

CONSENT FOR WORKS ON THE DOWNS

Head of Service:	Amardip Healy, Chief Legal Officer
Wards affected:	College Ward; Town Ward; Woodcote Ward;
Appendices (attached):	1: Examples of Damage to Golf Course 2: Examples of risk management works undertaken 3: Location of proposed works

Summary

A request for consent for new and reinstatement works on Epsom and Walton Downs by the Epsom Golf Club.

Recommendation (s)

The Conservators are asked to:

- (1) consider if they wish to grant an in principle consent to Epsom Golf Club for works to the Epsom and Walton Downs for both reinstatement of bunds and the creation of new bunds as indicated on Appendix 3;
- (2) if an in principle consent is agreed, then the grant of any consent for works be delegated to the Clerk to the Conservators to approve the extent and nature of any ground works and any reinstatement which may be needed.

1 Reason for Recommendation

- 1.1 Epsom Golf Club are seeking consent for works which are designed to reinstate eroded bunds and add new bunds to the perimeter of Epsom Golf Course.

2 Background

- 2.1 The land which Epsom Golf Club seeks permission for said to be leased by them from United Racecourses Ltd. The site as a whole operates as a golf club. The land arrangements do require the Golf Club not to allow or permit damage to the turf on the leased area. At the time of writing this report Officers are still awaiting confirmation that the areas where work is proposed are managed by Epsom Golf Club.

Epsom and Walton Downs Conservators

17 December 2020

- 2.2 The Downs have been suffering from a number of instances relating to anti-social driving of vehicles in car parks and surrounding areas over the years, with the intensity increasing during the Covid-19 pandemic. The noise and damage which emanates from such activities has lead a number of complaints both to the Council, the Conservators and also to the Police. The Police have increased their patrols at certain times and used dispersal orders to manage the problems which have arisen.
- 2.3 The golf course has unfortunately been the target of anti-social behaviour which has resulted in damage to the turf and the greens. Appendix 1 includes some photographs of the damage which has been caused by vehicles to the golf course.
- 2.4 As an emergency step to prevent further imminent damage, the Golf Club has erected some bunds and barriers and these are shown on Appendix 2. These have been constructed without permission and will need to be considered as part of any permission the Conservators may wish to grant or require reinstatement if consent is not to be granted.
- 2.5 The damage to the greens and the turf harms both the Downs and also the functioning of the Gold Club. It prevents the damaged areas from being used until the areas are repaired.
- 2.6 As a result of the regular nature of the damage, Epsom Golf Club have asked if works of repair can be carried out to reinstate some of the bunds which have eroded over time. The bunds help to both define the areas but also help to keep vehicles off the golf course. The Golf Club has also asked to extend some of the existing bunds and also to add some new areas.
- 2.7 The areas where the Club would like to carry out work are marked on the Map in Appendix 3 with yellow lines. Although a detail breakdown of the works has not been provided, they consist broadly as follows:

Area 1: top of Burgh Heath Road: new

Area 2: bottom of Burgh Heath Road: reinstatement

Area 3: around Grandstand Road (curve shape): reinstatement

Area 4: towards Tea Hut: new bund area

Area 5: south of Grandstand Road: reinstatement

Area 6: north of Grandstand Road near car park: reinstatement along the long line and towards the curve new bunds

Area 7: small area north of Grandstand Road: new

Epsom and Walton Downs Conservators

17 December 2020

- 2.8 Full details of the nature of works and who will carry them out, has not been provided. The expected bunds will be low level so as to prevent a vehicle from driving over it to access the golf course. However, in light of the need for urgent action, it is suggested that the detail of the works could be approved by the Clerk to the Conservators, if the Conservators agree to an 'in principle consent' being granted for reinstatement of eroded bunds and the creation of new ones in the locations outlined in this report. The final approval would require the detail of the proposed works, who carries out those works out, and what happens if they are not completed to a satisfactory standard if they are not carried out by the Council directly.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 The strategy for the management of the Downs is to preserve the Downs in their natural state of beauty. The Epsom Golf Course Management Plan, December 2010, by Surrey Wildlife Trust, sets out a Habitat Management Plan for the Golf Course. There are no statutory designation on the site, however, the site is included within the Surrey Biodiversity Opportunity Areas.

3.2 Crime & Disorder

- 3.2.1 The request for works is to address and deter the damage which is currently being caused by anti-social behaviour.

3.3 Safeguarding

- 3.3.1 None for the purposes of this report.

3.4 Dependencies

- 3.4.1 None for the purposes of this report.

3.5 Other

- 3.5.1 None for the purposes of this report.

4 Financial Implications

- 4.1 None arising from the contents of this report as the work will be carried out at the expense of the Epsom Golf Club.
- 4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

Epsom and Walton Downs Conservators

17 December 2020

5 Legal Implications

5.1 The downland habitats, such as woodland, scrub and short-turf chalk grassland are very fragile. The duties on the Conservators under the Epsom & Walton Downs Regulation Act 1984, is regulate, preserve and control the Downs. Section 10 provides for them to do any works

(a) do any work necessary for preserving, restoring, planting and maintaining the turf, trees, shrubs, plants and grass and for landscaping and temporarily fence off such parts of the Downs as they may think necessary;

(b) execute works of draining, raising or levelling for the preservation and maintenance of the Downs and fence off dangerous places;

5.2 Therefore the nature of the works being requested fall within Section 10 of the Act. However, it is important any works are carefully considered and executed.

5.3 **Monitoring Officer's comments:** none for the purposes of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: n/a

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** n/a

6.4 **Sustainability Policy & Community Safety Implications:** A range of works to protect the land would protect the area of the effects of anti-social behaviour.

6.5 **Partnerships:** n/a

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- n/a

Other papers:

- Epsom and Walton Downs Regulation Act 1984
- The Epsom Golf Course Management Plan, December 2010, by Surrey Wildlife Trust