



Appeal Decision

Hearing Held on 12 December 2019

Site visit made on 12 December 2019

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/T0355/W/18/3206924

Land to the rear of Horton Road, Datchet

- 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 Messrs T & D Loveridge and Giles against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 17/02404, dated 26 July 2017, was refused by notice dated 18 January 2018.
 - The development proposed is the use of land as a gypsy and traveller site consisting of 4 x pitches with utility buildings, play area, warden's office and associated works.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 January 2020.

Decision

1. The appeal is allowed, and planning permission is granted for the use of land as a gypsy and traveller site consisting of 4 x pitches with utility buildings, play area, warden's office and associated works at land to the rear of Horton Road, Datchet in accordance with the application Ref 17/02404 dated 26 July 2017, subject to the conditions set out within the attached schedule.

Procedural Matter

2. The description of proposed development is expressed differently upon application forms and other documents. I have taken the description of the proposed development from the statement of common ground that sets out those matters of agreement between parties. As such, that would include the agreed description of the proposed development.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.
4. The appeal site has been subject to a previous planning appeal for the use of land as a gypsy and traveller site consisting of 9 no. Pitches (Appeal Ref: APP/T0355/V/14/2226127).
5. By way of background, The Royal Borough of Windsor and Maidenhead resolved to support that previous proposal. The Secretary of State decided to call-in the application. Following an inquiry, the Inspector recommended that permanent planning permission be granted. Whilst the Secretary of State

agreed with the Inspector in relation to her assessment relating to flood risk and all other matters, the Secretary of State found that the development would have too great an impact on openness, and accorded substantial weight to this, as opposed to the moderate weight given by the Inspector. He concluded that a permanent planning permission was not justified. The Secretary of State's decision is currently subject to a s288 Appeal that is stayed pending the final judgement of the 'Mulvenna and Smith' case in the Supreme Court.

6. Notwithstanding this background, the proposal before me relates to a significantly smaller site area to that of the previous 9 pitches, proposing 4 pitches (8 caravans), 2 utility blocks and 1 warden's block. It would thus be a development of substantially lesser scale to that before the previous Inspector and Secretary of State. For this reason, I consider the proposal before me can and should be considered on its own individual merits, notwithstanding the previous findings of the Secretary of State. The parties agreed that this proposal is able to be determined in advance of the resolution of the outstanding litigation.

Main Issues

7. The main issues are: -

- (a) The effect of the proposal on the openness and the purposes of the Green Belt;
- (b) The need for and availability of Gypsy and Traveller sites;
- (c) The appropriateness of the site's location within an area of high flood risk and whether flood risk could be satisfactorily managed; and,
- (d) Whether the harm to the Green Belt arising by reason of inappropriate development, and any other harm (including non-Green Belt harm), would be clearly outweighed by other considerations so as to provide the very special circumstances required to justify the proposal.

Reasons

8. The proposal has been put forward as a gypsy and traveller site. There is no dispute between the appellants and the Council that the proposal seeks to accommodate gypsies and travellers that satisfy the definition set out within Annex 1 of the Planning Policy for Traveller Sites August 2015 (the PPTS). A permanent planning permission is being sought.

Green Belt and Openness

9. The site lies outside of any defined settlement boundary and is situated in the Green Belt and within the countryside. The Framework sets out the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open: the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also says that when considering any planning application, substantial weight should be given to any harm to the Green Belt.
10. The PPTS states that "*traveller sites (temporary or permanent) in the Green Belt are inappropriate development*". Both parties agree that the

proposal would represent inappropriate development in the Green Belt. Consequently, the proposal should not be approved unless very special circumstances exist.

11. Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted in June 2013) (the Local Plan) relate to land within the Green Belt. Policy GB1 states that approval will only be given, save in very special circumstances, for the making of material changes in the use of land which maintain openness and do not conflict with the purposes of including land in the Green Belt. Policy GB2 seeks to safeguard the openness of the Green Belt and the rural character of the countryside. Although these policies pre-date the Framework, they are consistent with the objectives of the Framework.
12. The appeal site has a metalled surface, but otherwise it is mainly an unused vacant site. It, therefore, hosts an open quality as an undeveloped site. The proposal would create development on less than half the available area of the enclosed site. The proposed use would introduce up to 8 caravans, of which 4 would be static mobile homes, with two associated amenity blocks, hard surfaces, access routes, raised ground levels to create a platform for the caravans, boundaries and a warden's office, a play area, where no development has been before. This would change the character of part of the site from an unused site to that of a domestic site. However, the degree of harm would be limited by the low height of the structures and the small number of pitches and contained nature of the scheme.
13. The appeal site is located contiguous with the settlement of Datchet. The site is a relatively enclosed area of land bordered on two sides by residential and commercial development. The site is not conspicuous and would be hidden from public views, although visible to the houses that surround it. Even so, the proposal would not be visually intrusive, even taking into account the raised land levels of the pitches. Any effect upon the Green Belt would be localised and would not encroach upon the wider Green Belt that has an important function maintaining the distinct identity of the settlements of Slough, Windsor, Eton and Old Windsor/Wraysbury.
14. Nonetheless, the proposal would bring about development within the Green Belt that would have a harmful effect on the openness of the Green Belt. It would also result in an encroachment into the countryside and, as such, would conflict with one of the purposes of the Green Belt. However, the land is not presently a vegetated site. The proposal would not impact upon wider Green Belt land or the wider countryside landscape beyond the appeal site. The Council advised at the hearing that its concern pertained to the proposed development's impact on openness and not its visual impact upon the countryside. I consider 4 pitches, 2 amenity blocks, a warden's office, along with hardsurfacing and play area, would have a moderate impact on the openness of the Green Belt.
15. The proposal would be inappropriate development for the purposes of Policy GB1 because it would not maintain openness and there would be conflict with the purpose of including land in the Green Belt. As with national policy, approval should only be given in very special circumstances. The impacts also result in the failure to comply with Policy GB2 A), although the weight to be given to this particular policy conflict is limited. However, the actual harm to

the Green Belt, through the loss of openness and encroachment, would be limited by reason of the particular characteristics of the site and its location. The proposal would conform to Policy GB2 B) of the Local Plan in that there would be no harm to the character of the countryside.

Housing need and site availability

16. There is no development plan policy to apply to the provision of the proposal for gypsy and traveller sites within the Borough. Furthermore, there is no site allocations' DPD in place either. The emerging Local Plan, as explained by the Council is some time away from adoption and I consider its policies should be given very little weight. Given this, reliance is placed on national policy and the PPTS. The PPTS requires local planning authorities to set targets for providing Gypsy and Traveller pitches within each authority area and requires an assessment of need to be undertaken annually. From the evidence presented to me it appears that there has been a significant and longstanding unmet need for pitches within the Borough. Currently, there is no 5-year supply of deliverable sites in place.
17. The Council's 2018 Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTTSA) Final Report figures indicate a need for 26 pitches (21 when including existing site turnover) between 2017/18 and 2021/22. The Council confirmed at the hearing that this unmet need should be given substantial weight.
18. The GTTSA highlights that a large part of this unmet need arises from overcrowding at existing sites. Indeed, the submissions provided by existing residents of the Mill Place site, as well as other individuals who have found themselves living within bricks and mortar, all of which have clear local connections to the area, provide compelling evidence as to the lack of suitable pitch accommodation within the Borough. These, along with Mr Loveridge's evidence, highlight the extent of the problem of overcrowding at Mill Place as families have expanded and grown up resulting in doubling up on pitches as adult off-spring do not have pitches of their own in which to relocate.
19. The Council confirmed at the hearing there are no pitches available at the Council's public sites. Turnover at public sites has been extremely low and there is a long waiting list for pitches. Furthermore, I was not directed to any private sites that might be available. Although carried out some years ago to inform the previous planning application at this site the Council's own search 'Potential Sites for gypsies/travellers' (advised by the Council to be 2014 or earlier) only identified the appeal site to have potential to come forward as a possible traveller site. No more recent site search has been undertaken by the Council.
20. Anecdotal evidence indicates that there has been a Traveller site in the general vicinity since the late 1930s. I note also that there is longstanding support from Datchet Parish Council for the proposal as the pitches are intended to meet local need, particularly that arising from the overcrowded Mill Place. The two social rented traveller sites within the Borough at Pool Lane and Mill Place are designed for single caravans and, as such, are unsuitable for use by larger households or extended families. The appellants highlight that the housing association site managers have advised that the lack of flexibility has led to some families moving off site and being unable to be accommodated within the Borough.

