02380 897933
info@chttrees.co.uk
www.chttrees.co.uk



The Estate Office
Exbury Gardens
Summer Lane
Southampton
Hampshire
SO45 1AZ

Owslebury Pavillion
Tree Constraints Plan
Drawing Ref: CHTS/Q7878/TCP

1:690 @ A3

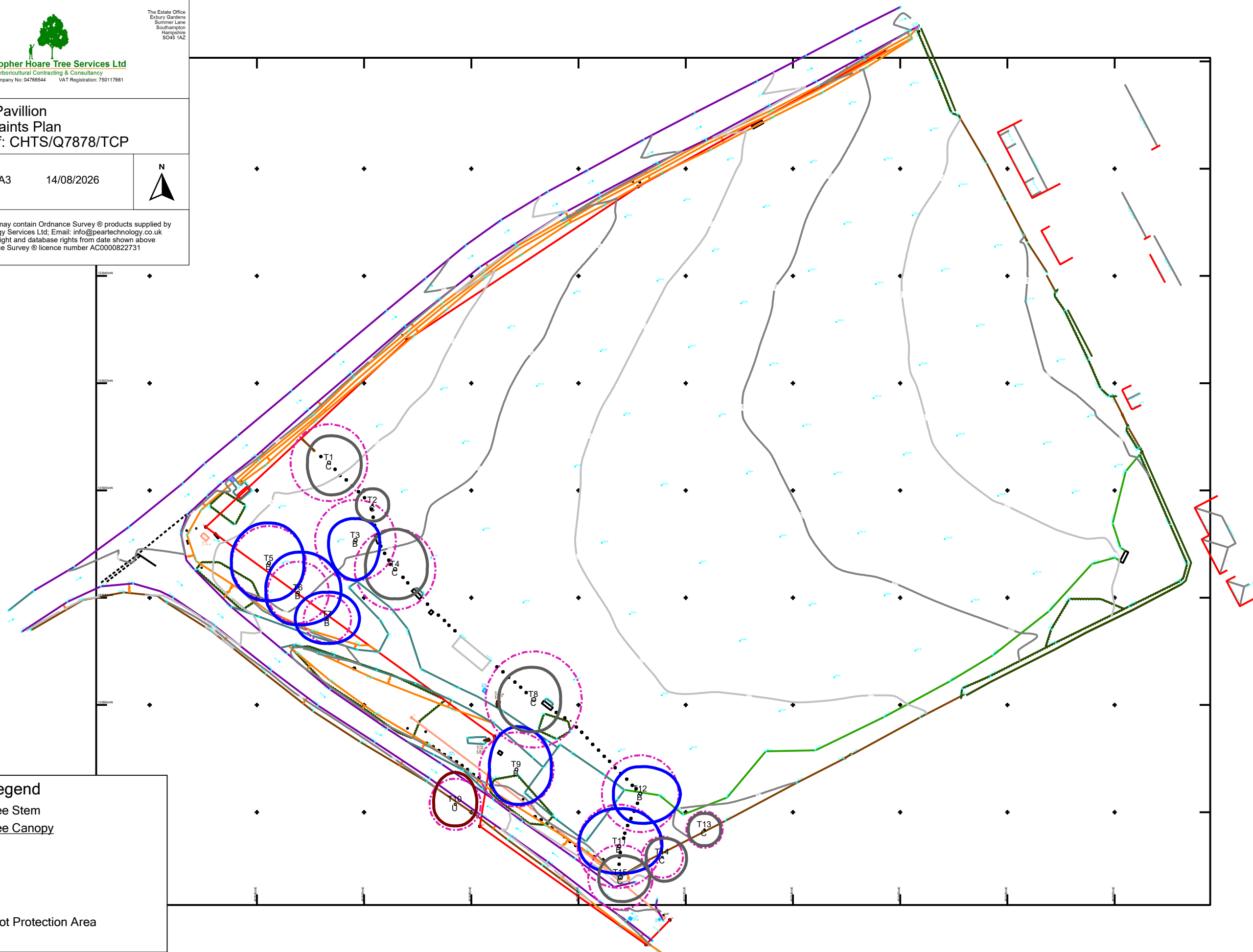
14/08/2026



Map data shown may contain Ordnance Survey © products supplied by
Pear Technology Services Ltd. Email: info@peartechnology.co.uk
© Crown Copyright and database rights from date shown above
Ordnance Survey © licence number AC0000822731

Legend

- Tree Stem
- Tree Canopy
- B
- C
- U
- Root Protection Area



02380 897933
info@chttrees.co.uk
www.chttrees.co.uk



Christopher Hoare Tree Services Ltd
Arboricultural Contracting & Consultancy
Limited Company No: 04766544 VAT Registration: 750117661

