
Appeal Decision

Inquiry held on 28 February - 2 March 2017

Accompanied site visit made on 2 March 2017

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

Appeal Ref: APP/N5090/W/16/3151579

Land West of Edgwarebury Farm House, Edgware.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Menai-Davis of Bridgedown Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/00286/FUL, dated 16 January 2015, was refused by notice dated 4 December 2015.
 - The development proposed is the creation of an 18-hole golf course with ancillary clubhouse, associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of an 18-hole golf course with clubhouse, associated car parking and landscaping at land west of Edgwarebury Farm House, Edgware in accordance with the terms of the application, Ref 15/00286/FUL, dated 16 January 2015, and subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. A completed and signed Unilateral Undertaking (the UU) containing various planning obligations was submitted following the close of the Inquiry. The UU would provide for replacement land for the displaced equestrian use, measures for sustainable travel planning, the provision of a new permissive bridleway as well as financial contributions towards monitoring. As such the proposed contributions would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.
3. Relevant case law has evolved at a relatively late stage of this appeal including the High Court judgment in R.(oao Amanda Boot) v. Elmbridge Borough Council [2017] EWHC 12 (Admin). Shortly after the Inquiry closed a further High Court judgment germane to Green Belt concepts similarly in focus at this Inquiry was handed down on 7 March 2017¹. I am satisfied that both main parties have been able to make necessary submissions on both these pertinent cases.

Planning Policy Context and Main Issues

4. The 69 hectare farmland site is wholly located within the Metropolitan Green Belt, set within a wider pocket of open land bounded by the built edge of Edgware to the south, the M1 to the north and east and the A41 to the west.

¹ ID27

The Development Plan

5. There is no disagreement that those relevant development plan policies relating to Green Belt in the London Plan (LP)², Barnet Core Strategy (BCS)³ and Barnet Development Management Policies Development Plan Document (DMPDPD)⁴ are consistent in their general approach to Green Belt with that laid out in the National Planning Policy Framework (NPPF). I also, generally, agree.
6. LP Policy 7.16 requires that the strongest protection is given to Green Belt, inappropriate development should be refused (except in very special circumstances) and development that helps secure the objectives of improving the Green Belt will be supported. The supporting text to Policy 7.16 at paragraph 7.55 explains the role of Green Belt as multifunctional green infrastructure, with the Mayor keen to see improvements in its overall quality and accessibility, particularly where they are likely to help human health, biodiversity and improve overall quality of life. BCS Policy CS7, at the local level, seeks indistinguishable policy objectives for Green Belt in Barnet. These policies, therefore, are afforded full weight in this decision.
7. DMPDPD Policy DM15 provides detailed development management policy on Green Belt. Criterion (i) requires compliance with Section 9 of the NPPF and criterion (ii) confirms that very special circumstances are an exception. Criterion (iii) reprises national policy in that the construction of new buildings will be inappropriate unless (a) there are very special circumstances or (b) they comprise one of a number of exceptions set out in the policy. These exceptions are generally to be found in the NPPF but sub-criterion (c) refers to “essential facilities for appropriate uses” and sets out that these “will only be acceptable where they do not have an adverse impact on the openness of Green Belt.”
8. Whilst the parties consider DM15 consistent with the NPPF, I am unable, with respect to criterion iii (c), to find similar. There is no reference in NPPF to either “essential facilities” or “appropriate uses” in Green Belt. The phraseology of this part of the policy has connotations to a higher threshold to be found in the rescinded PPG2⁵. The national test is no longer one of being “essential” but rather that there are uses that, in principle, would not be inappropriate⁶ which are qualified in the NPPF such that the matter of purpose is a critical determinant to adjudge effects on openness and Green Belt purposes but that is different to a test of necessity. Accordingly, having regard to paragraph 215 of the NPPF, for the purposes of this appeal, whilst I cannot attach full weight to Policy DM15, I nonetheless give it moderate weight.

National Planning Policy Framework

9. The NPPF confirms at paragraph 79 that the Government ascribes great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 80 of the NPPF sets out the five purposes that Green Belt serves. Within the same over-arching starting point paragraph 81 pronounces that local planning

² The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 (March 2015)

³ Barnet’s Local Plan (Core Strategy) Development Plan Document (September 2012)

⁴ Barnet’s Local Plan (Development Management Policies) Development Plan Document (September 2012)

⁵ Planning Policy Guidance 2 Green Belts (1995, amended 2001) – replaced by NPPF on 27 March 2012

⁶ Notably at paragraph 89 bullet point 2 and Paragraph 90

authorities (LPAs) should plan positively to enhance the beneficial use of the Green Belt, including, amongst other things, looking for opportunities to provide access, providing opportunities for outdoor sport and recreation and retaining and enhancing landscapes, visual amenity and biodiversity.

10. Paragraph 87 of the NPPF reaffirms that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 89 and 90 of the NPPF set out a number of exceptions where development would not be inappropriate. Paragraph 89 relates to the construction of new buildings and the second bullet point provides a qualified exception for facilities for outdoor sport and recreation, provided it (1) preserves the openness of the Green Belt and (2) does not conflict with the purposes of including land within it. Paragraph 90 of the NPPF relates to certain other forms of operational development that would not be inappropriate in Green Belt subject to the same two qualifications listed above.

The main issues which arise

11. There is no disagreement⁷ that a golf course in itself, as a use of land, would not be inappropriate in Green Belt. As presented during the Inquiry there is also no dispute that the proposed modest maintenance building, of utilitarian character at the south-west corner of the site would not be inappropriate development in Green Belt. With regard to the policies set out above, I concur.
12. Accordingly, the nub of this appeal concerns itself with whether or not the type of golf course proposed including the proposed club-house and various operational development including earthworks, car parks, access road and extent of features associated with the proposed golf course layout⁸ would be justified, would preserve the openness of Green Belt and accord with the purposes of including land within it. Therefore, the main issues in this appeal are as follows:

- (1) Whether the appeal proposal would be inappropriate development in the Green Belt for the purpose of development plan policy and NPPF, including consideration of the effects on openness and Green Belt purposes; and
- (2) Whether or not the proposal would result in any other harm including character and appearance, biodiversity, public access, highway safety and the effects on existing rural enterprises.

Reasons

Main Issue 1: Inappropriate development in the Green Belt?

