

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE**

**DEVELOPMENT CONTROL PANEL**

4 August 2021

**Item: 1**

<b>Application No.:</b>	20/02720/FULL
<b>Location:</b>	Reservoir Ascot Racecourse Winkfield Road Ascot To Pumping Station West of The Great Pond Watersplash Lane Ascot
<b>Proposal:</b>	Installation of replacement underground water pipeline, replacement plant to pump house and associated works connecting from Ascot Racecourse Reservoir; across Winkfield Road (A330); Royal Ascot Golf Club; Lower Farm; and to the Great Pond.
<b>Applicant:</b>	
<b>Agent:</b>	Mr Wai-kit Cheung
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot & Sunninghill
<b>If you have a question about this report, please contact:</b> Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 This application was deferred at the February Panel to allow the applicant to undertake great crested newt (GCN) surveys of Brewers Pond, (located within the application site). The report, detailing the results of those surveys, confirms that Brewers Pond supports a medium breeding population of GCN and that the proposal will likely lead to a temporary loss of GCN terrestrial habitat and cause disturbance to GCN. As such, the proposed works will need to be undertaken under licence to Natural England and the Council's ecologist has advised this be secured by condition.
- 1.2 In addition, the Council's ecologist has recommended a Construction Environmental Management Plan (CEMP) and biodiversity enhancements conditions to be attached to any permission granted. Subject to these conditions, there are no objections to this application on ecological grounds.
- 1.3 The proposal is for development that is not inappropriate in the Green Belt. No objections are raised to the proposal in respect of trees or archaeology subject to conditions.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is approximately 1.29 hectares and encompasses land within Ascot Racecourse, Winkfield Road, Royal Ascot Golf Club, Lower Farm public footpath SUNH/4/2 and the wooded area by the Great Pond. The site includes the area of the new water pipeline as well as the construction access route from a construction compound located south of the Royal Ascot Golf Club to the east-west main pipeline alignment.

#### **4. KEY CONSTRAINTS**

- 4.1 The application site is within the Green Belt. The areas around Brewer's Pond, (which is within 250m of the proposed pipeline) and the Great Pond are also designated Wildlife Heritage Sites.

#### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The proposal is for the installation of a replacement underground water pipeline, replacement plant to pump house and associated works. The replacement pipeline is approximately 1.26km long and will connect from Ascot Racecourse Reservoir, across Winkfield Road (the A330), Royal Ascot Golf Club, Lower Farm and to the Great Pond at Ascot.
- 5.2 The purpose of the new 125mm diameter pipeline, (which will be installed by a combination of horizontal directional drilling and open trenching and take approximately 9 weeks to install), is to replace an existing and aged pipeline that follows a similar route. The existing pipeline carries water abstracted from the Great Pond, (via the existing pump house utilising the Racecourse's existing abstraction rights), to the reservoir within the Racecourse, where it is stored and used for irrigation needs. However, as the existing pipeline is aged and leaking, particularly the section along the golf course, there is a need to decommission the existing pipeline, (which will be disconnected and remain in-situ) and replace this with the laying of the new pipeline. This will provide a more efficient and effective channelling of water from the Great Pond to the Racecourse and minimise unnecessary water wastage.
- 5.3 The proposed pipeline would be installed using two methods. Horizontal Directional Drilling (HDD) from the Ascot Racecourse Reservoir, beneath the A330 to the western edge of Royal Ascot Gold Club and for a distance of approximately 95m. The minimum depth of the HDD is approximately 1.2m and the maximum is circa 2.8m. This method of installation is a minimal impact trenchless method of installing underground pipes. Due to the high cost of HDD, only a short section of the new pipeline will be installed using this method to address the need to avoid underground utilities beneath the A330, as well as minimising impact to this highway.
- 5.4 The majority of the new pipeline, (at a length of approximately 1,165km), will be installed using ground excavation, open trenching, pipe-laying and associated reinstatement methods. This is the traditional 'cut and cover' pipeline installation method, whereby a trench is dug by a 14-tonne excavator, pipeline laid and then the trench back-filled and top-soil added. For this proposal, the width of the trench is to be up to 0.45m wide and with a typical trenching depth of approximately 1.2m. The proposal requires a working area either side of the trench at 3.5m, so that the total width of the pipeline installation working area will be up to 7.45m

5.5 Plant within the pump house, (located in a small timber structure in close proximity to the Great Pond) is to be replaced as part of the proposed development to enable water extraction. The replacement plant will be similar to the existing and will be contained within the existing pump house.

5.6 There is no planning history relevant to the consideration of the proposal.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2 (A)
Local character	N1
Trees	N6, DG1
Recreation	R8

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

### Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Environmental (inc Trees and Biodiversity)	EN2, EN4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 8- Promoting healthy and safe communities

Section 13- Protecting Green Belt land

Section 15- Conserving and enhancing the natural environment

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Rural Development	SP5
Nature Conservation & Biodiversity	NR3
Trees	NR2

### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Rural Development	QP5
Nature Conservation & Biodiversity	NR2
Trees	NR3

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The next stage will be for main modifications to be carried out and consulted upon.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

#### **Other Local Strategies or Publications**

7.4 Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

6 occupiers were notified directly of the application.

The planning officer posted notices advertising the application at the site on 6<sup>th</sup> November 2020 and the application was advertised in the Local Press on 29<sup>th</sup> October 2020.

No letters of representation have been received.