The Estate Office
Exbury Gardens
Summer Lane
Southampton
Hampshire
SO45 1AZ

Owslebury Pavillion
Tree Protection Plan
Drawing Ref: CHTS/Q7878/PTPP

1:690 @ A3 14/08/2026



Map data shown may contain Ordnance Survey © products supplied by
Pear Technology Services Ltd. Email: info@peartechnology.co.uk
© Crown Copyright and database rights from date shown above
Ordnance Survey © licence number AC0000822731

Legend

 Tree Stem

 Tree Canopy

 B

 C

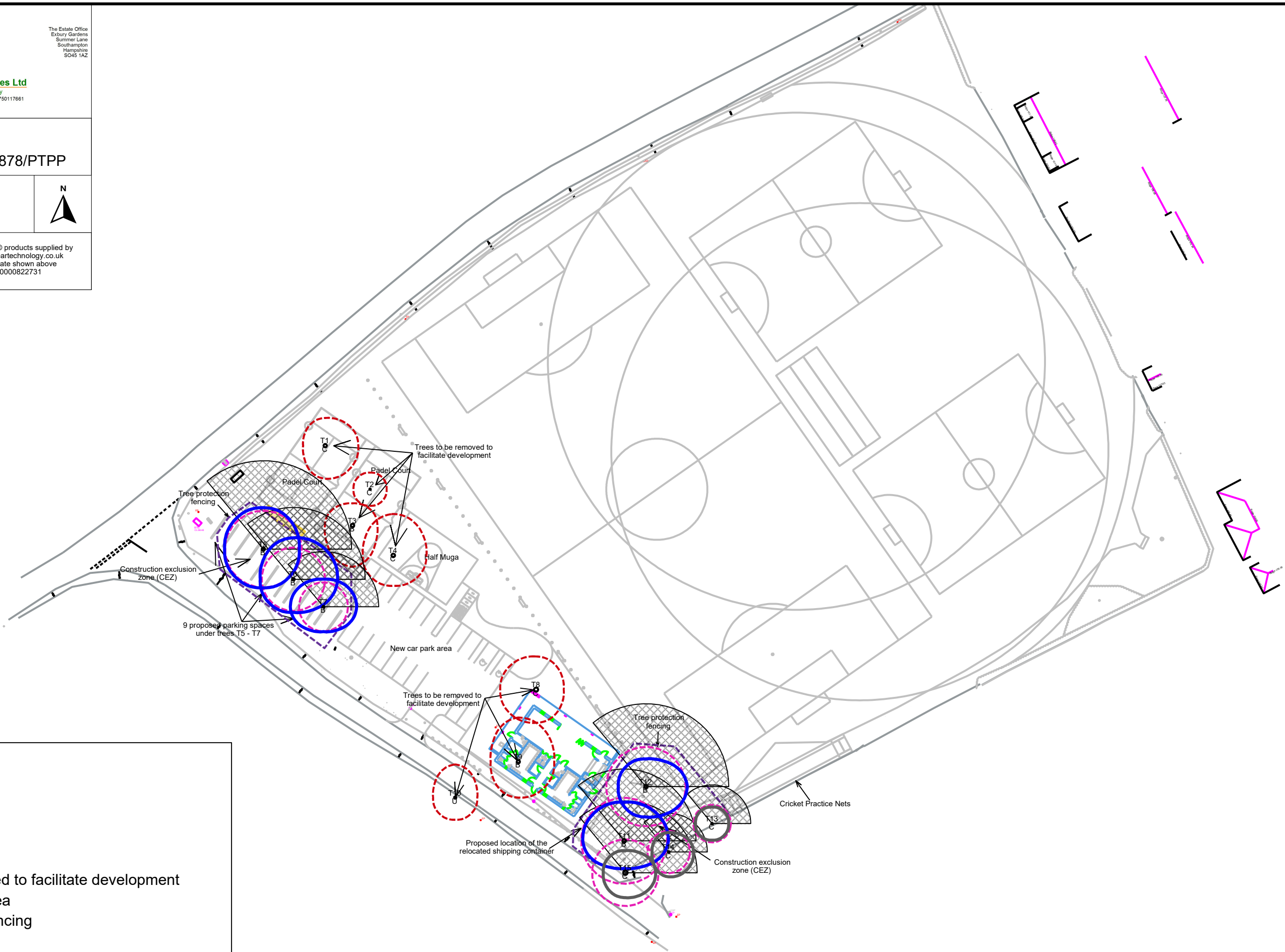
 Trees to be removed to facilitate development

 Root Protection Area

 Tree Protection Fencing

 Shadow

 Temporary Ground Protection



Appendix C – Tree Protection

Figure C1

Default Tree Protective Fencing

Protective fencing should be erected before any construction commences on site. It should also be in position to protect important trees prior to demolition.