The justification for the format of golf course proposed

13. Notwithstanding the common ground that the principle of a change of use from farmland to golf course would not be inappropriate, there remains a primary issue, articulated by the LPA and others, of whether or not there is a need for the appeal proposal given the propensity of existing golf courses in the vicinity

⁷ Statement of Common Ground February 2017 paragraph 6.2

⁸ Tee-mounds, bunkers, green flags, tee-markers, signage and golf buggies.

- of the appeal location. The LPA accepts it has no evidence of its own on need but avers that the onus is on the appellant to demonstrate such.
14. The appellant has submitted a detailed business case and provided extensive evidence including from a qualified national surveyor who specialises in golf courses. The appellant has a robust knowledge of the market from owning two proprietary courses around the capital where the business model allows for a sizeable proportion of "pay-to-play" alongside typical course membership. This has identified a realistic demand for additional capacity particularly for groups and individuals who wish to play golf at peak periods without the membership fees or restricted access for non-members associated with private members clubs.
 15. The appellant has a proven track record of golf course construction and management, including the renowned Seve Ballesteros designed course at The Shire, London. I have little reason to doubt that the proposed course layout by established international course designers Dye Designs would provide an attractive and demanding high quality course of a calibre not often found around London. I note the evidence that some local private members courses are struggling but I have little to refute the appellant's submissions that these clubs are generally not structured for the burgeoning "pay-to-play" market. I also accept that they are typically courses established some years ago which no longer reflect the advances in playing technology which now prompt the need for longer courses (towards and in excess of 7,000 yards), which the appeal proposal would cater for.
 16. Whether the demand for additional "pay-and-play" could realistically be secured by remodelling an existing private members course is doubtful. The appellant has submitted unchallenged evidence that existing courses very rarely come onto the market. Accordingly, I am not persuaded that either the remodelling of, or any capacity within, existing private members courses could suitably accommodate demand for "pay-to-play" on a testing, modern course.
 17. I note the 1989 Royal and Ancient standard of one 18 hole golf course per 25,000 population is now of some vintage and that golf participation, on the whole, has generally declined albeit stabilising in recent years. On the other hand, there is no alternative standard and as the appellant submits there is presently a notable deficiency against this standard⁹ within the isochrones of the appeal site. This current deficiency¹⁰ is occurring at a time of notable population growth over the LP and BCS periods.
 18. I am also mindful that the 1989 Standard pre-dates the appellant's proprietary club and "pay-to-play" models, aimed at encouraging younger and more itinerant participation. Golf still remains one of the more popular sports in terms of numbers of active participants. As such I consider the 1989 Standard to be a cautious minimum figure at a time when greater participation in sports, irrespective of participation fees, is being encouraged. As such I find that there is clear demand for the appeal proposal.
 19. I note that the appellant's "pay-to-play" format is modelled on a rack rate of £95 midweek and £125 at weekends which is appreciably lower compared to

⁹ Quantitative Assessment, Smith Leisure 2014 – Section 3

¹⁰ Applying the 1989 Standard the ratios for each of the 20, 30 and 45 minute drive times is respectively 1 course per 30,700, 33,495 and 43,532 population (excluding the appeal proposal).

other reputable courses in the wider London area¹¹. On this basis the course, particularly outside of peak times, would represent a degree of affordability such that those on more modest incomes would have the opportunity to test their skills on an internationally designed course. It is notable that the appellant is willing to enter a condition requiring a Golf Course Operation and Maintenance Plan to cover such matters as usage and fees to ensure access to non-members and comparative affordability. I consider such a condition would address the LPAs concerns regarding the durability and affordability of the particular format being proposed.

20. The LPA invites me to distinguish 'demand' from 'need' but the only case law on this submission points in the opposite¹² such that the terms, are on the whole, interchangeable. I accept that general assessments of the need for sports and community facilities¹³ rarely include golf courses. On the whole, however, I consider there are three reasons why the fulcrum of determining the acceptability of the principle of this particular format of golf course within the Green Belt does not in itself rest on the issue of 'demand' or 'need'.
21. Firstly, a golf course accords with the essential characteristics, five purposes and opportunities for access and outdoor sport of Green Belt. Secondly, and notwithstanding the questionable reference to "essential facilities" in DMPDPD Policy DM15, there is no requirement in the development plan, or the NPPF, for a golf course to either demonstrate a need for the proposal or be subjected to some kind of sequential approach to avoid Green Belt in the first instance. Thirdly, and from the evidence before me¹⁴, the reality is that any new golf course proposal to serve a north of London catchment would be on either Green Belt or Metropolitan Open Land (MOL), given the land area required.
22. I therefore conclude that the appeal proposal is justified. It would accord with LP Policy 3.19¹⁵ and BCS Policy CS11 which encourages the provision of additional sports facilities and opportunities for higher levels of physical activity. An additional golf course would not be at odds with the accepted principle in local and national planning policy that outdoor sport as a land use would not be inappropriate development in Green Belt.

Built development – the proposed clubhouse

23. Paragraph 89 of the NPPF refers, at the second bullet point to "appropriate facilities for outdoor sport". Case law has interpreted facilities as meaning buildings by reference to the first sentence of paragraph 89. In respect of golf a clubhouse would be regarded as intrinsic and as such its purpose would be core to the experience of participating in this outdoor sport. Accordingly, and in applying the judgment in *Europa Oil*¹⁶, I share the view of the appellant that a broader interpretation of the preservation of openness would be required.
24. The proposed single storey clubhouse extends to some 1,423 square metres of floorspace¹⁷. For a building intended to support a high quality internationally designed course I find the size of the building and its constituent rooms to be restrained in scale and number to only those which are elemental. There would

¹¹ Mark Smith PoE paragraph 8.62

¹² ID.23, paragraph 29

¹³ Such as those undertaken to inform development plan policy

¹⁴ ID.8

¹⁵ As found by the Greater London Authority in their assessment of the planning application