21. I acknowledge that the proposal has not been specifically put forward as accommodation to house named families or individuals. Nonetheless, the applicants consider the appeal site to be the most suitable to meet the needs of the occupiers of Mill Place given its proximity to Mill Place. The Council acknowledges that the site would more than likely provide for the accommodation needs of families at the overcrowded Mill Place site. It appears to me that given the proximity of the appeal site to Mill Place, a new traveller site at this location would assist in the relocation of travellers from the existing overcrowded pitches. Furthermore, it would support continued close family connections, which is an important part of gypsy community, and this would allow existing families with strong local connections to stay close together. It was confirmed at the hearing that the appeal site is available and deliverable currently.

Flooding

22. Policy F1 of the Local Plan relates to development within areas liable to flooding. Development will not be permitted unless it can be demonstrated that the proposal would not of itself, or cumulatively in conjunction with other development, impede the flow of water; reduce the capacity of the floodplain to store flood water; or, increase the number of people or properties at risk from flooding. These objectives do not conflict with the Framework, however the policy does not acknowledge the impacts of climate change or the application of Sequential and Exception Tests. This reduces the weight to be attributed to Policy F1.
23. Paragraph 13 g) of the PPTS sets out a clear policy objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans. Caravan sites are considered inappropriate in flood zone 3 as they are classed by the Planning Practice Guidance (the PPG) as 'highly vulnerable' because of the risk to the safety of residents and/or to emergency services which may be required to rescue occupiers. The EA confirmed at the hearing that its objection is based solely upon this policy conflict.
24. The Council, as part of the previous proposal for 9 caravans at this site, carried out a very thorough Sequential Test and concluded that there were no available alternative sites at a lower risk of flooding. However, this has not been done to inform this application, the subject of this appeal. The Council contends that an up-to-date sequential test should be carried out to determine whether there would be any sequentially preferable sites available for a scheme for fewer pitches. I note that the EA Flood Maps for Planning published in April 2018 changed some of the flood zones across the Borough from flood zone 3a to 2, although these did not change the classification mapping for the appeal site. In light of this the Council expect the appellant to use this to inform an updated sequential test. Notwithstanding this, the Council has carried out its own Strategic Flood Risk Assessment (Level 1 June 2017 and Level 2 April 2018). Despite this, the Council was unable to direct me to any potentially suitable sites within the Borough at a lower risk of flooding to that of the appeal site, despite having carried out its own recent Assessment
25. A Flood Risk Assessment (FRA) has been submitted in support of the proposal. The potential sources of flood risk to the development were considered in the

FRA that identified the main risk of flooding is from fluvial sources, the River Thames.