Protective fencing should stay in position until all construction activity has finished.

‘Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around retained trees. On all sites special attention should be paid to ensuring that barriers remain rigid and complete.’
BS 5837 para 9.2.1.

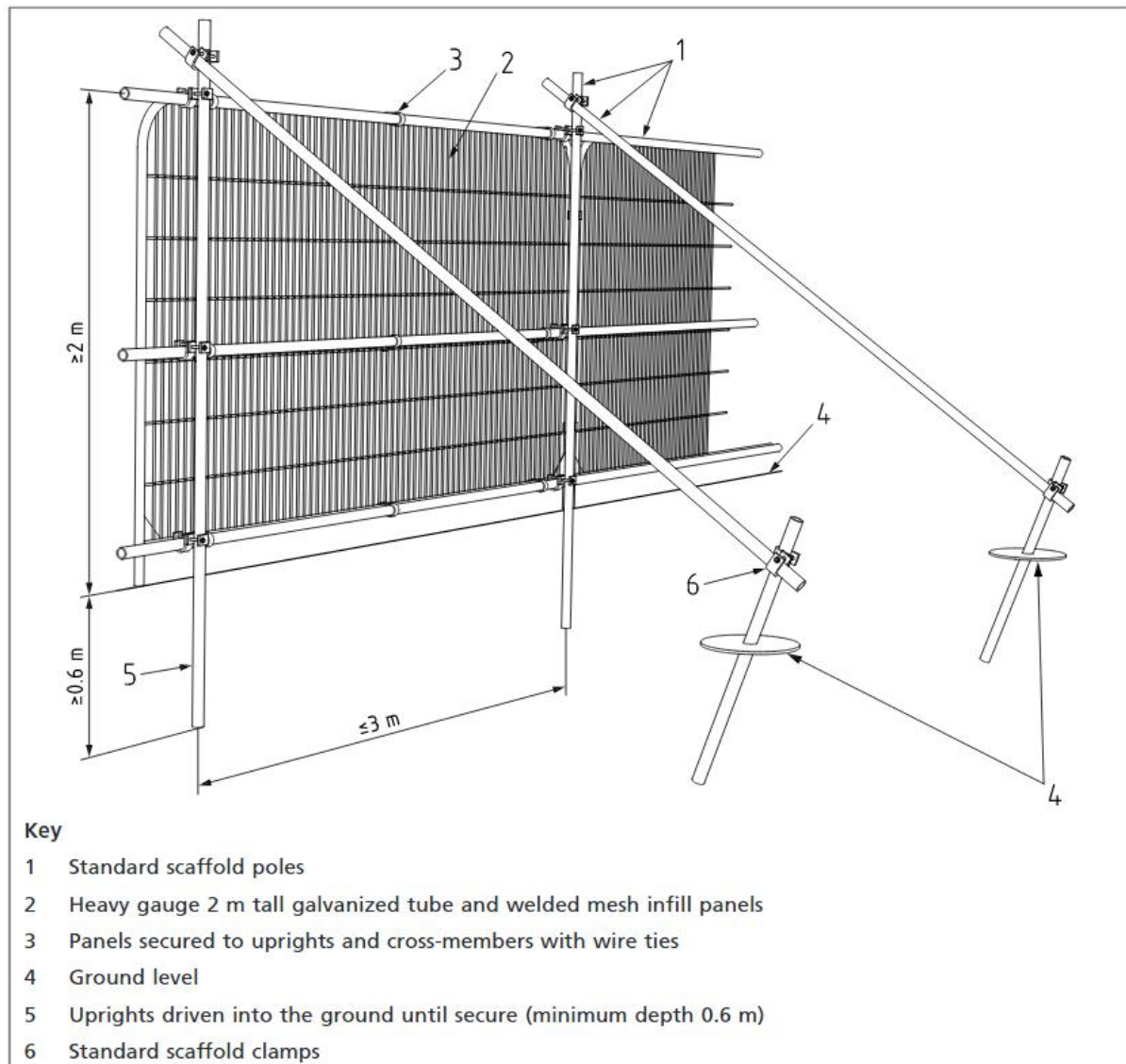




Figure C2

Alternative Tree Protective Fencing

This form of tree protective barrier should be used only when significant underground constraints warrant its use. However, it should be treated in the same manner as the default tree protective barrier displayed in **Figure C1**.