¹⁶ ID.10

¹⁷ As taken from the application form

- be no floorspace for extraneous uses such as a gym, function rooms or on-site accommodation as can be found on courses of a comparable quality. Despite the LPA's concerns I am satisfied that the proposed locker room would not be excessive and the proposed pro shop and spike bar would be not only necessary but also both spaces would be very modest in scale.
25. I am also satisfied from the evidence that the proposed bar/restaurant, members lounge and locker/changing rooms would be the minimum necessary to support the functionality of the proposed golf course. In coming to this view I have found the appellant's evidence to be the more compelling in terms of the design process that has been engaged. Overall, in terms of scale it would be a highly efficient, practicable and somewhat elegantly pared back building.
26. Externally the clubhouse would display a stylish simplicity from a palette of just four materials. The extensive glazing along almost the entire length of the principal western elevation would lend the building a subtle, diaphanous quality. Elsewhere the extensive use of high quality wood cladding and the green roof would ensure large parts of the building would readily blend into the landscape. As a single storey building, situated near to the lowest part of the site, it would not be conspicuously positioned.
27. I note from the appellant's visual impact assessment that for receptors in most existing public viewpoints the clubhouse would not be a noticeable feature. My observations on site corroborated this and I found that existing, recently planted and proposed vegetation together with intervening landforms would generally obscure the building, particularly from users of the footpath on the western side of the A41, from most vehicles on the A41 and from the bridleways along Edgwarebury Lane and Clays Lane closest to the cemetery.
28. Elsewhere along Edgwarebury Lane, the land rises and the elevation is accentuated so that the bridleway can over-bridge the M1 motorway. I note that vegetation is growing well along the M1 boundary and this would be supplemented by landscaping as part of the appeal proposal, however, I still consider that the built form of the clubhouse would be discernible in the landscape from this perspective¹⁸. However, because of its scale, materials and intervening distance I do not consider that it would be prominent. The environmental quality of the M1 makes this part of the bridleway an unpleasant point to stop and take in the panorama, including the appeal site. At this point the eye is instinctively drawn beyond the appeal site to the dominant modern high-rise urban edge at Canons Park beyond the appeal site and further afield to the rising landforms of Hampstead and Harrow and specific landmark London buildings on the horizon.
29. I have also considered the impact on openness for those using the public footpath from Edgwarebury Lane to the Spur Road roundabout on the A41. For large parts of this path the clubhouse would not be visible. At the closest point I am satisfied that landscaping between the fairway for the 13th and the clubhouse, together with the topography would significantly lessen any visual impact on openness arising from the built form.
30. Taking all of the above into account I find that the clubhouse would only have a very limited visual impact on openness once landscaping has become established. I note and attach significant weight to a similar conclusion in the

¹⁸ As per appellant's visual impact assessment of Viewpoint 7 (also referred to as Viewpoint F).

advice to the LPA from the Greater London Authority (GLA) at the time of the planning application.

31. There is little to suggest that the appellant's assessment has underestimated the significance of the visual effects¹⁹ arising cumulatively from the clubhouse and the change in land cover from farmland to golf course. From my observations on site I agree that in 8 out of the 9 viewpoints the visual magnitude of change at Year 15 (as per the GLVIA guidance assessment point) would be no more than slight (and often negligible), such that there would be no particular adverse impact. I am not persuaded that evidence submitted by the LPA²⁰ undermines the veracity of the appellant's visual impact evidence in this case. Overall, I find the appellant has robustly assessed that there would only be a limited visual effect from the appeal proposal.
32. I recognise the appeal site is currently devoid of any built form. However, NPPF paragraph 89 clearly envisages, albeit on an exceptional basis, built form in Green Belts. Spatially, the clubhouse avoids any profligate or superfluous floorspace. It is an inherently ancillary structure of modest proportions, which together with the maintenance building, access road and car park, accounts for just 1.2%²¹ of the total site area. The clubhouse would stand isolated within the expanse of the appeal site and adjoining tracts of intervening open land which further separate the appeal site from the defined built edge of Edgware. The clubhouse would not converge with other development and in the limited public views available it would be seen at distance as a slight, stand-alone structure, even when taking into account the other proposed operational development.
33. Consequently in both spatial and visual terms I am satisfied that the clubhouse would preserve openness. It would also not represent unrestricted sprawl or encroachment into countryside or conflict with Green Belt purposes.

Operational development – proposed earthworks including tee-mound and bunkers, access road and car park.

34. The topography across the majority of the site would essentially remain the same. The site rises such that the northern boundary along the M1 motorway is the highest part of the site. Additional bunds would be created here of varying heights of between 4 and 7 metres. These bunds would be experienced against the backdrop of the motorway earthworks and then visually blend into the rising land to the north. They would not be prominent and would be largely experienced as part of the existing man-made motorway corridor.
35. The rising topography of the north-west corner of the site would also be re-profiled to create the surface area to accommodate the 7th hole. Having regard to the submitted sectional drawings²² the re-profiling would not materially raise the overall land levels in this part of the site and the resultant sharper incline would not project out significantly. Accordingly, I find these proposed earthworks would preserve the openness of Green Belt and would not conflict with the purposes of Green Belt.

¹⁹ Summarised at Appendix D to Philip Russell-Vick Proof of Evidence

²⁰ ID.20

²¹ ID.3

²² Drawing No. 02-450-400 Rev A

36. The LPA also submits that the various tee mounds (noting the various teeing off points for each hole), sand bunkers, green flags, tee-markers and other paraphernalia including golf buggies and signage would fail to preserve openness. I find the submissions to disentangle the acceptability of the principle of the golf course land use from what are innate elements to be particularly thin. I have very little to demonstrate that golf courses could be practicably or successfully designed without these key characteristics.
37. Looking at the submitted plans and on the site visit I am satisfied that the design of the course has sought to correspond to the existing environment of the site such that many of the tee-mounds and greens would be appropriately nestled into the existing landscape framework of the site. Additionally, I do not find the layout would result in any harmful concentrations of incongruously undulating ground. In short, the number, scale and predominantly grassed designs of the tee-mounds and bunkers would preserve openness and not conflict with the purposes of Green Belt.
38. In terms of essential structures such as flags, tee-markers and signage I find that these elements would only be very modestly sized and sparsely distributed around the large scale of the appeal site. In this context there would be no credible effect on reducing openness. The appeal proposal would not include any extraneous external lighting, flagpoles or fencing around facilities such as the driving range.
39. Regarding the presence of golf buggies, these are generally modest sized vehicles such that they would not be prominent. I consider their impact on openness to be little different to the presence of farm and equestrian vehicles and other vehicles that clearly use the farm track across the appeal site.
40. The access road from the A41 would be unlit, unfenced and modestly cut in places within the topography. The new length of access road should be balanced against the removal of 300 metres of existing farm track such that there would be, in effect, little net difference in the extent of vehicular access within the appeal site. As such the access road would preserve openness and would not represent urban sprawl or encroachment into countryside.
41. From the submitted plans before me, the appeal proposal would provide car parking for 96 general spaces, 7 disabled spaces and a small drop-off area. I have little evidence that the level of parking proposed would be excessive. It is recognised that the nature of the outdoor sport necessitates participants to travel by car and I have not been directed to any examples of car-free golf courses. It is not a sport where participants can generally walk, cycle or catch the bus, to turn up and play. Accordingly, a car park is an inherent, functional element of any golf course. The car park would be towards the lowest part of the site and largely concealed by topography and landscaping. Accordingly, I find this element of the appeal proposal would preserve openness and not conflict with the purposes of Green Belt.