26. The appeal site lies within flood zone 3, although some parts within the site would be flood zone 2 due to varying land level heights, according to the most recently published EA Flood Maps for Planning published 3 December 2019. As part of the development it is proposed to consolidate the areas of land that lie within flood zone 2 by implementing a cut and fill process to raise some parts of the overall site and lower others. The pitches would be positioned upon the consolidated raised land.
27. The raising of the ground level of the pitches to a zone 2 level, the minimum ground level for each of the plots, along with the elevated finished floor levels of the static caravans, would ensure that the future occupiers would be safe if they remained at the caravans in the event the site flooded. The level for level and volume for volume scheme to compensate for the raising of the land can be achieved without increasing flood risk elsewhere. The amenity blocks would be designed to be allowed to flood. As such, this would not reduce floodplain storage.
28. The EA at the hearing confirmed that it is satisfied that the implementation of the above mitigation measures would ensure the site is safe for the proposed use and would not increase flooding elsewhere. No objection is raised by the EA to the above flood mitigation and management measures put forward by the appellant. The EA also confirmed that the imposition of conditions would ensure that climate change is accounted for as part of the mitigation measures.
29. Notwithstanding the above site management and mitigation measures, the access and egress road that would serve the development would be in flood zone 3 and would not be safe as this would inhibit occupiers leaving the site or prevent access by emergency services which may be required to rescue occupiers of the caravans during a flood event. It is, however, intended that the residents would evacuate the site upon receipt of a warning issued by the EA. It was explained at the hearing that, given the nature of fluvial flooding in this area, the likelihood is that there would be at least 24 hours notice of an impending flood event. An emergency evacuation route has been identified and, given the early warning that is in place, the site could be evacuated in a safe and timely manner.
30. Further to the above, Datchet Parish Council has developed a Community Flood Plan that provides advice on EA flood warnings explaining the action to be taken should a warning being issued. Indeed, the proposed warden's office would be manned during the day and is intended to facilitate maintenance and running of the site, as well as acting as a satellite office during any flooding event as part of the community flood plan for Datchet.
31. The Council confirmed at the hearing that the Datchet Flood Emergency Evacuation Plan is extremely well organised and that an emergency evacuation plan would be acceptable to the Council, which could be controlled by means of imposing a suitably worded planning condition. I am satisfied that the lack of a dry access and egress route could be mitigated by putting in place a Flood Emergency Evacuation Plan. I also note that the majority of the new pitches probably would be most likely occupied by residents of the existing Mill Place caravan site where there is a similar risk of flooding. The circumstances around flood risk would be beneficial to those rehomed occupiers.

32. With regard to other potential sources of flooding the appellant's FRA indicates that there is no evidence to suggest potential risk from groundwater flooding. It has been indicated that surface water can be suitably drained, and it was agreed by parties at the hearing that this can be managed by the imposition of a suitably worded drainage design condition.
33. I have been provided with an update relating to the funding of the proposed flood risk management measures relating to the delivery of the Lower Thames Flood Risk Management Strategy that, once delivered, would substantially reduce flood risk to the site. Whilst this increases the likelihood of the strategy being implemented, the proposed flood risk management measures relating to the appeal site do not rely on the delivery of the strategy for the Lower Thames.
34. The proposal would increase the number of properties at risk from fluvial flooding and for this reason the proposal would fail to comply with Policy F1 of the Local Plan. The location of the site is in an area at high risk of flooding contrary to policy in the PPTS. In the Framework, informed by the PPG, there is no provision for the exception test, therefore, the policy principles weigh against the proposal. In relation to the practical aspects, the site specific FRA, to which the EA has indicated to be acceptable subject to the imposition and compliance with the recommend planning conditions, demonstrates that in practice the risk to occupiers of the site would be low and flood risk would not be increased elsewhere. Despite the identified conflict with the Local Plan and national policy it has been demonstrated that the effect on public safety would be acceptable.

Other matters

35. The site is in a highly sustainable location in terms of accessibility to local services, facilities and public transport. It is within easy walking and cycling reach of local schools that provide the opportunity for children to access a stable education, as well as healthcare and employment infrastructure. This is a very important consideration. The site would not dominate the nearest settled community or overwhelm local infrastructure, thereby complying with Policy C of the PPTS.
36. With regard to existing local residents, the proposed pitches and amenity blocks would be some distance from adjoining occupiers. The separation would be sufficient to prevent significant harm arising to the occupiers of those properties with regard to their privacy and light, and the proposal would not give rise to overbearing impact or be a form of development that would generate noise such that would be likely to cause unacceptable disturbance. I note the concern raised to the absence of street lighting shown on the proposed plans, nonetheless, I consider this can be satisfactorily addressed as part of a landscape works condition.
37. Concern is expressed to the potential impact of the proposal upon local services. However, the proposal is small scale and likely to rehome existing occupiers of the Borough, therefore limiting the additional potential pressures places upon existing local services.
38. Some concern is also raised to the impacts on ecology. Given the nature of the site it is unlikely to hold significant ecological value. In terms of land stability,

on the evidence available to me the information does not indicate that this would be of concern. With regard to the capacity within the existing sewage system, this can be addressed as part of a suitably worded drainage strategy condition. Those concerns relating to the potential contamination of the site can also be dealt with by the imposition of a suitably worded planning condition. With regard to highway matters, the Council's highway adviser indicates that the site access would be safe, the proposal would not lead to significant increased activity in the surrounding highway network and parking at the appeal site would meet the required standards. I acknowledge that local concern is also raised to the potential impact upon property prices in the area, but this is not a planning consideration.