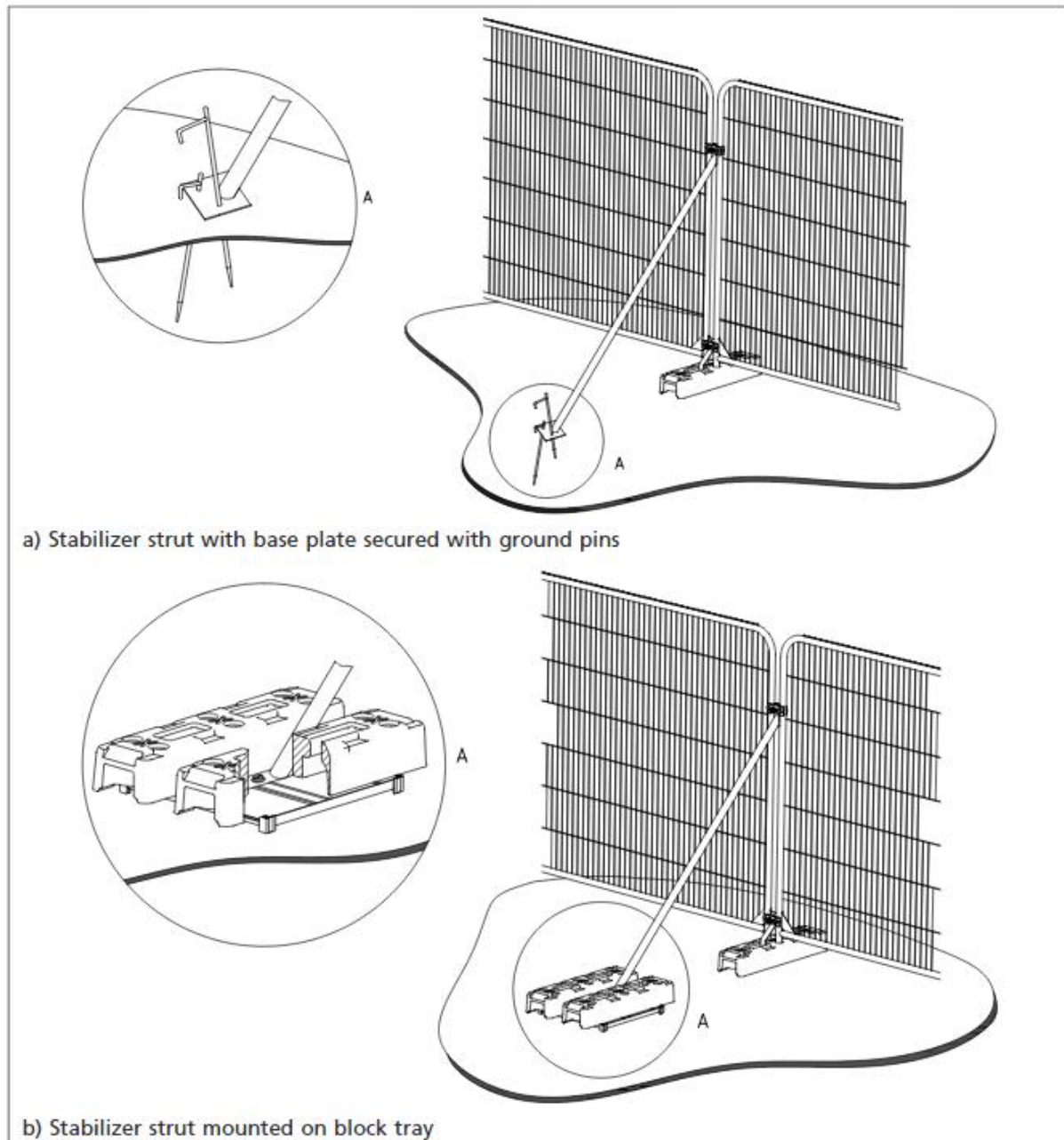
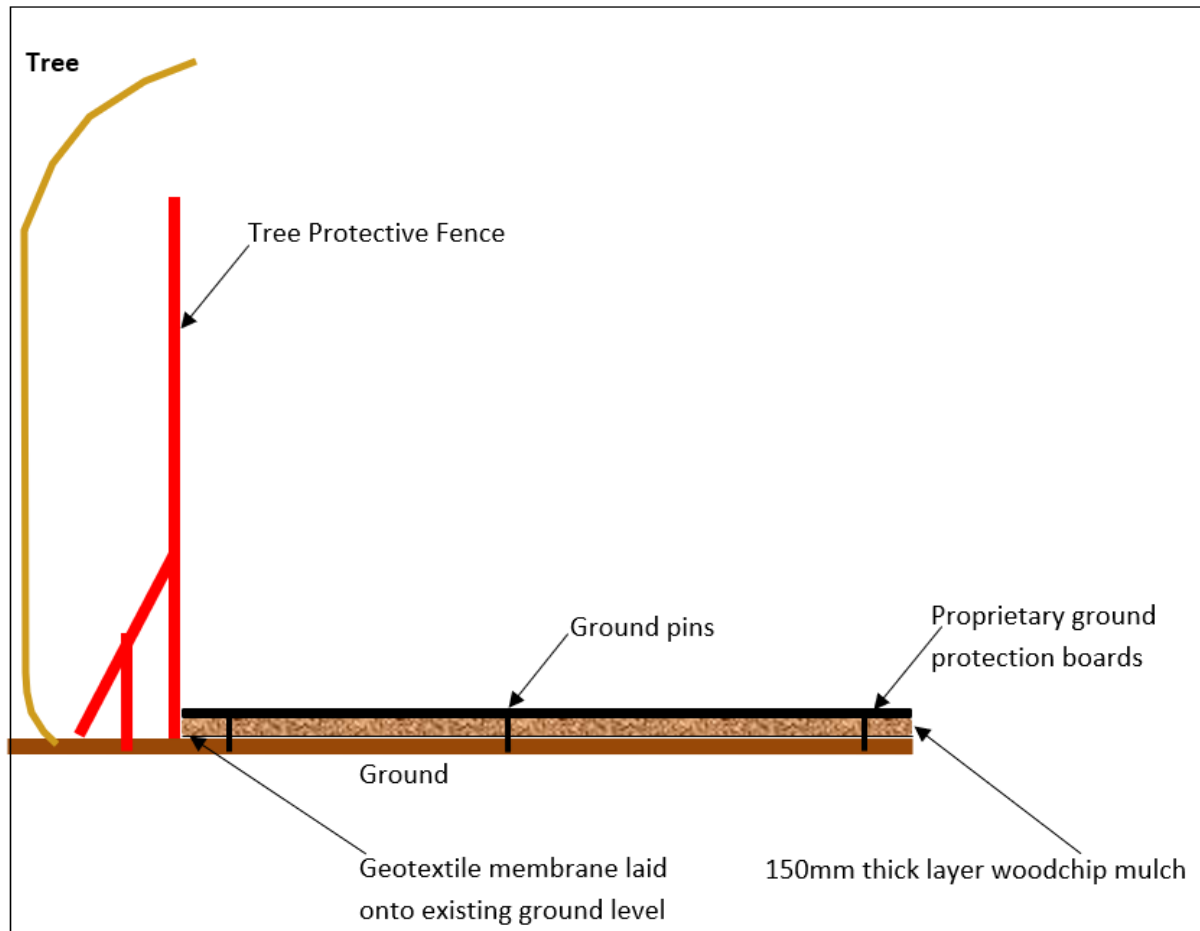