Conclusion on Inappropriateness

42. The LPA asserts that the appeal proposal would moderately harm openness and has drawn my attention to the recent judgment in *R.(Oao Boot) v. Elmbridge Borough Council* where an outdoor sports facility proposal was reasoned to have only a limited *adverse* impact on openness (my emphasis) and thus not within the exception at bullet point 2 of paragraph 89 of the NPPF. In such

circumstances, the judgment reaffirms that there is no latitude to a decision-maker to find such developments not inappropriate. Whilst I have few details of the proposal, it is described at paragraphs 4 and 6 as an array of football and athletics development including floodlighting and two storey buildings. The appeal proposal before me is plainly distinguishable from that case.

43. In any event, the *Boot* judgment²³ does not unseat leading case law on inappropriateness by reference to openness, notably in *Europa Oil and Gas*²⁴, as recently endorsed in the *Lee Valley Regional Park Authority*²⁵ case. As this case law affirms that the physical presence of development in Green Belt is not in itself harmful to the openness of Green Belt within the parameters of paragraphs 89 and 90 of the NPPF and nor is it inimical to the fundamental aim of Green Belt to keep land permanently open. This was reaffirmed in the very recent High Court judgment in North Yorkshire²⁶ which specifically considered that the *Europa* approach does not fall foul of *Boot* in that it does not necessarily follow (in applying judgement) that an adverse spatial or visual impact is to be translated as meaning harm (not preserving) to openness.
44. Accordingly, openness is a concept that needs to be refracted through the lens of the intricacies of being a "particular type of development" as well as more implicit considerations such as scale, volume, visibility and location. As such it remains for a decision-maker to take a more rounded assessment of openness in the context of paragraphs 89 and 90 of the NPPF. I am guided in this assessment by case law²⁷, notably in *Turner*²⁸ which acknowledged that openness is an "open textured concept". In my view, the focus of this appeal proposal is on the spatial impact. The visual impact is distinct but also relevant given adjoining public highway and rights of way.
45. I have carefully considered the various development components of the scheme and found that because of their purpose, minimal scale, considered design and sympathetic locational treatment, the inherent spatial and visual impacts arising from the totality of the appeal proposal would not harm the overriding sense of greenness and freedom from development at the appeal location. There would be no "death by a 1,000 cuts" as the LPA puts it. To apply the phraseology of Sales LJ. in *Turner*, I find "the eye and spirit" would remain "relieved from the prospect of unrelenting urban sprawl."²⁹ It therefore follows that the appeal proposal would preserve the important concept of openness, which is at the very essence of defining Green Belt. It would also not conflict with the purposes of Green Belt in terms of constituting unrestricted urban sprawl or encroachment into the countryside.
46. My assessment accords with the GLA assessment at the determination of the planning application which advised that the appeal proposal would have "a very limited impact on the openness of the Green Belt" and the degree of landscape change "will not have a detrimental impact on the openness of the Green

²³ Paragraph 31 accepts that a judgement on the effect of openness must be taken in the round

²⁴ Ouseley, J. in ID.10 Paragraph 66 "...considerations of appropriateness, preservation of openness and conflict with Green Belt purposes are not exclusively dependent on the size of buildings and structures but include their purpose..." Also applied in the context of facilities for outdoor sport in ID.12 at paragraph 33 (Fordent Holdings).

²⁵ Lindblom, LJ. R.(oao Lee Valley Regional Park Authority) v. Epping Forest District Council [2016] EWCA Civ 404 – paragraph 25.

²⁶ ID28. Paragraphs 14, 15, 48 and 54-56.

²⁷ Usefully distilled in ID.9a and generally agreed by the main parties.

²⁸ ID.13 paragraphs 14 and 15

²⁹ Paragraph 15

Belt”³⁰. There is nothing in the GLA assessment that the impact on openness would be adverse, which is the threshold in *Boot* to find inappropriateness.

47. I therefore conclude that the appeal proposal represents the provision of appropriate facilities for outdoor sport and would not be inappropriate development in Green Belt. Consequently, it would accord with LP Policy 7.16, BCS Policy CS7 and DMPDPD Policy DM15. It would also comply with the relevant exceptions in paragraphs 89 and 90 of the NPPF. By virtue of not being inappropriate the appeal proposal would accord with the overarching objectives for Green Belt at paragraphs 79-81 of the NPPF.

Main Issue 2: Would there be other harm?

Character and appearance

48. The appeal site is at a transitional location between the edge of the wider London conurbation and the distinct landform of the rim of the Thames basin. It is an area, however, where urbanising influences are strong, including the very busy M1 and A41 roads along its boundaries with associated lighting columns and gantry signs, the prominent modern high rise buildings at Canons Park and incongruous electricity pylons across the northern part of the site. It is not a pristine landscape nor is it inherently rural or tranquil. I note there is nothing in terms of the national level (North Thames Basin) or 2011 pan-London landscape character assessments which denote this farmland as having any particular landscape value. The appeal proposal would not be discordant with the character of the host Barnet Plateau Natural Landscape Area which is typified as a patchwork of farmland, cemeteries and golf courses.
49. The farmland may well have medieval origins with earlier Anglo-Saxon and Roman influences but that can be said for many areas such that I do not find the appeal site to be more than ordinary farmland. Modern farming and the construction of the M1 have unfavourably affected the appeal site in terms of its topography and land cover. The site is devoid of known heritage assets and matters of chance archaeology can be dealt with by condition. The character of the ancient Edgwarebury Lane to the east would remain unaffected by the appeal proposal. I therefore find the appeal proposal would have no detrimental effect to any historical landscape attributes.
50. The proposed golf course has largely been designed to incorporate the existing landscape framework such that none of the protected trees on the site or other notable tree specimens or hedgerows would be removed. I am satisfied this positive measure together with extensive new tree planting would enable the appeal proposal to settle into its context and complement the landscape objectives for the Watling Chase Community Forest.
51. The appeal proposal would change the character and appearance of the appeal site, including introducing areas of manicured grassland. This would, however, be subservient at 25% of the site area³¹. The predominant characteristic would remain an open verdant area with an almost parkland quality from the retained mature trees. Accordingly, I do not consider the landscape change to be either significant or harmful to the character and appearance of this edge of London.