Planning Balance

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
40. The proposal would be inappropriate development in the Green Belt as defined by the Framework that would encroach upon the countryside and this carries substantial weight against the scheme. The scheme would also result in harm to the openness of the area resulting in a small amount of additional weight against the proposal.
41. I acknowledged that there is a general national and regional need for gypsy and traveller pitches to which I attribute substantial weight. The Government's aim is to increase the number of traveller sites in appropriate locations to address the under provision and maintain an appropriate level of supply. The PPTS Paragraph 24 a) indicates that decision takers should consider the existing level of local provision and need for sites when considering planning applications. The development plan policy is deficient and does not provide for gypsy and traveller caravan site in the Borough. There has been a longstanding failure by the Council to properly assess the housing need of its gypsy and traveller community. The fact that there is no 5-year supply of deliverable sites for gypsies presently, and for the foreseeable future, is a material consideration that should be afforded substantial weight. The GTTSAA indicates that there is currently a pressing unmet need for site within the Borough. This also carries substantial weight in favour of the proposal.
42. It was pointed out to me at the hearing that the Borough is made up of 83% Green Belt (with a large proportion of this land falling within flood zone 3) while the remaining 17% is built up and occupied by the settled community, where traveller sites would not generally be welcomed or desired by the travelling community. It appears obvious that Green Belt locations would be required to fulfil the housing needs of gypsies. These factors clearly place a significant restraint upon identifying suitable sites within the Borough. Neither party can point directly to any alternative public or private sites which are available, suitable and affordable within the Borough or elsewhere. This site can help, in some way, to address the current shortfall of gypsy and traveller sites in the Borough. I attribute substantial weight to this benefit of the proposal.
43. The local need clearly arises from overcrowding on existing sites and this forms a large part of the unmet need in the Borough. Whilst the proposal has not been put forward to meet the needs of named families or individuals, the

evidence indicates that in all likelihood the pitches would be occupied by families currently residing at the overcrowded Mill Place traveller site, being those in greatest priority for this type of housing. I also attribute substantial weight to this benefit of the proposal.

44. The pitches would enable existing families with strong local connections to reside close by. The relationship both physically and familial between the existing Mill Place site and the appeal site adds further weight in favour of the proposal. The proposal would provide a permanent base from which the families could access education and healthcare services and avoid the insecurity, risks and disadvantages associated with living by the road or doubling up on other pitches, where these may be unauthorised. Again, this is a further benefit of the proposal. As there are families with children potentially likely to relocate to the appeal site, it is in the best interests of the children to have a settled base which affords them access to education and other services, as well as integration into the community, compared to living in overcrowded conditions, without a secure home. This is a primary consideration. Given the circumstances and context in this case I attach substantial weight to the best interests of the child.
45. Whilst the site is within the floodplain this is the situation for the majority of the land within the Borough. The site lies in flood zone 3 and is at risk of flooding with a high risk to life and property and as such there is a clear conflict with national guidance in the Framework and the PPG. However, the mitigation and management, along with a Flood Emergency Evacuation Plan, would in practical terms ensure that flood risk to future occupiers would be low and would not increase flood risk elsewhere.
46. Case law has established that a number of factors when combined together may result in very special circumstances. When account is taken of all the material considerations in favour of the development, I consider them to clearly outweigh the harms identified, thereby amounting to the very special circumstances in this case.
47. I have had regard to the Human Rights Act 1998. In this case, I have found the proposed development to host those very special circumstances that make the development acceptable, therefore, there would be no interference with the rights afforded under the Act.
48. In exercising my function on behalf of a public authority I am aware of my duties under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In consciously thinking about the aims of the PSED I have had due regard to the future occupiers' traditional way of life. I have also had regard to the best interest of the child. The wellbeing provided by an accessible and secure environment that the proposal would provide to rehomed gypsy families carries substantial weight. The development is acceptable, so a permanent planning permission is able to be granted, therefore, it is not necessary to consider a temporary planning permission.