FIGURE C3

Ground Protection

Sketch plan of recommended ground protection to be used over RPS's where protection fencing is set back. Ground boards to be affixed to the ground using pins.



Appendix D – Tree Protection Signs

Example of all-weather warning signs to be affixed to fencing at appropriate intervals.



**TREE PROTECTION AREA
KEEP OUT!**

TREES ENCLOSED BY THIS FENCE ARE PROTECTED BY PLANNING
CONDITIONS AND ARE SUBJECTS OF A TREE PRESERVATION
ORDER (TOWN & COUNTRY PLANNING ACT 1990)

THE FOLLOWING MUST BE OBSERVED BY ALL PERSONS:

- THE PROTECTIVE FENCE MUST NOT BE REMOVED
- NO PERSON SHALL ENTER THE PROTECTED AREA
- NO MACHINE OR PLANT SHALL ENTER THE PROTECTED AREA
- NO MATERIALS SHALL BE SORTED IN THE PROTECTED AREA
- NO SPOIL SHALL BE DEPOSITED IN THE PROTECTED AREA
- NO EXCAVATION SHALL OCCUR IN THE PROTECTED AREA

**ANY INCURSION INTO THE PROTECTED AREA MUST BE
WITH THE WRITTEN PERMISSION OF THE LOCAL
PLANNING AUTHORITY**



PROTECTIVE FENCING

**This fencing must
be maintained in
accordance with the
approved plans and
drawings for this
development**

To: The Chairman and Members of Owslebury Parish Council

Re: Objection to the Current Approach for the Proposed Sports Club Facility on the Village Green and Request for Public Exhibition

Dear Councillors,

We are writing formally to express our concern at the Parish Council's current approach regarding the proposed new sports club facility on our Village Green.

We are not opposed to a sympathetic replacement of the pavilion, or to improvements that genuinely serve the whole village. Our concern is with the apparent lack of meaningful public consultation and transparency surrounding a proposal that would have a significant and lasting impact on one of Owslebury's most important community assets.