### **Consultee responses, summarised:**

Consultee	Comment	Where in the report this is considered
Parish Council	No objections. Replacement pipe is needed. The Arboricultural Development Report is robust. There is a loss of 2 trees but the stumps will be retained for diversity to wooded pond-edge.	9.4
Tree Officer	No objections subject to conditions in regard to tree protection and tree retention/replacement in accordance with submitted arboricultural report.	9.4 – 9.5
Berkshire Archaeology	No objections subject to a condition to undertake the works in accordance with the approved mitigation scheme.	9.9– 9.11
Lead Local Flood Authority	No objections.	Noted.
Environment Agency	No comments.	Noted.
Highway Authority	No objections. The proposal raises no highway concerns.	Noted.
Ecology	No objections subject to conditions in respect of Natural England Licence, Construction Environmental Management Plan and biodiversity enhancements.	9.6 – 9.8

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Trees
- iii Ecology, and
- iv Other material considerations

### **Green Belt**

9.2 Paragraph 146 of the NPPF states that certain forms of development, (in addition to certain new buildings referred to in paragraph 145 of the NPPF), are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations.

9.3 The laying of the proposed new pipeline, as set out in Section 5 above, is an engineering operation, which when installed will have no impact on the openness of the Green Belt, nor conflict with the purposes of including the land within it. Accordingly, the proposal is not inappropriate development in the Green Belt and the principle of development is acceptable.

### **Trees**

- 9.4 The Council's Tree Officer has advised that the alignment of the proposed pipeline has been adjusted to avoid the Root Protection Areas (RPA) of trees as far as possible. Where the route encroaches within the RPA of retained trees, the potential adverse impacts have been minimised through the installation methodology. Only one tree, an Alder, is to be removed, a further laurel, considered a scrub, is also to be lost.
- 9.5 The Tree Officer has advised that there are no objections to the proposal subject to adherence to the submitted 'tree:fabrik Arboricultural Development Report, 'Ascot Racecourse Water Pipeline Project' dated October 2020, in full, together with conditions relating to tree protection and retention/replacement of retained trees.

### **Ecology**

- 9.6 The proposed pipeline route would fall within 250m of Brewer's Pond. Further to the Council's ecologist advice, the applicant has submitted a report detailing the results of great crested newt (GCN) population surveys of Brewer's Pond (Applied Ecology, May 2021). The surveys confirm that Brewer's Pond supports a medium breeding population of GCN and that, as there will likely therefore be temporary loss of GCN terrestrial habitat and possible disturbance of GCN as a result of the proposals, works would need to be undertaken under licence to Natural England. The Council's ecologist has advised that this should be secured via a planning condition.
- 9.7 In addition the Council's ecologist has advised that, in order to ensure that adjacent habitats and the protected and priority species and other wildlife therein (including reptiles and nesting birds) are not harmed by the development, a condition should be included in any permission granted to ensure works follow an approved Construction Environmental Management Plan (CEMP) for biodiversity. In accordance with paragraph 175 of the NPPF, which states that "*opportunities to incorporate biodiversity in and around developments should be encouraged*" it is recommended a condition be included to ensure that enhancements for wildlife are provided with the new development.
- 9.8 Subject to the conditions outlined above, the Council's ecologist has advised that there are no objections to this application on ecological grounds.

### **Other Material Considerations**

- 9.9 Archaeology  
The development proposals were submitted alongside an archaeological desk-based assessment, which found that there are potential archaeological implications associated with the proposed scheme.
- 9.10 The assessment found that there is potential for the proposals to impact deposits related to the construction and maintenance of a medieval dam, and that the site also has moderate potential to contain additional medieval and post-medieval archaeological features. Therefore, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development.
- 9.11 The applicant has submitted a scheme of archaeological mitigation in the form of an archaeological watching brief which the Council's Archaeologist has advised is satisfactory. Accordingly, should permission be granted a condition should be

imposed that the works are undertaken in accordance with the submitted watching brief.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 The development is not CIL liable.

## **11. CONCLUSION**

11.1 The proposal is for development that is not inappropriate in the Green Belt and would not adversely affect any trees or have any adverse archaeological impacts subject to conditions. The applicant has sufficiently addressed previous concerns with regard to the impact of the proposal on Great Crested Newts and, subject to conditions set out below, there are no longer any ecological objections to the application.

## **12. APPENDICES TO THIS REPORT**

- Appendix A - Site layout and location plan

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The proposed development shall be carried out in accordance with the details and methodology set out in the submitted 'tree-fabrik Arboricultural Development Report' dated October 2020.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 3 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of completion of the development. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 5 Works within 500 metres of Brewer's Pond shall not commence until a licence for development works affecting Great Crested Newts (GCN) has been obtained from the Statutory Nature Conservation Organisation, (Natural England), and a copy of the

licence (or of the confirmation that the site has been registered under class licence) has been submitted to the local planning authority. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting GCN is not required for all or part of the works, the applicant is to submit a report to the local planning authority (LPA) detailing the reasons for this assessment and this report is to be approved in writing by the LPA prior to commencement of works.

Reason: To ensure that Great Crested Newts, a protected species and material consideration, are not adversely affected by the development. Relevant Policy: Paragraphs 170 and 175 of the NPPF 2019.

6 No development shall take place (including ground works, vegetation clearance, etc.) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

7 Prior to completion of the development, bird and bat boxes and reptile/amphibian refugia and hibernacula are to be installed on or around the site under the supervision of a suitably qualified ecologist. A brief letter report confirming that the boxes, refugia, and hibernacula have been installed, including a simple plan showing their location and photographs of the boxes, refugia, and hibernacula in situ, is to be submitted to and approved in writing by the Council.

Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 170 of the NPPF.

8 The development shall be carried out in accordance with the approved Written Scheme of Investigation, dated November 2020.

Reason: The site lies in an area of archaeological potential and the potential impacts of the development can be mitigated through a programme of archaeological works, in accordance with paragraphs 189 and 190 of the NPPF.

9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.