³⁰ Paragraph 59 of the GLA representations dated 25 March 2015

³¹ ID.3 – fairways and greens

52. I therefore conclude that the appeal proposal would not adversely affect the character and appearance of the locality. It would not conflict with BCS Policy CS5 and DMPDPD Policy DM01 which seek to protect and enhance the character of the borough. It would also accord with the objective of the NPPF at paragraph 17 to take account of the different roles and character of different areas.

Biodiversity

53. Whilst no part of the site has any formal biodiversity designation, the appeal site adjoins various local sites of importance for nature conservation. I am satisfied that the proposed layout of the course includes appropriate buffers to these sites such that their integrity would not be adversely affected. Elsewhere the appeal site is exposed to human influences such that it is not an especially undisturbed or secluded site. In my view, from all the evidence before me, including the submitted Environmental Statement (ES), the site only has a moderate biodiversity value inherent to farmland at an edge of city location.

54. This is not to diminish that the site notably accommodates an assemblage of bird species as well as bats and badgers. At a broad level the appeal proposal would retain all but 3 of the mature trees on the site and most of the existing established hedgerows. In addition some 6hectares of new woodland planting is proposed as part of a wider area of almost 51hectares of undeveloped, open land which would not comprise "maintained" fairways and greens. This amounts to almost 75% of the appeal site and I see no reason why this substantial area, including the five proposed sizeable water-bodies, could not appropriately conserve and enhance biodiversity on the site.

55. I have found the ecological survey work to be adequate and I am confident that the biodiversity value of the site, including bats, has not been underestimated. Consequently, a reliable baseline position has been established from which appropriate mitigation can be devised and which can be monitored and managed. Accordingly, a detailed Landscape and Ecological Management Plan (LEMP) is proposed for the site. The mechanism of a LEMP assures me that the high quality international standard golf course would provide not only a habitat and predominantly naturalistic green lung for this part of London but also a challenging and attractive environment in which to play golf.

56. Specifically, the site hosts two breeding bird species which require particular consideration. The first is Hobby Falcons which are protected species under Schedule 1 of Wildlife and Countryside Act 1981 (as amended). This species has been recorded as breeding on the site for many years. I am satisfied that the appeal proposal without mitigation would have the potential to adversely affect the species, particularly disturbance when construction phases coincide with the nest establishing period.

57. The proposed mitigation during the multi-year construction phase is an ecological clerk of works, whose responsibilities would include monitoring the site, including for Hobby Falcons. Where a nesting activity is observed and a nest established an agreed exclusion zone³² for construction would need to be created. The RSPB advocate an alternative approach of no construction during the breeding season (April-September/early October). In light of the evidence of the geographical extent of Hobby Falcon territories and the fact that nest

³² Applying a stand-off distance informed by Figure 3, p.20 Forestry Authority & RSPB guidance document 1997.

site locations vary each year, dependent on the availability of discarded corvid nests I am satisfied that the appellant's suggested mitigation would provide a suitably cautionary approach for this protected species that would not unduly inhibit the implementation of the appeal proposal.

58. In terms of the long term management of the species at the appeal site I note the RSPB's concerns that daily human activity on the course may disturb the species during the breeding season. I observed on the site visit, however, that the current unauthorised but well-used recreational route across the site is proximate to the 2016 nesting site. Additionally farming and equestrian activities (including the regular checking on horses) and the unremitting background drone of vehicular traffic from the nearby M1 and A41 would also appear not to have deterred breeding. I am also assured that a combination of artificial nesting sites³³, the retention of existing mature trees and the provision of quieter areas within the expanse of the appeal site would continue to provide suitable areas for Hobby Falcons to breed. I also consider it beneficial to the species that the appeal proposal would provide water for its prey species such as dragonfly.
59. The second breeding bird species of concern is the Lapwing, which is a priority species identified in the Natural Environment and Rural Communities Act 2006. As such it is an important species whose numbers are to be bolstered rather than weakened. To mitigate the loss of breeding habitat the appellant proposes a similar strategy of monitoring and phased construction to avoid disturbing nesting sites during this period. I consider this would be an appropriate approach. The principal mitigation once the site is operational would be a sizeable low profile gravel island on the large water body adjacent to the 14th fairway. This would provide an isolated environment free from direct disturbance. I am satisfied this would provide appropriate mitigation for breeding together with the extensive 'rough' grassland areas across the site. In respect of both Hobby Falcons and Lapwing I also consider it a benefit of the appeal proposal that the current 'rough' shooting (principally the sporadic control of pigeons) at the site, which has the potential to be unintentionally indiscriminate, would cease.
60. Survey work has also determined an outlier badger sett which would need to be relocated in accordance with the requisite licencing regime. I am satisfied, however, that the appeal site is sufficiently large and diverse that an appropriate alternative site could be created which avoids conflict with the operation of the course³⁴. Again, it is vital that the replacement badger sett is managed and monitored within agreed parameters established in the LEMP.
61. The submitted UU obligates the appellant to submit and await approval of the LEMP from the LPA prior to commencement of development. There are also provisions for the targets and objectives of the LEMP to be monitored and reviewed. I am satisfied that the obligation meets the lawful tests and would ensure appropriate ecological mitigation in line with the comprehensive summary of mitigation by species presented at Table 5-14 of the ES.
62. I therefore conclude that the appeal proposal would preserve and provide opportunities to enhance biodiversity, including protected and priority species,

³³ As trialled by the Oxfordshire Ornithological Society and applying the principles in the paper by Freeman, A & Wixley P. (2014)

³⁴ Map 1, Outline Ecological Management Plan, ECOSA 2015.

subject to appropriate mitigation to be structured and regulated through the detailed LEMP. It would therefore accord with LP Policy 7.19, BCS Policy CS7 and DMPDPD Policy DM16 in protecting existing site ecology and appropriate contributions to enhance biodiversity. It would also accord with the objective of paragraphs 109 and 118 of the NPPF to conserve biodiversity and secure net gains where possible.