The Village Green is a valued public space enjoyed by residents of all ages and interests. It is also protected by its legal status. Any development on or adjacent to it has implications not only for users of the proposed facility but for the wider community, including matters such as visual impact, scale, traffic, parking, noise, loss of open space, environmental considerations, and the long-term character of the village. Given the importance of these issues, residents must have a genuine opportunity to understand the proposal in detail and to provide informed feedback before plans progress further and before any more money is spent on this project.

It is our view that the Parish Council should not proceed with any formal decisions or commitments until there has been a comprehensive and transparent engagement process with the community. In particular, we would urge the Council to organise a public exhibition and consultation event at which:

- Detailed plans, drawings and visual representations of the proposal are displayed.
- The rationale for the project is clearly explained.
- Information is provided regarding funding, ownership, management and future maintenance responsibilities.
- The potential impacts on the Village Green and surrounding area are openly discussed.
- Residents are given an opportunity to ask questions directly of the project team and councillors.
- Feedback is formally recorded and reported back to the community.

A public exhibition would allow residents to make informed comments based on facts rather than speculation and would help build trust in the Council's decision-making process. It would also demonstrate that the Parish Council is committed to representing the interests of the whole village rather than a particular group of stakeholders.

For a project of this significance, consultation should not be a procedural formality but a genuine exercise in community engagement. The Village Green belongs to the community as a whole, and the community should therefore have a meaningful voice in determining its future.

We request respectfully that this letter be recorded as a formal objection to the current process and that the Parish Council commits publicly to holding a well-publicised physical exhibition and consultation before any further decisions are taken.

We would be grateful if this letter could be formally recorded and included in the public record for the next Council meeting.

Yours faithfully,

Signed by the following 109 named individuals, across 64 households.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]
26. [REDACTED]
27. [REDACTED]
28. [REDACTED]
29. [REDACTED]
30. [REDACTED]
31. [REDACTED]
32. [REDACTED]
33. [REDACTED]
34. [REDACTED]
35. [REDACTED]
36. [REDACTED]
37. [REDACTED]
38. [REDACTED]
39. [REDACTED]
40. [REDACTED]
41. [REDACTED]
42. [REDACTED]
43. [REDACTED]
- [REDACTED]

45. [REDACTED]
46. [REDACTED]
47. [REDACTED]
48. [REDACTED]
49. [REDACTED]
50. [REDACTED]
51. [REDACTED]
52. [REDACTED]
53. [REDACTED]
54. [REDACTED]
55. [REDACTED]
56. [REDACTED]
57. [REDACTED]
58. [REDACTED]
59. [REDACTED]
60. [REDACTED]
61. [REDACTED]
62. [REDACTED]
63. [REDACTED]
64. [REDACTED]

MEETING REPORT: Proposed Response to Owslebury Green

DATE: 14 September 26

WRITTEN BY: The Clerk

AGENDA ITEM: 48

Proposed response to Owslebury Greens letter received on 28th August.

Dear Owslebury Green,

Thank you for your letter expressing concerns about the Parish Council's approach to the proposed replacement pavilion and sports club facility on the Owslebury Recreation Ground. The Council recognises the importance of the Owslebury Recreation Ground to the whole community and appreciates the level of interest shown by residents.

The Council also wishes to clarify the extent of public engagement that has already taken place. To date:

- A village-wide questionnaire has been conducted, receiving 154 responses, which helped in the early development of the proposal.
- Pavilion meetings have been held since November 2021, providing open forums for residents to hear updates, raise concerns and ask questions.
- The Council has delivered two public presentations outlining the emerging design, rationale, constraints and considerations.
- A substantial number of detailed written questions from residents have been submitted and answered, with responses made publicly available on the council's website.
- A village-wide leaflet summarising the current proposal, key facts and next steps is being developed and will shortly be distributed to all households.

The Council remains committed to transparency and to ensuring that residents are fully informed as the project progresses. All feedback—whether through meetings, correspondence, the questionnaire or future engagement—will be formally considered before any decisions are taken.

Your letter will be recorded as a formal representation and included in the public papers for the next Pavilion meeting. Following advice from the Hampshire Association of Local Councils (HALC), the list of signatories and their addresses will be redacted, as the Council cannot confirm that all individuals named have given explicit consent for their personal information to be placed in the public domain. As this would constitute a serious GDPR breach.

The Council is also aware of the website *owsleburygreen.com*. A number of statements published on the site are inaccurate or misleading, and several other statements are a reproduction of broad wording from the CIL funding application without providing the necessary context or acknowledging that the proposal has since evolved.