Conditions

49. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the PPG. Having regard to this I have amended some of the wording of the conditions to aid their robustness. I have also amalgamated two suggested conditions in the interests of conciseness. This was agreed by the parties at the hearing. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans.
50. The intended site residents would be Gypsies and Travellers. To ensure the site is occupied by gypsies and travellers a planning condition is necessary that would restrict occupation to only those persons falling within the Annex 1 definition of the PPTS. A condition relating to the number of caravans is necessary in the interests of the character and appearance of the area. Also, for the same reason it is necessary to impose conditions relating to the construction of the amenity blocks and warden's office, boundary treatment, hard and soft landscaping, restricting the number of commercial vehicles over 3.5 tonnes at each pitch, restricting commercial activity and storage or burning of materials at the site.
51. In the interests of highway safety and the living conditions of adjoining occupiers, the main means of vehicular access shall be along the unnamed track to the south that leads to Mill Place with the second shorter route onto Horton Road restricted to emergency use only. For the same reason a condition requiring the vehicle parking to be provided in accordance with the approved plans is necessary.
52. It is important that the site is properly drained and structures are designed to avoid/reduce flood risk, therefore conditions are required relating to drainage strategy; finished floor levels of the static mobile homes, amenity and warden blocks; compensation storage and excavation of the compensation storage area; floodable and resilience of the amenity blocks and warden's office; and, boundary treatment being designed to be permeable to flood water. The EA at the hearing suggested an amendment to condition 16 to remove specific reference to finished floor level measurements and floodplain volume to provide for flexibility to enable appropriate climate change calculations to be applied closer to the time of implementation of the development. It is also important in the interests of avoiding risk to the life of occupiers that there are conditions requiring a flood emergency evacuation plan to be in place, along with the warden office at the site. It is also necessary for a condition requiring the caravans to be anchored to ensure they are not swept away in a flood to protect the safety of occupants and people elsewhere.
53. Given the previous uses of the site a condition requiring an assessment of the risks posed by possible contamination is necessary in the interests of the health and wellbeing of the future occupiers. There may be potential for archaeology to be present at the site, therefore, it is prudent to impose a condition to ensure heritage assets are dealt with appropriately in the public interest. The Council also suggested a construction management plan be imposed but this was withdrawn by Council at the hearing.
54. Conditions 12, 13, 16, 17, 18 and 23 are pre-commencement conditions. Given the works relating to these conditions would be required to take place prior to

the use of the land as a residential caravan site it is, therefore, necessary for these to be pre-commencement conditions.

Conclusion

55. When read as a whole, the proposal complies with the development plan because Policy GB1 of the Local Plan allows for inappropriate development to be permitted where the very special circumstances justification is made. The proposal is acceptable when assessed against Policy F1 of the Local Plan with regard to the flow of water and capacity of the floodplain. The proposal is compliant with the national policy on Green Belt because of the very special circumstances justification. There is a breach of the Framework in relation to siting residential caravans in flood zone 3 but it has been demonstrated that the effect on public safety would be acceptable in respect of flood risk. With the exception to some extent of paragraph 13(g), which refers to policy restriction not to locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans, the proposal complies with policies in the PPTS. Planning permission is able to be granted.