Public Access

63. A public footpath follows the track westwards from Edgwarebury Lane before cutting across open farmland to emerge adjacent to the Silk Stream flood alleviation scheme and then to the A41 Spur Road roundabout. From my observations on site the footpath across farmland is not used and alternatively walkers and horse riders use the well-made farm track across the centre of the site although passage through to the A41 has been closed off. I have no evidence that the farm track is a designated right of way and I am advised by the appellant that its use by members of the public has not been authorised by the landowner. Accordingly, the removal of this farm track and the retention of the designated public footpath would not result in any detriment to public access at the site.
64. Additionally, the appeal proposal includes provision for a permissive circuit bridleway extending to some 3.25 kilometres around the boundary of the appeal site. Concern has been expressed about the quality of experience of this route given it would be adjacent, in parts, to the M1 and A41 roads. In my view, however, the proposed bridleway would be an attractive proposition, particularly for those wishing to make an off-road circuit route without negotiating the busy A41. It would also enable unrestricted public access to large parts of the Green Belt which are currently inaccessible.
65. I therefore find that the appeal proposal would enhance not diminish public access to Green Belt and thus accord with the objectives in the development plan at LP Policy 7.16 and BCS Policies CS7, CS9 & CS11 as well as the NPPF at paragraph 81. The mechanisms for securing its provision and future retention are contained in the submitted UU. I find the site specific provision of the bridleway would meet the 3 tests in the CIL Regulations in terms of its compliance with policy objectives and being reasonably related to the scale and kind of development. As such I have taken it into account in making my decision.

Highway safety and sustainable transport

66. The appeal proposal would be accessed from the A41 Edgware Way. This is a wide, single carriageway route of straight alignment which descends from Junction 4 of the M1 and the interchange with the A5 to the north to the Spur Road roundabout with the A410 to the south. It is a designated 'Red Route' clearway, with lighting, limited side roads, restricted parking and subject to the national speed limit. A shared footpath/cyclepath exists on the opposite side of the carriageway to the proposed appeal site entrance.
67. The A41 at the appeal location is clearly a very busy road with evident capacity issues at peak periods at the Spur Road roundabout. The appellant has undertaken Transport Assessment (TA) work, incorporating a Stage 1 Road Safety Audit. The evidence demonstrates that notwithstanding the volumes of

traffic on the A41 the appeal site can be safely accessed within required standards.

68. I have taken account of personal injury accident data in the vicinity of the appeal location illustrating that accident levels are moderate (when including all approaches to the Spur Road roundabout). The few serious incidents were, however, primarily due to driver error rather than traffic flows or highway character. Quantitatively, the appeal proposal would have a negligible impact on overall traffic volumes such that there is very little to substantiate the assertions that it would have a detrimental effect on highway safety or capacity. I note that Transport for London have considered the highways implications and raised no objection subject to conditions. I attach significant weight to this professional assessment.
69. The appeal proposal would involve the importation of some 245,000 cubic metres of inert waste (soil and stones) over a phased period of some 4-6 years. I note that during the re-profiling process generally some 50-80 lorry movements per day (up to a maximum of 120 per day) to the site would be generated. Again, I am satisfied that this level of HGV movement via a principal major highway route would not be detrimental to highway safety. I am also satisfied that the appellant's updated evidence³⁵ demonstrates that the HGV movements during the construction phase would not have a detrimental effect on local air quality.
70. At the Inquiry the LPA submitted that the appeal proposal would be unsustainably located in that users would be reliant on private cars. The reality is that participants of golf would be inherently car borne. In this regard, I do not consider golf to be out of kilter with a number of other outdoor sports where participants are required to bring cumbersome kit or equipment such that walking, cycling or public transport to participate would not be the prime option. I find little in the evidence or development plan or NPPF that the appeal proposal would unacceptably compromise the wider objective of securing sustainable movement patterns.
71. The appeal site is not isolated and has the benefit of being within reasonable walking and cycling distance of large parts of Edgware and public transport. This would provide travel choice, particularly for members of staff. Accordingly, the appellant has committed through the UU to a sustainable travel plan for the business. The commitment to be bound to a travel plan would meet the tests in the CIL Regulations and I have therefore taken it into account.
72. I therefore conclude that the appeal proposal would not adversely affect highway safety or result in unsustainable travel patterns. The proposal would accord with BCS Policy CS9 and DMPDPD Policy DM17 and would not result in the severe residual cumulative impacts cautioned against at paragraph 32 of the NPPF.

Existing equestrian business

73. Parts of the appeal site are used by an adjacent equestrian enterprise, principally in terms of pasture for grazing. The appellant has secured appreciable replacement land adjacent to and in the immediate vicinity of the

³⁵ Air Quality Assessment, Phlorum, January 2017.

existing enterprise at Bury Farm. These provisions, including plans of the location of the proposed alternative land, are contained within the UU. I note that the equestrian business has indicated that it would be content with what is proposed³⁶. Accordingly, I find the appeal proposal would make satisfactory alternative provision and the existing business would not be adversely affected. The related obligation in the UU would meet the necessary tests and as such I have taken its provisions into account. The proposal would therefore satisfy BCS Policy CS15 and accord with paragraph 28 of the NPPF.

Other Matters

74. There has been considerable local concern that the re-profiling of parts of the site would necessitate the importation of putrescible waste. There is no evidence to substantiate this contrary to the confirmation that the appellant seeks to use inert waste comprising soil and stones. There is no objection from the Environment Agency who would be responsible for issuing a permit to govern the amount and quality of imported inert material. The Agency's permitting regime sits outside of the planning system but I have no reason to find that the importation of the proposed volumes of inert waste would be harmful to the environment or human health more generally such that it is unlikely that a licence would not be issued. As such this would not form a reasonable basis for dismissing the appeal proposal.
75. There is also appreciable local concern that the site would exacerbate flood risk downstream on the Silk Stream. The appeal proposal would contain a number of sizeable water bodies which would also function as a sustainable drainage scheme for the site. I am satisfied from the submitted flooding and hydrology evidence contained in the ES that the proposed drainage strategy would be effective in principle and its implementation could be secured through a condition to any permission. I also consider it noteworthy that there is no objection to the proposal on flood risk grounds from the Environment Agency.
76. It has also been put to me that the loss of productive farmland would be detrimental. I note the appeal site is classified as Grade 3b and is thus not the best and most versatile land. Accordingly, the appeal proposal would have a negligible impact on national food production capacity and there would be no conflict with LP Policies 2.18 and 7.22.

Unilateral Undertaking

77. I have addressed the proposed obligations in the UU against the relevant asserted harms that would arise from the appeal proposal under the second main issue. I have found them to meet the CIL Regulation 122 tests and consequently the various requirements of the development plan and 2013 Supplementary Planning Document (SPD) on Planning Obligations. I am therefore satisfied that the LPA's second, third and fourth reasons for refusal would be addressed by the UU, together with various planning conditions.
78. The UU contains provision for travel plan monitoring costs. Given the implementation of the travel plan meets BCS Policy CS9 and DMPDPD Policy DM17 I find the contribution to be necessary and reasonably related in scale and kind to the development in accordance with the Transport for London

³⁶ ID.6

Travel Plan thresholds. The sum involved would fairly reflect the cost set out at paragraph 3.1.19 of the Planning Obligations SPD.