Many of the matters raised on the website have already been addressed in the written questions submitted at the July Pavilion meeting and Full Council meeting, which were answered and are available on the website. A schedule is attached identifying each disputed statement, the correct factual position or context, the relevant numbered answers, and CIL material.

The Council requests that the website publishes a clear correction notice, amends any statements that are factually inaccurate, and provides the corrected information to those who signed the objection letter. The correction should acknowledge that elements of the original material were inaccurate and presented without the necessary context.

The Council further asks that the website is updated to reflect accurate and complete information so that residents are able to rely on factual material when forming their views.

Please in future can you refer to the ground as the Owslebury Recreation Ground which is its official name in the village green register.

MEETING REPORT: Owslebury Green Website

DATE: 14th September 26

WRITTEN BY: The Chairman

AGENDA ITEM: 48

The proposed response to Owslebury Green website.

Website statement	Correction/proper context	Answers / Historical Report / CIL application
The Council is transforming the green into a “large, commercial Regional Multi Sports and Event Hub”.	This is an exploratory proposal at pre-application stage . No planning application has been submitted and no final scheme has been approved. The CIL paper calls it a multi-purpose sporting and community hub, but not a privately owned commercial development.	Answers Q03–Q05, Q10–Q13 and R01–R02.
It is designed for visitors from Winchester and the wider region.	The CIL paper does refer to Winchester, regional teams and visitors. However, the Council subsequently explained that its primary purpose is sustainable provision for Owslebury, with visiting teams and surrounding communities also able to use it.	Answers Q10–Q11 and Q19. Historical report: meaning of “parish and neighbourhood”. CIL application pp.2–3 and 7.
It will be a Hampshire-wide sports centre.	The CIL paper refers to Winchester and surrounding areas, not a dedicated Hampshire-wide sports centre. That description materially exaggerates the proposal.	Answers Q10–Q11 and Q19. CIL application pp.2–3.
Buildings and courts will take “at least a third” of the site.	Incorrect. The current working calculation is approximately 1,574 m², or 9.5% of the 16,571 m ² Recreation Ground—not one-third. Before publication, A resident specifically asked whether the plans were drawn to scale. Radley House confirmed that all the plans were drawn to an accurate scale and expressly instructed her not to reproduce or use the drawings. The website nevertheless describes them as not drawn to scale, reproduces the proposal and substitutes an unsupported estimate of at least one-third.	Radley House emails of 19 and 21 August 2026. Answer Q34. Historical report: scale, gross area and different forms of occupation.
Parking and pitches will occupy the rest, leaving no space or access for non-sporting activities.	This wrongly treats open grass pitches as permanent development or inaccessible land. Substantial open land would remain, and pitches do not have the same effect as buildings or fenced courts.	Answers Q12–Q13, Q19–Q21 and Q34. Historical report: scale, access and better enjoyment.

Website statement	Correction/proper context	Answers / Historical Report / CIL application
The current proposal includes wedding and party facilities.	The CIL paper does mention parties and wedding receptions as possible uses of the flexible room. However, this does not make the pavilion a dedicated wedding venue, and the eventual uses remain subject to the final design and Council approval.	Answers Q02, Q05 and Q09. CIL application pp.2 and 9–10.
The current proposal includes an onsite café and retail shop, potentially featuring remote working desks	The CIL paper refers to a possible community café or community shop . Calling it a retail shop gives it a more commercial character. Remote-working desks are not identified in the CIL paper.	Answers Q02, Q05 and Q09. CIL application pp.2–3.
A full-sized football pitch and two five-a-side pitches form part of the developed area.	Misleading. The Recreation Ground is already used for football and cricket. These are existing uses of the open grass playing area, not new buildings, hardstanding or enclosed development, and they do not represent any additional loss of publicly accessible green space. Their appearance in the proposal and CIL paper records the continued sporting use of the ground rather than the creation of three new developed areas.	Answers Q12–Q13 and Q34. Historical report: established cricket and football use. CIL application p.2.
The proposal represents intensive commercial operation.	Users may pay to book certain facilities, but the intended model is community operation, with any surplus reinvested in the pavilion, Recreation Ground and community sport rather than distributed as private profit.	Answers Q05, Q08 and Q20. Historical report: charging and commercial use questions for counsel.
Traffic will increase significantly because the facility is intended for Winchester and the region.	The CIL paper anticipates visitors and regional teams, but no highways assessment has established a significant increase. The same paper also says local provision would reduce journeys to Winchester.	Answers Q34–Q36. CIL application pp.2, 5 and 7.
The safety of walkers, runners, horse riders and cyclists “is compromised”.	Existing road conditions are a legitimate concern, but the website states an untested prediction as an established conclusion. Highways evidence is still required.	Answers Q35–Q36.
Padel noise will resonate throughout the village.	The architect has already considered the proposed siting and advised that the noise effect should be negligible. Further specialist assessment will nevertheless be obtained if required through the pre-application or planning process.	Answers Q33–Q34.