Nicola Davies

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A100; A101; A200; A201; A300; A301; A400; A401; A500; A501; A600, Revision C and A701 Revision C.
- 3) The site shall not be occupied by any person other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or the equivalent in replacement national policy).
- 4) There shall be no more than 4 residential pitches on the site. On each of the 4 pitches no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, shall be stationed on the site at any time, of which no more than 1 shall be a static caravan.
- 5) The site shall not be occupied until the warden's office has been completed and is available for use and the warden's office shall thereafter be retained for the lifetime of the development. The warden's office shall be used for the purposes of the site warden (which includes site warden use in connection to flood management and evacuation) and shall not be used for any other purpose.
- 6) No more than 1 commercial vehicle per pitch shall be kept on the site for use by the occupiers of the caravans hereby permitted and each commercial vehicle shall not exceed 3.5 tonnes in weight.
- 7) No commercial activity shall take place on the land, including the storage or burning of materials.
- 8) The means of vehicular access to the site shall be via the unnamed access road to the south only. The use of the route to the north of the unnamed access road shall be for emergency purposes only.
- 9) Prior to occupation of the development hereby permitted full details of both hard and soft landscape works for the land outlined in red and in blue on approved plan A701 Revision C and an implementation programme shall be submitted to, and approved in writing, by the local planning authority. These details shall include proposed finished levels or contours; indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting, etc.). Details of soft landscaping shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate.

- 10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority pursuant to condition 9 above. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) At the same time as the scheme required by condition 9 above is submitted to the local planning authority, there shall be submitted a schedule of landscape maintenance for a minimum period of 5 years, the period commencing at the date of completion of the final phase of the planning required by condition 9. The schedule shall include details of the arrangement for its implementation. The development shall not be occupied until the schedule of landscape maintenance has been approved in writing by the local planning authority. The maintenance shall be carried out in accordance with the approved schedule.
- 12) Prior to the commencement of development details of a drainage strategy detailing any on and/or off-site drainage works shall be submitted to, and approved in writing by, the local planning authority. No foul or surface water from the site shall be discharged into the public system and no occupation of any part of the site shall take place until the works in the approved drainage strategy have been completed in accordance with the approved details. The drainage strategy shall be retained and maintained as approved for the lifetime of the development.
- 13) Prior to the commencement of development a programme of archaeological work (which may comprise more than one phase of work) shall be implemented in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 14) Details of the internal access road and the turning facilities within the site shall be submitted to, and approved in writing by, the local planning authority. Prior to the occupation of the development hereby permitted the internal access road and turning facilities shall be implemented in full accordance with the approved details. The internal access road and turning facilities shall be retained and maintained as approved for the lifetime of the development.
- 15) Prior to the occupation of the development hereby granted, the vehicle parking spaces shall be provided in accordance with the approved plans. The vehicle parking spaces shall be retained and maintained as approved for the lifetime of the development.
- 16) The development shall be carried out in accordance with the Flood Risk Assessment Issue 5, reference 407.04412.00001, prepared by SLR dated August 2017, subject to the following mitigation measures: -
 - (i) Details of the finished floor levels of the mobile static homes, amenity blocks and warden's office shall be submitted to, and approved in

writing by, the local planning authority (that include allowance for climate change) prior to the commencement of development; and,

(ii) Details of the floodplain compensation scheme that includes the provision for the floodplain volume shall be submitted to, and approved in writing by, the local planning authority (that includes allowance for climate change) prior to the commencement of development.

The development shall be implemented in accordance with the approved finished floor levels and floodplain compensation scheme, along with the agreed allowance for climate change. The finished floor levels as agreed above shall be completed prior to the occupation of the development and the finished floor levels shall be retained and maintained as approved for the lifetime of the development.