79. The UU makes provision for modest monitoring costs for the LPA. The rationale for the sum is set out in the Planning Obligations SPD and is based on a standard fee of £500 per non-financial obligation as set out at paragraph 4.3.5 of the SPD. The degree of work that would be involved in the complex LEMP and the two other non-financial obligations would be more involved compared to typical administering of planning obligations and as such I find the monitoring contribution would meet the CIL Regulation 122 tests.

Conclusion

80. For the reasons set out in this decision, the appeal proposal would preserve openness and would not conflict with the purposes of Green Belt. It therefore follows that it would not be inappropriate development by virtue of not only an absence of harm to the essential characteristics of Green Belt but also a compliance with the objective to enhance Green Belt as a place for access and outdoor sport. I have also had regard to all the matters raised in relation to the appeal proposal and found there would be no tangible harm. A number of technical matters, especially relating to biodiversity, are readily capable of being mitigated. As such the appeal proposal, fully accords with the development plan and NPPF and should be approved.
81. In coming to my objective assessment I am mindful that there has been appreciable local objection to the appeal proposal and that community representatives including the local MP, Assembly Member and Borough Councillors also objected. This degree of consensus is noteworthy but I have found nothing in the various oral and written submissions to change my conclusion that this appeal should be allowed.

Conditions

82. In allowing the appeal and granting planning permission I have considered the conditions put forward and discussed at the Inquiry. Conditions 1& 2 are required because they set the necessary time limit and the approved plans for the avoidance of doubt. In light of the representations of Historic England and the proximity of known Roman settlement Condition 3 on archaeological evaluation is necessary although I have simplified the wording in the interests of efficiency. A separate condition on an earthmoving methodology is not necessary and can be adequately addressed in Condition 3.
83. Conditions 4-10 and 17 are necessary to protect the character and appearance of the locality and to ensure construction of the proposal does not adversely affect the local environment or retained trees and hedgerows. Conditions 11-13 are necessary to minimise the risk of flooding. Condition 14 is required to ensure significant harm to protected species is avoided and the wider biodiversity value of the site is enhanced. Condition 15 is necessary to ensure the provision and retention of the permissive bridleway in the interest of securing wider public access to Green Belt.
84. Conditions 16 and 24 together with conditions 4 and 6, are all necessary in the interests of highway safety. Conditions 18, 20 and 26 are required to ensure the proposal meets required environmental standards and supports a low carbon future. Conditions 19 and 23 are necessary to ensure the scale,

complexities and various components of the appeal proposal come forward in an appropriately coordinated manner. Conditions 21 and 25 are also necessary for the avoidance of doubt and to ensure that the proposed format and use of golf course are retained and do not evolve to a wider use inappropriate in Green Belt. Finally, Condition 22 is required in the interest of safeguarding the amenities of occupiers of nearby residential properties.

David Spencer

Inspector.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Hall, Of Counsel

Instructed by Donna Lee, HB Public Law.

She Called

Richard Wilshaw
BSc (Hons), MSc, MRTPI

Associate Planning Consultant
Urban Vision Partnership Ltd

For the discussions on the conditions and the Unilateral Undertaking:

Adam Ralton MRTPI

Deputy Planning Manager – Chipping
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FOR THE APPELLANT:

Simon Bird, Of Queen's Counsel

Instructed by Mr Philip Russell-Vick of
Enplan.

He Called

Tony Menai-Davis

Managing Director
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Mark Smith
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Martin Carpenter
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Simon Colenutt
BSc(Hons), MCIEEM, CEnv

Director
ECOSA

INTERESTED PARTIES

Andrew Dismore AM	London Assembly Member for Barnet & Camden
Cllr Joan Scannell BEM	Ward Councillor – Barnet Council
Cllr Helena Hart	Ward Councillor – Barnet Council
Leon Malins	Local Resident
Dianne Murphy	London Wildlife Trust – Barnet Group
Robert Husband	North West London RSPB Group
Clive Cohen	Local Resident
James Alsop	Local Resident

Documents submitted at the Inquiry event

- 1 Draft Unilateral Undertaking
- 2 02-450-PA04 A2 size version.
- 3 Land use analysis of the appeal proposal 28 February 2017
- 4 Correspondence from Today's Golfer
- 5 Correspondence from Golf News
- 6 Correspondence from Bury Farm, Edgwarebury Lane
- 7 Correspondence from The Golf Trust
- 8 Golf Course Catchment Plan showing Metropolitan Green Belt
- 9 Appellant Opening Statement
- 9a Appellant Opening Statement – Case Law Annex
- 10 Europa Oil and Gas Ltd v SSCLG and others [2013] EWHC 2643 (Admin)
- 11 Europa Oil and Gas Ltd v SSCLG and others [2014] EWCA Civ 825
- 12 Fordent Holdings Ltd v. SSCLG & Cheshire West and Chester City Council [2013] EWHC 2844 (Admin)
- 13 Turner v. SSCLG & East Dorset Council [2016] EWCA Civ 466
- 14 Local Planning Authority Opening Statement
- 15 Statement from Councillor Scannell BEM
- 16 Statement from Councillor Hart
- 17 Correspondence from Dye Designs
- 18 Statement from North West London RSPB Group
- 19 Statement from Mr Jim Alsop
- 20 Email from Barnet Council 27 February 2017 appending Appendix J presented in evidence by Philip Russell-Vick at APP/D2510/W/15/3005975
- 21 Closing Submissions on behalf of the Local Planning Authority
- 22 Closing Submissions on behalf of the Appellant
- 23 R. (oao Cherkley Campaign Limited) v. Mole Valley District Council & Longshot Cherkley Court Ltd [2014] EWCA Civ 567.
- 24 Updated Draft Unilateral Undertaking

Documents submitted after the Inquiry event

- 25 Finalised list of suggested conditions received 3 March 2017
- 26 Signed and Executed Unilateral Undertaking received 9 March 2017
- 27 R. (oao Samuel Smith Old Brewery & Oxton Farm) v. North Yorkshire County Council & Darrington Quarries Ltd [2017] EWHC 442 (Admin), handed down on 7 March 2017
- 28 Appellant submission on ID.27 dated 14 March 2017
- 29 LPA submission on ID.27 dated 20 March 2017

Schedule of Conditions

- 1 This development must be begun within three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawings: 01-450-PA02, 02-450-PA01, PA03A, PA04A, PA05, PA06, PA07, 120, 400 Rev A, 500, 501, 601, AL004, AL005 Rev A, AL010 Rev B, AL021,

Access Drawings 11-T114 01A, 11-T114 02A, & 11-T114 06.