Website statement	Correction/proper context	Answers / Historical Report / CIL application
Light pollution will be significant and detrimental.	Lighting is a significant planning consideration within the Dark Sky Reserve, but its effect cannot be determined before a lighting design and professional assessment exist.	Answer Q38. Historical report: lighting question for counsel.
The proposal involves ecological damage, including felling all mature trees.	It is incorrect to say that all mature trees will be felled. The previous works were postponed and no trees are presently scheduled for removal while further advice is obtained.	Answers Q24–Q29 and R02. Historical report: tree history and ecological evidence.
Mature trees were scheduled for removal with less than 12 hours' notice, without necessary consultation or ecological assessment.	Incorrect. The Parish Council considered the proposed tree works and made a formal decision to remove the trees. The relevant professional advice and ecological checks had been obtained or arranged. They were subsequently postponed while the wider proposal and further advice were considered.	Answers Q28–Q29 and R02.
Removal of the yew tree was harmful.	“Harmful” is an opinion stated without the arboricultural evidence or reason for removal.	Answers Q24 and Q29 address the wider evidential basis for tree works.
The pavilion will diminish the utility of the village hall and pub.	This is an untested prediction. The Council has explained that the village hall and pavilion would perform different but complementary roles.	Answer Q09. CIL application pp.2–3 confirms the possible community uses requiring that distinction to be explained.
Ownership and maintenance are unclear.	The Council has expressly confirmed that it intends to retain ownership. A community Sports Club/charity may operate the facilities under a lease or licence, with final maintenance and operating obligations documented later.	Answers Q08, Q14 and Q40. Separate ownership question answered at the July meeting. Historical report: ownership, lease/licence and management questions for counsel.
It is unclear who will fund construction and ongoing management.	Funding is not yet secured, but possible sources have been identified: Sport England, the ECB, fundraising, grants, sponsorship and, if required, a Council loan. Padel income is intended to contribute to running and maintenance costs.	Answers Q05–Q08, Q20, Q40–Q41. CIL application p.3.

Website statement	Correction/proper context	Answers / Historical Report / CIL application
Parishioners will face an increased precept.	No borrowing or project-related precept increase has been approved. The CIL paper mentions a possible Council loan, but that does not make a precept increase settled or inevitable.	Answers Q05, Q08, Q20 and Q41–Q42. CIL application p.3.
£27,000 is being spent without consultation or a mandate.	This omits the previous questionnaire, two public presentations, monthly public Pavilion Committee meetings and formal Council budgeting. Expenditure on preliminary work does not amount to approval to construct the scheme.	Answers Q01–Q05 and Q41–Q42.
Meaningful community engagement has repeatedly been postponed.	Engagement has already occurred. The Council has also explained that further village-wide consultation will take place once pre-application advice produces a sufficiently developed proposal for residents to consider.	Answers Q03–Q05 and R01–R02.
Counsel is being engaged to help the Council find a way through the regulations.	Counsel is being asked to establish what is lawful, what consents are required and whether the whole proposal—or particular elements—can lawfully proceed. This is compliance with the regulations, not circumvention of them.	Answers Q17–Q18 and Q21–Q23. Historical report: questions for specialist counsel.
The full long-term development has not been disclosed.	Incorrect. The proposal has evolved during feasibility and pre-application work, and earlier documents reflect earlier versions rather than a concealed additional scheme. At time of writing the Parish Council’s leaflet setting out the current proposal and plans should have been distributed to households across the village.	Answers Q12–Q15 and Q39–Q40. CIL application pp.2–3 shows the March 2026 scope.
The current proposal has two padel courts, while the CIL paper refers to one.	This demonstrates that the design has evolved. It does not prove concealment.	Answers Q12–Q13 and Q39–Q40. CIL application p.2.
The site is repeatedly named “Owslebury Green” or “Owslebury Village Green”.	The land is registered as Village Green VG80, but its established name is Owslebury Recreation Ground, commonly shortened to “the Recreation Ground.” “Owslebury Green” is the campaign group’s own name and should not be presented as the site’s official or historic name. The Recreation Ground was created under the 1861 Inclosure Award for exercise and recreation; the earliest documentary descriptions found refer to it as the Recreation Ground.	Answer Q16. Historical report: 1861 Inclosure Award, Recreation Ground name, VG80 registration and distinction from Lord Northesk’s private Longwood ground.