- 17) Prior to the commencement of development of the 4 mobile static homes, amenity blocks and warden's block, the excavation of the compression area as detailed in the submitted Flood Risk Assessment Issue 5, reference 407.04412.00001, prepared by SLR dated August 2017, and as approved pursuant to condition 16 above, shall be completed. The floodplain compensation scheme shall be fully implemented and subsequently maintained in accordance with the approved details for the lifetime of the development.
- 18) Prior to the commencement of development a scheme to ensure the amenity blocks are floodable, as listed in section 9.1.3 of the Flood Risk Assessment Issue 5, reference 407.04412.00001, prepared by SLR dated August 2017, shall be submitted to, and approved in writing by, the local planning authority. The floodable amenity blocks shall be implemented in full accordance with the approved details. The floodable amenity blocks shall be retained and maintained as approved for the lifetime of the development.
- 19) Prior to occupation of the development hereby permitted details of the positions, design, materials and type of boundary treatment to be erected, shall be submitted to, and approved in writing by, the local planning authority. Any wall or fencing to be erected shall be designed to be permeable to flood water. The boundary treatment shall be implemented in accordance with the approved details and shall be retained and maintained as approved for the lifetime of the development.
- 20) Prior to occupation of the development hereby permitted details of how the caravans will be anchored shall be submitted to, and approved in writing by, the local planning authority. The caravans shall be anchored in accordance with the approved details and shall be maintained anchored as approved for the lifetime of the development.
- 21) Prior to occupation of the development hereby permitted details of a flood emergency and evacuation plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall provide for the requirements set out in (i) to (vii) below. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of the use shall be removed within 6 months of the

date of failure to meet any one of the requirements set out in (iv) to (vii) below: -

i) Within 28 days of the date of moving on to the site, each of the households (and those who subsequently live on the site) shall (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service, which expression shall include any replacement/successor Service provided by the Environment Agency); and (b) provide the local planning authority with confirmation from the Environment Agency they have done so;

ii) Each of the households shall maintain their registration with the Flood Warning Service and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of any written request from the local planning authority for such details;

iii) Each of the households shall notify the local planning authority in writing of the locations they could evacuate to in the event of a Flood Alert, together with their current telephone contact details within 28 days of the date they moved onto the site or within 28 days of any written request from the local planning authority for such details;

iv) The nominated Flood Warden for the site shall be stationed at the site for the purposes of running and maintaining the site, including the flood evacuation measures. Details of the nominated Flood Warden, including his/her name and telephone number(s) shall be provided prior to the first occupation of the site hereby permitted. Thereafter, the name and telephone number(s) of the Flood Warden shall be confirmed in writing to the local planning authority within 28 days of any change to the identity of the nominated Flood Warden;

v) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all the residents will evacuate the site, bringing all caravans and vehicles with them;

vi) Within 10 hours of a Flood Alert the nominated Flood Warden will confirm to the local planning authority that all of the residents have evacuated the site, and

vii) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

22) Prior to the construction of the amenity blocks and warden's office hereby permitted (i) details of their external materials and (ii) details of the proposed measures to ensure the buildings will be flood resilient and resistant, shall be submitted to, and approved in writing by, the local planning authority. The amenity blocks and warden's office shall be implemented in accordance with the approved details and shall be retained and maintained as approved for the lifetime of the development.

23) Prior to the commencement of development, an assessment of the risks posed by any contamination shall be undertaken and shall be submitted to, and approved in writing by, the local planning authority. If any contamination is found to be present at the site, development shall not commence until a report specifying the measures to be taken, including the timescale to remediate the site to render it suitable for the development hereby permitted shall be submitted to, and approved in writing by, the local

planning authority. The development shall be implemented in accordance with that report.

If, during the course of development, any contamination is found which has not be previously identified, work shall be suspended and additional measures for its remediation shall be submitted to, and approved in writing by, the location planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works and this shall be submitted to the local planning authority within 21 days of the report being completed for approval by the local planning authority. The development shall be implemented in accordance with all the remediation works identified within the verification report.

End of schedule

APPEARANCES

FOR THE APPELLANT:

Angus Murdoch, Murdoch Planning Limited
Ian Walton, SLR Consulting
Denny Loveridge, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Victoria Gibson, Royal Borough of Windsor & Maidenhead

FOR THE ENVIRONMENT AGENCY:

Katie Bradford
Cathy Harrison
Jo Marchant

FOR DATCHET PARISH COUNCIL:

Cllr Ian Thompson

INTERESTED PERSONS:

Ewan Larcombe, Observer and Speaker
Lewis Clarke, Observer

DOCUMENTS SUBMITTED AT THE HEARING

1. Record of hearing attendance.
2. Copy of letter confirming date, time and place of hearing, along with list of recipients.