

OPEN SESSION

No: 02/2023

GOVERNOR IN COUNCIL MEETING

Open/Closed Session: Open Session

Subject: DEVELOPMENT APPLICATION 2022/86:

Proposed Construction of a Reservoir & Expansion to Existing Reservoir at High Ridge, Levelwood.

Presented by: Minister for Environment, Natural Resources and Planning Portfolio

Decision Sought:

Governor in Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, as recommended for the Proposed Construction of a Reservoir & Expansion to Existing Reservoir at High Ridge, Levelwood.

Reason for Referral

The Development Application is being referred to Governor in Council in accordance with the Direction issued under section 23(1) of the Land Development Control Ordinance 2013 which requires development applications for utilities infrastructure for public supply (including potable water) to be referred to Governor in Council.

The Development Application is also referred to Governor in Council in accordance with Section 23(2)(b)(i) of the Land Planning and Development Control Ordinance 2013 as the grant of development permission is considered a departure from the Land Development Control Plan. The proposed development is within the Green Heartland where Policy GH1 says “there will be a presumption in favour of retaining the undeveloped nature of the Green Heartland and its natural ecology...” Although the site is not in an ecologically sensitive area, the proposal would have a moderate impact on the landscape in an area where the undeveloped nature should be retained.

Comments of Land Development Control Authority

At the 19th December 2022 meeting of the Land Development Control Authority (the Authority), considered the Officer Report on the development application seeking FULL Development Permission. The report to the Authority is included as Annex A to this Report and sets out the relevant factors in relation to this application.

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The Authority agreed with the Officers recommendation to grant permission for the proposal taking into account relevant policies in the Land Development Control Plan 2013, and other material considerations.

However the Authority raised concerns about the potential impact of the proposal on land next to the existing reservoir in private ownership. It is understood that when the existing reservoir is backwashed, water may run onto neighbouring land and may have damaged a private access road. The authority therefore requested a condition be added to mitigate this potential impact.

Taking this into account, The Authority recommends Governor in Council grant development permission subject to conditions in the Planning Officer Report (Annex A) and the addition of the following condition:

- **Prior to completion** of the proposed works to the existing reservoir or the new reservoir, a backwash management plan should be submitted to and approved by the Chief Planning Officer.

Reason: to ensure any water run-off from the backwash process is appropriately managed.

CLS

Minister, Environmental, Natural Resources & Planning

6 February 2023