Environmental Statement Volumes 1, 2 and 3 (including supplemental Construction Traffic Noise Impact Assessment & Air Quality Assessment), Outline Ecological Management Plan dated January 2015, Stage 1 Road Safety Audit dated May 2012, Transport Assessment dated May 2013, Transport Addendum dated February 2015, Energy Assessment Rev B dated July 2015, Icení Transport Note dated November 2015, Updated Arboricultural Implications Assessment Ref J46.26 dated 5 May 2015, Framework Construction Logistics Plan dated February 2015.

- 3 No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include a timetable for the analysis, publication and dissemination of results and archive deposition.
- 4 Notwithstanding the submitted details, no development shall take place until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 5 No development or construction works on the buildings hereby approved shall take place until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved under this condition.
- 6 No development or site works shall take place on site until a Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority.

The Statement shall provide for:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;

- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development;
- xi. details of hours of construction activities detailing scheduling of the maximum 120 vehicles per day, and deliveries, loading and unloading of plant and materials within the months when deliveries will take place, over the life of the construction works.

The development shall thereafter be implemented in accordance with the measures detailed within the statement.

- 7 Notwithstanding the details submitted with the application and otherwise hereby approved, the development hereby permitted shall not be first brought into use or occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

- 8 A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

- 9 Notwithstanding the details submitted with this application, no site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree and hedgerow protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) and expanding on the principles of the submitted report have been submitted to and approved in writing by the Local Planning Authority.

No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree and hedgerow protection shown on the protection plan approved under this condition has been erected around existing trees and hedgerows on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

- 10 No development shall take place on the construction of the clubhouse hereby approved until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority. The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

- 11 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) Environmental Statement Volume 1 Chapter 6: Flooding and Hydrology has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off to greenfield rates and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the use of the development is commenced.

- 12 The development hereby permitted shall not be commenced until a scheme to dispose of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the details as approved by this condition prior to the development being first brought into use.

- 13 No infiltration of surface water drainage from hard surfaces into the ground is permitted other than with the prior express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
- 14 No development shall take place until a landscape and ecological management plan, including long- term design objectives, details of protective measures for the species protected by law during and after construction, provision of an Ecological Clerk of Works and schedule of monitoring, management responsibilities and maintenance schedules for all landscaped areas of the site shall be submitted to and approved in writing by the local planning authority. The landscape and ecological management plan shall be implemented in accordance with the details as approved. The scheme shall include the following elements:
- Details of extent and type of locally appropriate native species planting in the 'natural' areas of the course;
 - Details of maintenance regimes;
 - Details of on-site habitat creation and habitat enhancement;
 - Details of treatment of site boundaries;
 - Details of buffer zones adjacent to watercourses;
 - Details of proposed new waterbodies;
 - Details of management responsibilities;
 - Details of locations and styles of any bird/bat boxes
- 15 Prior to the development hereby permitted being first brought into use, details of the all-weather permissive path shown on drawing 02-450-PA03 Rev A including materials, levels, method of construction, route and details of access rights, shall be submitted to and approved in writing by the Local Planning Authority. The path shall thereafter be constructed in accordance with the details approved under this condition prior to the development hereby permitted first being brought into use, and maintained as such thereafter.
- 16 Before the development hereby permitted is first occupied or the use first commences the car parking and cycle parking spaces shown on Drawing No. AL004 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- 17 Prior to the first occupation of the development hereby approved, details (including manufacturers specification, light spillage diagrams, scaled plans and drawings detailing the size and direction, and proposed hours of use) of all external lighting to be installed on the building and in the car park hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the details approved under this condition and retained as such thereafter.
- 18 Prior to the first occupation of the club house the developer shall submit certification that BREEAM 'Very Good' has been achieved.

- 19 Prior to the commencement of any development or works on the site, a proposed phasing plan shall be submitted setting out the proposed phasing of the development hereby permitted. The development shall thereafter be implemented in accordance with the phasing plan as approved.
- 20 Prior to the first use of the development hereby permitted, details of the renewable energy installations as proposed in the submitted energy statement shall be submitted to and approved in writing by the Local Planning Authority. These should thereafter be installed in accordance with the approved details prior to the first use of the development hereby approved and maintained as such thereafter.
- 21 The club house building hereby approved shall be used only for purposes ancillary to the use of the site as a golf course. It shall not be used by external organisations as a function venue.
- 22 The use hereby permitted shall not be open to members of the public before 07:00 or after midnight between Saturday or Thursday and on Bank and Public Holidays, or before 07:00 or after 01:00 on Fridays and Saturdays.
- 23 The details required to be submitted pursuant to Conditions 7, 10, 15, and 19 imposed by this Planning Permission shall be submitted to the LPA for consideration at the same time.
- 24 No development shall take place until an agreement is in place and has been submitted for approval by the Local Planning Authority in conjunction with Transport for London, under the provisions of Section 278 of the Highways Act 1980, to construct the access from the A41 in accordance with Drawing No. 11-T114 01A and 06. The access works shall be completed in accordance with the S278 agreement before the development (including any preparatory works, eg site clearance or engineering operations in connection with the proposed levels changes) hereby permitted is commenced.
- 25 The development shall not commence until a Golf Course Operation and Maintenance Plan has submitted to and approved in writing by the local planning authority. The Golf Course and Operation Plan and Maintenance Plan shall include details of:
 - (i) The specification of the construction of the golf course; to be compliant with United States Golf Associations specifications;
 - (ii) The maintenance regime of the golf course and all the golf course facilities demonstrating maintenance to international championship standard;
 - (iii) The operation of the golf club to include reservation of tee times for visiting golfers at peak weekend times (0700 to 1000) and during weekdays;
 - (iv) The green fee structure to ensure that the published rate green fee remains affordable on a comparison with competing facilities of comparable quality.

The development shall thereafter be maintained and operated only in accordance with the approved Golf Course Operation and Maintenance Plan.

- 26 Prior to the first occupation of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active or passive Electric Vehicle Charging facilities. The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Schedule ends.